

TOWARD JUSTICE

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ST. CLOUD OFFICE

Life-saving work: Accessing health care coverage

Xochil had been ill for months with heavy bleeding and severe anemia before being diagnosed with multiple uterine fibroids. She needed surgery but was ineligible for health insurance through MNsure, so her only option was to apply for Emergency Medical Assistance (EMA) from the county. The social worker at her healthcare clinic referred her to Legal Aid.

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“Enid was my biggest help. She never stopped — she found a way,” says Xochil.

“I couldn’t schedule a surgery without health insurance or proof that I could pay,” says Xochil. “I really needed help. It wasn’t like I had just started to get sick — I’d been sick for months before the diagnosis.”

Navigating Health Coverage

Paralegal Enid Abreu was new to her position as a Project Care Navigator in Legal Aid’s St. Cloud office. Project Care Navigators provide one-on-one assistance to low-income Minnesotans in finding and enrolling in healthcare coverage. After speaking with Xochil the first time, Abreu helped Xochil apply for EMA.

“At first, I didn’t think we could help her,” Abreu recalls. “EMA is difficult to get — it requires proof of a life-threatening situation. Xochil was very calm in our conversation, and at that point didn’t have the details of her diagnosis. I told her we’d do what we could and if this didn’t work, we’d find another way.”

A few days later, Abreu received a call from Xochil’s social worker, with more information about the necessity of the surgery. Xochil’s condition was life-threatening, and unlikely to resolve without surgical intervention.

Abreu and the social worker collaborated to document Xochil’s condition and the considerable risks of delaying surgery. The applications involved detailed information about Xochil’s household — herself, her husband, and three children — including their financial situation, their assets, and Xochil’s health history.

Working Through Red Tape with Patience

“Xochil was so steady throughout the process,” Abreu says. “The applications were not easy, but she was calm and grateful at all times. I was impressed with that, considering she had been ill for months and knew things could get worse at any moment. She always responded quickly to everything I asked her to provide.”

After submitting the applications, Abreu made multiple calls to the county to follow up checking to be sure everything was on

track. When she learned the application had been misplaced and the window would expire in two days, she had to call Xochil again, explain the delay, get all of the information, and resubmit.

Finally, the county agreed to provide EMA. The surgery was scheduled, and everyone took a sigh of relief. Abreu called the county the day after the surgery to make sure everything was set with the county’s payments. The county said they were missing some documents and were not going to approve the payments, even though Abreu had the confirmation.

“I had to call Xochil the day after her surgery and ask for more documents,” says Abreu. “I felt terrible about bothering her at that time. But she reassured and thanked me — I think I was more stressed than she was! She gathered those documents for me, and I submitted them.”

The county approved the spenddown arrangement to pay part of the medical bills, easing the recovery period for Xochil and her family.

Life Changing Outcome

“The surgery changed my life,” Xochil says. “Enid was my biggest help. She explained everything, she made it all clear, and she was always there to support me. Not one time did she say ‘there’s nothing we can do about this.’ She never stopped — she found a way.”

Abreu was struck by Xochil’s demeanor throughout the process. She learned the power that comes from a combination of perseverance and gentle courtesy.

“Xochil was persistent and willing to work with me through each barrier, always with that calm that made everyone want to help her,” says Abreu. “I learned so much from her about patience and kindness, and it was a validation of my work. I can be kind and fierce in my advocacy and make a real difference in people’s lives. That is my job, and I’ll bring that to my work with every client.”

Luke Grundman accepts position as Litigation Director

Luke Grundman, who joined the Legal Aid team 15 years ago while still in law school, recently accepted the position of Litigation Director. He reflects here on his Legal Aid experiences.

As a student, you clerked at MMLA for hundreds of hours. What drew you to Legal Aid's work?

As a Legal Aid clerk, I was trusted to do a lot of casework, and I was hooked from the first day. It was a great learning environment. There were so many people who needed help, and it was fun and intellectually stimulating. I was like, whoa, this is so much better than school! This was actual law. I could take knowledge, apply it to a case, and something happened.

