

FALL 2020

TOWARD JUSTICE

INSIDE THIS ISSUE

- > Family Law in Pandemic Times
- > Legal Assistance for East African Community
- > Citizenship Day Event



MINNESOTA DISABILITY LAW CENTER

Legal advocacy paves road to brighter future

Will O’Leary was born with developmental disabilities. He suffered abuse, neglect, and traumatic brain injury as a toddler and had little stability through his early years. At the age of 16, behavioral problems and a lack of advocacy landed O’Leary at St. Peter Regional Treatment Center on a unit with adults who were mentally ill and aggressive. The 40 minutes of “educational services” he received there each day were spent filling out a worksheet.

Continued on next page.

Continued from page 1.

“My job inspires me,” O’Leary said. “Some of the work is hard but it doesn’t make me mad. It makes me happy. I like being here and leaving it clean so when I’m not here, people say, ‘Where’s Will?’ They see the work I’m doing and they like that I’m here, and they want me to come back more.”

A judge recognized the inappropriate placement and ordered O’Leary’s release to a group home. The order specified educational services as a top priority. The State Ombudsman involved in the case invited Minnesota Disability Law Center (MDLC) Legal Advocate Cindy Jarvi to help determine what those educational services should be. Since then, Jarvi has been fighting for O’Leary’s right to an appropriate education.

Thanks to the five-year cooperative efforts of Jarvi and community partner KWST Behavioral Development Group, O’Leary, now 21, is transitioning into adulthood with new skills and a developing sense of self-worth.

Playing Educational Catch-Up

“For years, Will had virtually zero educational services,” Jarvi says. “The things that should’ve happened didn’t happen, and the blame and consequences fell on him.”

Keary Saffold, M.Ed., President of KWST Behavioral Development Group, is an educator familiar with the struggles particular to young Black men. At Jarvi’s suggestion, the Anoka-Hennepin School District approved school funds to hire Saffold as a teacher and life skills coach. Saffold brought the expertise and cultural understanding that were necessary to connect with O’Leary and help him to learn and succeed.

“Will’s history is heart-wrenching,” Saffold says. “You talk about predictable outcomes, just look at his situation. It was clear to me that we needed to build up his intrinsic motivation. People working with Will had been giving him tokens for everything. I agree with positive reinforcement and use it myself, but that’s not the approach I wanted to use. Will is a human being, not a seal. I wanted to tap into his humanity.”

A New Direction

Saffold started with the development of basic social skills. O’Leary learned to greet and introduce people, to negotiate with others, and to control his own emotions and behaviors. The next step was more community interaction and some basic job skills. Saffold reached out to his old friend Robert Nabors, owner of Nabors Cut LLC.

“Will found his niche here in my salon,” says Nabors. “He greeted clients, offered them water, and swept up after the cut.

He did laundry, washed the windows, and, most important, he represented the business.”

Saffold worked with Nabors to develop role-playing exercises that O’Leary could apply to his work at the salon. Each week, he and Nabors collaborated to create real-life opportunities for O’Leary to use those specific skills. O’Leary was well-loved at Nabors Cut, and other salons started to request his services.

“It was tremendous to witness Will’s human capital rise at that job,” says Saffold. “The experience gave him the benefits of just being a guy at the barber shop shooting the breeze with the fellows.”

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COVID-19 came as a blow for Nabors Cut and for O’Leary. When O’Leary turned 21 in July, Jarvi reminded the school district of their obligation to provide compensatory educational funds. Those funds allowed Saffold to work with O’Leary through the summer of 2020 as he dealt with the pandemic and the loss of his job.

“The pandemic multiplied already significant barriers and challenges for Will,” Jarvi says. “The best thing that could happen was for Keary to continue in the role of teacher and life skills coach.”

Building Resilience

Jarvi will continue to advocate for O’Leary as he transitions to adult services through the State Vocational Rehabilitation Program. Jarvi and Saffold have given O’Leary a solid foundation, and they hope to help him continue on that road.

“The system cheated this kid at every turn,” Jarvi says. “Additional transitional services are critical for his success and well-being. The system owes him, and I’m committed to ensuring he gets everything he is entitled to by law.”

FAMILY LAW

Helping domestic violence survivors through the pandemic

Divorce, custody, and domestic violence cases are emotionally challenging in the best of times. COVID-19 has brought heightened concerns for safety and stable housing, making these family law cases more difficult and sometimes dangerous. Many of our clients face limited options as they try to keep themselves and their children safe.

Olympia's Story

Olympia* started working with Staff Attorney Chloe Canetti in St. Cloud in early March. She was referred by a Stearns County Attorney Victim Advocate, as a Violence Against Women Act (VAWA) case. Her husband was in jail for attempted murder. In addition to dealing with the trauma of that event and her husband's criminal case, Olympia had to get a divorce, find housing for herself and her children, and deal with foreclosure and tax debt from the marriage.

"I first met Chloe in her office, before COVID hit," Olympia says. "She really listened to how I was feeling, and that was most important. She never pressured me, and never told me I had to do anything. She tuned into where I was coming from and what I wanted out of the divorce. It was nice to have someone so helpful who was willing to go to bat for me."

Navigating Court Delays

Courts and government offices were starting to close down just as the divorce documents were ready to be filed. The sheriff's office announced that they would not serve legal documents until further notice. Several months passed before the documents were served on Olympia's husband. He asked for an extension saying he could not answer because of the lockdown.

The judge allowed an extension and granted an Order for Protection and a no-contact order. Time dragged on, and Olympia's husband asked for another extension. Canetti argued that the pandemic shouldn't be an excuse to prolong the case indefinitely. The judge finally agreed to a default hearing and the divorce order was signed in late August.

"I thought my case would be simple, but it got difficult in a hurry," Olympia says. "I was relieved when Chloe pointed out to the judge that my ex-husband's criminal case was right around the corner. She strongly suggested that it wasn't a good idea to keep adding trauma, and it would be good to at least finalize the divorce."

Most of Legal Aid's family law cases, like Olympia's, have a domestic violence component. The pandemic and emergency orders create extra difficulties for clients as judicial officers try to figure out how to handle timelines and defaults, and reduced access to the courts and services.

"The courts are doing the best they can to keep their staff healthy, but it's harder now for people to access the courts," says Jayne Barnard McCoy, Supervising Attorney of the Minneapolis Family Law unit. "Self-help options are limited, procedures are slowed, and tensions are exacerbated."

"It was nice to have someone so helpful who was willing to go to bat for me."

Increase in Custody Cases

Legal Aid offices have also seen a spike in custody questions. Divorced parents who are co-parenting may have different household rules and ideas about safety. One household might have elderly grandparents and follow strict social distancing and mask-wearing protocols, while another freely spends time with neighbors.

"Our country is divided, and so are families," McCoy says. "Courts are reluctant to get involved. These issues are hard for everyone, including judges. The pandemic creates more conflict and drama, and families really don't need that."

Help With Tax Debt

For Olympia, the comprehensive legal support provided by Legal Aid was more than she expected or even knew that she needed. In addition to walking with her through the complex divorce procedure, Canetti referred her to Legal Aid's tax unit for help with the IRS debt.

"I have no idea what would've happened to me if I went to court by myself," says Olympia. "I'd never dealt with the court system before, and this was all new to me. I had no idea how much paperwork there would be. I needed someone there to support and guide me. Chloe stayed in touch by phone and virtual meetings and went over the paperwork before court and afterwards. Now I'm getting the same kind of help with the tax problem. I've been so lucky to have someone standing with me through it all."

**Name changed to protect client identity*



MINNEAPOLIS COMMUNITY CLINIC

Grossman Neighborhood Clinics give immigrants a fair start

Mr. Abdi, an elderly man who does not speak English well, placed an order at an electronics store and paid in advance. Ten days later, he called the store to ask about his purchase. The store manager told Abdi the order had been picked up by “someone who looks like you.” He would not refund the money or admit any mistake.

Abdi took his problem to Staff Attorney Ahmed Madey at the Cedar-Riverside neighborhood Legal Clinic. It is Legal Aid’s second East African legal clinic sponsored by the Pat and Tom Grossman Family Fund of the Minnesota Community Foundation.