In those early days, what was your biggest learning curve?

I remember initially being frustrated with the client interviewing process, which I have since come to love. You can't just push a button and get the information you need. We spend a lot of time in court going back and forth, but if we do more investigation up front, we can do a better job. It's like being a detective — discovering the truth and then translating it to get the resolution the client needs.

Can you talk about a case that altered the trajectory of your career?

Early in my career, I represented an elderly Vietnamese American couple in a foreclosure case. They gave a lot of money to a company to help save their home, but it was a scam. We filed an emergency lawsuit to keep them in their home, and we also sued the foreclosure consultant company.

The case had been in federal court for a year when the clients decided to let the house go and move in with their daughter. At that point, the case became about the scammer who had wronged them. Eventually, the case settled before trial, and my clients received some money.

When that case closed, I was startled by their gratitude. They hadn't received that much money — but it wasn't about the money. For these folks, it was about having help to fight back. That sense of justice has real value to human beings — not to just be run over by someone who is doing wrong. For



litigators, it's easy to think "I'm a hammer," and go after the nails. But if they'd gotten twice as much money and gone through a nightmare litigation process, that is not justice.

Cases are not widgets. We're not just processing things. We can help our clients understand what's happening legally, but

we are working for them. The way they feel about the case is of paramount importance. We are here to have their backs, and we need to focus on their hopes and expectations, so they don't have to figure it all out themselves.

The Housing Unit tripled in size in your five years as Managing Attorney. What challenges did you face in that time?

The pandemic rollercoaster upended the practice of housing law. When the courts shut down, we had had to figure out how to deal with hundreds of open eviction cases. Then came the eviction moratorium. We had fewer cases, but they were more intense. Some landlords tried to skirt the moratorium's protections, and many alleged criminal activities on the part of tenants.

We showed up at housing court Zoom sessions and did our best to maintain housing stability for every tenant. Sometimes all we could do was soften the blow of eviction and keep a family's housing record clear. Just as we were settling into that new role as quasi-public defenders, the moratorium lifted, and the floodgates to eviction cases opened. Lucky for me, the Housing Unit is made up of stellar lawyers and staff who rolled with the changes and did a lot of good for people.

What is your advice for new lawyers?

Some of our clients are going through intense trauma, and vicarious trauma is real. If our goal is to be open and connect with the humanity of our clients, to meet them with empathy and compassion, then we have to remember to care for our own humanity. Stay open, talk to your colleagues, and ask for help when you need it.

IMMIGRATION LAW UNIT

Paving the long road to citizenship with compassionate legal help

Jose Celia is 73 years old. After years of persecution and imprisonment in Cuba because of her sexual orientation, she traveled on a fishing boat to Florida in 1980. At that time, the Cuban government allowed a mass emigration of people they considered “undesirables.” Upon arrival, she received parole status, permitting her to live and work in the United States and eventually apply for permanent residency.

Documentation Challenges

At some point, Jose Celia lost her original documentation. She had a copy that allowed her to work and to receive some benefits. But the Metro Housing and Redevelopment Authority (HRA) would not accept the copy of her documentation. Jose Celia reached out to Legal Aid for help.

Legal Aid quickly confirmed Jose Celia’s legal status and settled the housing problem. Then, they turned to the question of permanent residency. Jose Celia had tried to apply for residency a couple of years earlier. A friend helped her fill out the forms, including a request for fee waiver. All of the forms were rejected — probably because they weren’t filled out correctly. She had been saving money to reapply.

Jose Celia has multiple health issues and disabilities, and permanent residency makes benefits more easily accessible. After living in the United States for over 40 years, she wants to be a U.S. citizen, and residency is a necessary step to citizenship.

Applying for Residency

Assistant Supervising Attorney Danielle Hendrickson helped Jose Celia to apply for residency. She tracked down records from other states, gathered the documentation, and helped her client prepare for the interview with the immigration officer.

“I really needed help because I don’t speak English, and I don’t have the resources to apply myself,” says Jose Celia. “I

had so much anxiety about this. Everything was much better with a lawyer.”