Trusted Law Clinics for the East African Community

“Back in 2016, I was personally so upset by the discrimination directed at the East African community, I went to speak with Legal Aid’s executive director,” says local businessman Tom Grossman. “Together, we came up with this idea of embedding a lawyer in the community. We wanted to provide accessible legal services from a trusted source.”

The Grossman clinics provide culturally competent legal advice and representation to a community that often isn’t sure whom

“Things are especially hard during these times, and the clinic gives people a place to turn,” says Madey. “It’s a big help for immigrants to talk with a lawyer who speaks their language and understands the cultural context.”

they can trust. In Abdi’s case, Madey, who is fluent in Somali and Swahili, negotiated on his behalf. He spoke first with the store manager and then with the legal department. Finally, he called the location manager.

“Now I am not negotiating,” he said in his final message. “Give this gentleman back his money or we are going to court. Were you saying that all Somali people look the same? Or that because he doesn’t speak English, he can’t have his money back? That is not the way to treat a customer. You have one day to make this right.”



COVID-19 resources most visited on LawHelpMN.org

LawHelpMN.org has added more than 50 COVID-19 related resources to its Pandemic section, which has been the most visited page on the website since the section was added in March.

Fact sheets, videos, and articles address urgent legal questions regarding government benefits, housing, employment, child custody, and more. Many of the resources are translated into Spanish, Hmong, and/or Somali.

Most-visited topics (with thousands of views and counting) are:

- COVID-19: Renter's Rights
- COVID-19: Changes to Unemployment Benefits/ Beneficios de Desempleo
- COVID-19: Mortgage Payments and Foreclosures

LawHelpMN.org is Minnesota's online legal assistance portal.

Abdi called later that day to say that he had received a full refund. His case was resolved before the COVID-19 pandemic. Now, like the rest of Legal Aid's staff, Madey works with clients remotely, and he is seeing an onslaught of new cases.

Culturally Competent Legal Aid

"Things are especially hard during these times, and the clinic gives people a place to turn," Madey says. "It's a learning process for me and more work every day, but I love it. It's a big help for immigrants to talk with a lawyer who speaks their language and understands the cultural context."

Recently, Madey worked with a woman who had no income. After many years of labor to sponsor her husband from Africa, she found herself alone after a divorce. She had serious illness and went through five knee surgeries. A relative had been helping her financially, but he lost his job. Her bills were piling up and she had run out of options. She didn't speak English and had no idea what help was available or how to get it.

Madey helped her apply for assistance from various government and non-profit sources. She is now receiving food stamps and general assistance of over \$200/month. With a housing voucher, her rent was \$143/month. She can now pay that and buy food.

"We were her last hope, and now she probably will not be evicted," says Madey. "Just as important, she now believes someone cares about her. The Grossman Foundation made this possible."

The Grossman Family: Visionary Philanthropists

Grossman is the grandson of immigrants and a passionate believer in justice and community responsibility. With the clinics, he hoped to give a hand up to people who could not otherwise afford legal representation.

"Often when we give to charity, we hope to do some good and make the world a better place," he says. "But with these clinics, I can see the effects on individual people who I believe would not be served otherwise. That is extremely satisfying, both on a case-to-case and in the big picture."

Madey's goal is to make a difference with each person he serves, no matter how small. Each day, he reviews documents, explains procedures and systems, helps clients apply for benefits, and stands with them in court. Sometimes, he just listens.

"I take it one case at a time," he says. "I have the rich opportunity to draw on the years of experience of my colleagues and take all of that to the community — thanks to the generosity of the Grossmans. I sleep better at night knowing people like them are still out there."

**Name changed to protect identity of client*

Citizenship Day event guides immigrants through process

Citizenship Day at Minneapolis Community and Technical College (Minneapolis College) was one of MMLA's last in-person community workshops held before the pandemic. In late January of 2020, Legal Aid staff worked with volunteer attorneys, advocates, and law students to guide eligible immigrants through the citizenship application process with full legal support.

Abdinasir Habarwaa and his family have been lawful permanent United States residents since 2015, and they became eligible for U.S. citizenship in January. Habarwaa and his two adult sons arrived for their scheduled appointments on Citizenship Day with personal records and documentation in hand. Volunteer law students from the University of Minnesota met them at the door.

An Exciting Process

"It's an exciting and sometimes scary process," said law student Katie McCoy. She has worked with immigrants in other settings and plans to specialize in immigration law. "Citizenship Day was a well-organized event. It was good to help future citizens get the support they need and meet others who are doing this work."

McCoy and volunteer lawyer Andrea Kaufman, retired Development Director for Legal Aid, worked with the Habarwaa family. The citizenship application is 20 pages of detailed questions about residence, employment, family, and medical history. Kaufman went through the application with Habarwaa question by question explaining unfamiliar legal terminology. McCoy used her phone to verify addresses of past schools and places of employment.

The application also includes complex questions about citizenship, loyalty, and political activity. Interpreters were on hand to translate and explain the concepts in greater depth to applicants who speak English as a second language.

By the end of the day, the Habarwaa family and 15 other clients had completed client intake forms, retainer agreements, G-28 forms, N-400 forms, Fee Waivers, and Reduced Fee Applications. Volunteer attorneys and paralegals handled most of



Andrea Kaufman and Mr. Habarwaa on Citizenship Day.

the direct client support, with help from Legal Aid staff. Legal Aid immigration attorneys reviewed all forms and later filed them with United States Citizenship and Immigration Services (USCIS).

"It's important for our family to start the process," said Habarwaa's oldest son, Samir. "Here in the U.S., we have a lot of things that we never had. We never had this kind of freedom, this kind of life. As immigrants, it's important to go through this process and become citizens. We need to get it done."

Ongoing Support for New Americans

In March, MMLA transitioned its physical offices to primarily virtual operations and stopped in-person workshops. Even so, immigration work continues, and so does the partnership with pro bono attorneys. Habarwaa's family and all of the others who attended Citizenship Day will have Legal Aid's support as USCIS processes their applications, and they take the next steps.

Even with Legal Aid's physical office closed to the public, Kaufman and other pro bono attorneys are not only following up on Citizenship Day cases, but also taking new ones. They have adapted by meeting with their clients virtually or by phone. Legal Aid's Immigration Unit currently has 17 active

“Citizenship Day brought together a varied group of people to train volunteer lawyers, complete the application paperwork, and move the process forward,” Kaufman said. “It was a rich learning opportunity for those of us who had never worked in immigration law.

volunteer attorneys. Since March, Kaufman and three other volunteers have handled more than 25 Deferred Action for Childhood Arrival (DACA) cases.

DACA applicants are young people who were brought to the United States as children and are now coming into adulthood. DACA does not currently provide a path to citizenship, but DACA status means these youth have access to a driver’s license, a social security card, and employment authorization so they can get a job. This opens opportunities to apply for college, start a career, and travel outside of the United States.

Gratifying Pro Bono Work

“Citizenship Day brought together a varied group of people to train volunteer lawyers, complete the application paperwork, and move the process forward,” Kaufman said. “It was a rich learning opportunity for those of us who had never worked in immigration law. With ongoing guidance, I am now able to represent young DACA applicants, many of whom have lived in the U.S. since they were babies. Without the expertise and direct support from Legal Aid’s immigration attorneys, I couldn’t do this work.”

Legal Aid stands for racial justice.

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 communities which we serve.



Strengthening our 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.



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**THANK YOU FOR YOUR
INVESTMENT IN JUSTICE**



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

Dear friends —

Thank you for your investment in justice. I appreciate your support and your understanding that we are all connected as we move through these difficult times.

The challenges of working remotely over the past seven months are multiplied for our clients, especially those without stable housing, employment, or internet. Your support has helped us shift with changing circumstances and meet our clients where they are. You've enabled us to stand with them as they navigate complexities exacerbated by COVID-19 and the ongoing public health crisis of systemic racism. Here you'll meet a few of these neighbors to whom you have helped us deliver justice.

You helped a young man with disabilities grow into his potential and learn to play to his strengths. You supported a family through the devastation of domestic violence, helping them find safety, stability, and a way forward. You've given new Americans the

opportunity to learn about their legal protections and exercise their rights. And with your support of our Pro Bono Project, you've multiplied our capacity to help people through the doors to citizenship, giving young people room to dream and thrive.



Thank you, as always, for helping our neighbors stand for their rights and demand justice from the systems that too often fail them.

Sincerely,

Drew P. Schaffer, Executive Director