Hendrickson’s work with Jose Celia included preparation of an application form, which involves detailed questions about life history. As a fluent Spanish speaker, Hendrickson is able to work with Jose Celia directly, without an interpreter.

Trauma Informed Legal Work

“The immigration unit is practiced in trauma informed interviewing,” Hendrickson says. “I have a lot of experience working with people who have gone through traumatic situations, and I know that some questions are likely to be triggering. But in this case, I learned that I can’t possibly guess which questions will be most difficult.”

Hendrickson asked what she thought was a straightforward question about Jose Celia’s parents and was surprised at the response.

“I cried a lot,” says Jose Celia. “Danielle was so kind.”

Jose Celia has had no communication with her parents since leaving Cuba. A simple question regarding their whereabouts opened a flow of emotion about harm suffered over 40 years ago. Hendrickson listened, making space for all that came up, whether or not it was directly relevant to the case.

“From that conversation, I learned that a seemingly benign question can be quite triggering,” says Hendrickson. “We need to be aware that anything can be a trigger for a trauma experience, and we can’t possibly guess ahead of time. What we can do is build in extra time, even for interviews we think are simply factual in nature. We need to allow space for clients to air trauma connected to the questions. It’s an opportunity to offer support and build rapport and trust. And sometimes,



“I can get benefits that I couldn’t get without residency, and I’m so happy that Danielle can help me get my citizenship,” says Jose Celia. “I didn’t have the resources to do these things on my own, but Legal Aid has the resources to help me.”

information comes up that is helpful later in our work together.”

A Path to Citizenship

Jose Celia completed the interview and the rest of the process and was approved for permanent residency in 2019. She is now ready to apply for citizenship. Although other attorneys were available to help immediately, Jose Celia requested a place on Hendrickson’s waiting list so they could work together again. Hendrickson is now working with Jose Celia on her citizenship application.

“I am much calmer now,” says Jose Celia. “I can get benefits that I couldn’t get without residency, and I’m so happy that Danielle can help me get my citizenship. I didn’t have the resources to do these things on my own, but Legal Aid has the resources to help me.”

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Today, there are people in our community who desperately need help to keep a home, find safety from violence, get health care coverage, or finally get the disability services they need.

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FOR ALL OF US.**

LOW-INCOME TAXPAYERS CLINIC

Forging a strong attorney client partnership

In 2019, Ms. Baxter* received notice from the IRS that they intended to levy her assets for unpaid taxes. Baxter was living on general assistance and food support awaiting confirmation of a disability claim that would make her eligible for Social Security payments. The IRS notified her that they would levy a portion of those payments.



Baxter was unsure if she had even been involved in filing 2012-2014 joint tax returns with her ex-husband. He had controlled all of their finances. The IRS paperwork was overwhelming, and she had no idea how to reply. She called Legal Aid for help.

Her case was picked up by Aisha Servaty, Supervising Attorney of the Low-Income Taxpayers Clinic (LITC). At that time, Servaty was brand new to Legal Aid. In fact, Baxter was one of Servaty's first cases.

Hearing the Whole Story

"I reviewed the financial information, and then we met in person," Servaty recalls. "We spent an entire day so I could hear her full story. It was hard for her to delve deep into the emotional, physical, and financial abuse and coercion of her ex-husband, and it was hard for me to hear. I could clearly see how she was still looking over her shoulder living in constant fear of him and what he might do to her."

The debts were all related to Baxter's ex-husband and his Social Security number. Although it felt daunting to be assigned such a complex case so soon, Servaty was absolutely determined to advocate for Baxter.

"I wanted to get rid of all of her debt," Servaty says. "She shouldn't have owed anything. I wanted to make the process quick and get it approved, because I really believed tax relief should just be granted."

The IRS put the initial hearing on hold and transferred the case to the innocent spouse unit, where they gave a preliminary

granting of full innocent spouse relief. But then it went to a different division that would not give full approval.

Persistence Pays Off

Servaty and Baxter had to fight and keep fighting. Ultimately the IRS granted full innocent spouse relief wiping out the entire tax debt of over \$27,000. The case was removed from Baxter's tax record, and she no longer has any connections to her ex-husband via the state.

Baxter's case made a big impression on Servaty as a new attorney. The experience continues to influence the work of the LITC.

"Ms. Baxter really needed someone in her corner," Servaty says. "You might think, oh, it's just tax. But finances and the stress that comes with them weigh heavily on people in ways we might not guess. This case showed me that we can make a difference, and that is what drives my career. I want to be someone people can trust and rely on. When I am with a client, I give them my full attention. No matter how big my caseload, I want them to feel like they are my only client."

Client and Attorney Standing Up Together

Servaty is quick to note the power that comes when attorney and client join forces. Baxter could have ignored the notices or waited for the debts to expire, but instead, she stood up. Even though it was difficult, she told her story multiple times and committed it to paper. Her ex-husband was notified of the petition, and she ran the risk of further legal challenges if he refuted her story. She took the risk, trusted Servaty to stay with her and guide her through the process, and now her record is clear.

"The LITC is not just education and representation. It is advocacy, and I take that seriously," says Servaty. "I can push the IRS and ensure that people's rights are protected. Someone like Ms. Baxter shouldn't have to go through a random appeal process. I will never forget feeling both her fear and the hope she had in me. As a new attorney and clinic director, it meant so much to be able to fight alongside of her, for the two of us to push for the right result in the face of adversity."

**Name changed to protect client identity.*

Tenant Debt Deposit Project: Law students making a difference

Imagine moving into an apartment in need of multiple repairs. You put down the required security deposit with assurance from the landlord that repairs will be made. The repairs never happen, and you move out as soon as the lease expires. The landlord does not return any of your security deposit, and actually charges you more for “excessive damages.”

“The fundamental issue is that landlords, if they choose to be unscrupulous, are absolutely free to charge tenants whatever they want and report it to credit agencies,” says Beth Goodell, Supervising Attorney of Legal Aid’s consumer unit. “That reported debt is like a brick wall blocking tenants from finding new housing. There are many of these cases and our unit is too small to help with more than a few. They make good cases for law students.”

Goodell implemented the Tenant Debt Deposit Project in 2019, bringing in law students to investigate claims and stand with clients in Conciliation Court. Hannah Stephan, a third-year law student at the University of Minnesota Law School, welcomed the opportunity to work directly with clients and gain practical legal advocacy experience.

“The tenant debt cases I’ve seen offend the basic principles of fairness,” Stephan says. “These issues can seem small, but they add up for tenants and impact a lot of people.”

Stephan and other students first meet with the client and listen to their story from start to finish. Then, with guidance from consumer attorneys, they investigate and determine whether the tenant has a claim. They write complaints and negotiate with opposing counsel and parties in court appearances.

“Conciliation Court is set up for people without lawyers to describe what happened,” says Goodell. “The students are their main advocates throughout the case helping clients tell their stories so they fit into the legal process. It’s a good opportunity for students to see how fundamental the client’s story is to every case.”

The Tenant Debt Project is currently the only free legal resource for Hennepin County tenants with security deposit disputes. The skills and dedication of the law students extend the reach of Legal Aid’s housing and consumer units, while giving the students hands-on



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experience with clients. The clients with housing problems that fall outside of Legal Aid’s regular purview receive holistic legal care at a time when safe and stable housing is critical.

“Working on the Tenant Debt project taught me that being an attorney requires the flexibility and awareness to see patterns that could be addressed in a more efficient and systematic way,” says Stephan. “When I’m a lawyer, this experience will help me think about my cases not only individually, but also as a whole, and to look for creative solutions.”

If you are a law student interested in volunteering for the Tenant Debt Project, please contact Beth Goodell at bgoodell@mylegalaid.org.



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

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.

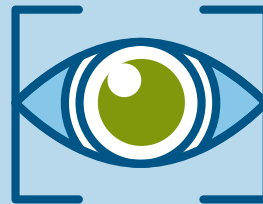
We commit to:



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.