



TOWARD JUSTICE

Spring 2009

Staying Current with Poverty Law at:

East Central Legal Services - ECLS
Legal Aid Society of Minneapolis - LASM
St. Cloud Area Legal Services - SCALS
Western Minnesota Legal Services - WMLS

INSIDE THIS ISSUE:

Legal Aid Senior Law Project

Munir Meghjee: Upholding the Promise of
Justice for All

Charitable Gift Annuities: Giving to Those
you Love, AND to Legal Aid



As with each of us, Gerald wanted his independence.

THE SENIOR LAW PROJECT: Helping Elderly Minnesotans Find Sustenance and Independence

Gerald suffered from a debilitating disease, and even though he was only in his mid-60s, he was told he had to move into a Minneapolis nursing home. Despite the limitations posed by his health, he was frustrated with his quality of life in the home, and wanted very much to move back into the community. Relocation specialists worked with him to try and achieve this goal, but unfortunately his Elderly Waiver budget, which was based on the County's long term assessment, was too small to pay for his needs in the community. When he and the relocation specialists contacted the Senior Law Project and a second assessment was arranged, Project staff attended on behalf of their new client. Even though these assessments are informal in nature, staff thoroughly questioned all attendees in order to make sure the public health nurse had a complete picture of their client's needs. At the conclusion of the meeting, the public health nurse agreed that Gerald had demonstrated sufficient need to justify a substantial increase in his Elderly Waiver budget. With these additional resources, he was able to leave the nursing home and move into a foster care situation specifically designed to meet his needs.

For much less than the cost of nursing home care, this man now leads a far less restrictive existence, something he needed and wanted – something the Senior Law Project helped him achieve. ❖

Legal Aid helps vulnerable people to meet very basic needs; we've provided free civil legal services for 96 years. In 1976, the Senior Law Project was created to specifically make these services available to elderly women and men who, because of their circumstances, need help to survive and to live as independently as possible for as long as possible.

Serving people 60 years and older (the majority of clients are in their mid-to-late 70s), the Senior Law Project provides advice, representation and referrals for people facing unmanageable debt, loss of benefits, eviction, housing rights issues (including landlords who will not make needed repairs), nursing home problems, concerns with Medicare, Medicaid, Social Security, and much more. ❖



Counties Served by Legal Aid's Senior Law Project:

Minneapolis offices: Hennepin county

St. Cloud office: Benton, Morrison, Sherburne, Stearns, Todd, Wadena and Wright counties

Cambridge office: Anoka, Isanti, Chisago, Mille Lacs, Kanabec and Pine counties

Willmar office: Big Stone, Chippewa, Kandiyohi, Lac qui Parle, Lincoln, Lyon, Meeker, Renville, Swift and Yellow Medicine counties

Life Today for Minnesota's Vulnerable Seniors

Many seniors continue to live in the homes they spent the majority of their lifetimes purchasing and maintaining, but economic forces currently at work jeopardize both home ownership and equity. Many seniors have refinanced their homes, drawing out equity to make repairs. For some, the terms of the refinancing are now unaffordable, and they face foreclosure. Still others have seen the value of their homes drop to the point where a reverse mortgage is no longer a viable way to get money. Seniors who can access equity become easy marks for unscrupulous friends or relatives, or become victims of predatory lending and other equity stripping scams. These not only impoverish seniors, but can also lead to homelessness and a loss of independence.

A growing number of seniors continue to work today to supplement the fixed income they receive through Social Security and other benefits, but jobs are harder and harder to find, making it more difficult for these seniors to find and maintain much-needed employment. As a result, the Senior Law Project has seen an increase in the demand for services in employment-related areas. Today more seniors than ever before come to the Project for help in resolving unemployment compensation denials or problems. Seniors who were once served through various health program linked to their employment seek advice regarding the major health care changes they face when they lose eligibility for these programs. Seniors who took out loans hoping to retool with marketable job skills cannot find work. Instead they see their Social Security benefits garnished illegally to repay their loans.

Low-income seniors want what everyone wants – to preserve their independence as long as possible. When they stay in their communities they are not only happier, but they avoid the expenses of costly long-term care facilities. One of the main ways to preserve independence is through the basic Medical Assistance program or through the Elderly Waiver or Alternative Care Programs. These government programs cannot be accessed without an assessment; the assessment determines what services will be provided, and also the budget that will pay for the services. Navigating the Elder Services System is extremely difficult for anyone, but for someone who is disabled or ill, or has inadequate education or English skills, it is nearly impossible. When, as often happens, an assessment denies services or sets up

care plans that could involve leaving their homes and communities for long-term care facilities, most seniors don't know that they have the right of appeal. As the elderly population increases, making these assessments and services more crucial, our advocacy efforts have to increase as well. Advocacy is essential in preserving an elderly person's autonomy and ability to live in his or her own community.

The exploitation of seniors goes beyond predatory lending scams that rob elderly people of their homes and impoverish them. Seniors are often targeted as the victims of general consumer scams. Seniors who have given power of attorney to someone else are at risk for financial exploitation from unscrupulous family members or others seeking to strip them of all their assets. Managing debt has become more and more difficult for seniors; while declaring bankruptcy may be desirable, seniors in poverty cannot afford filing and attorneys fees. The need is great for free legal services for seniors who are trying to protect what few assets they have.

Some seniors find that they must begin caring for their grandchildren or great-grandchildren when parents cannot or will not provide safe and secure homes. Often these seniors have limited financial resources which are then severely stretched by having to care for children in their homes. They find themselves in need of advice about accessing the benefits available for relative caregivers. In addition, some need representation to establish legally recognized authority to care for and make medical, educational and other choices for these children. Many more resources are needed today to properly meet the needs of seniors who step up to take on the responsibility of raising another generation, at an age when for most seniors, child-rearing is finished. ❖

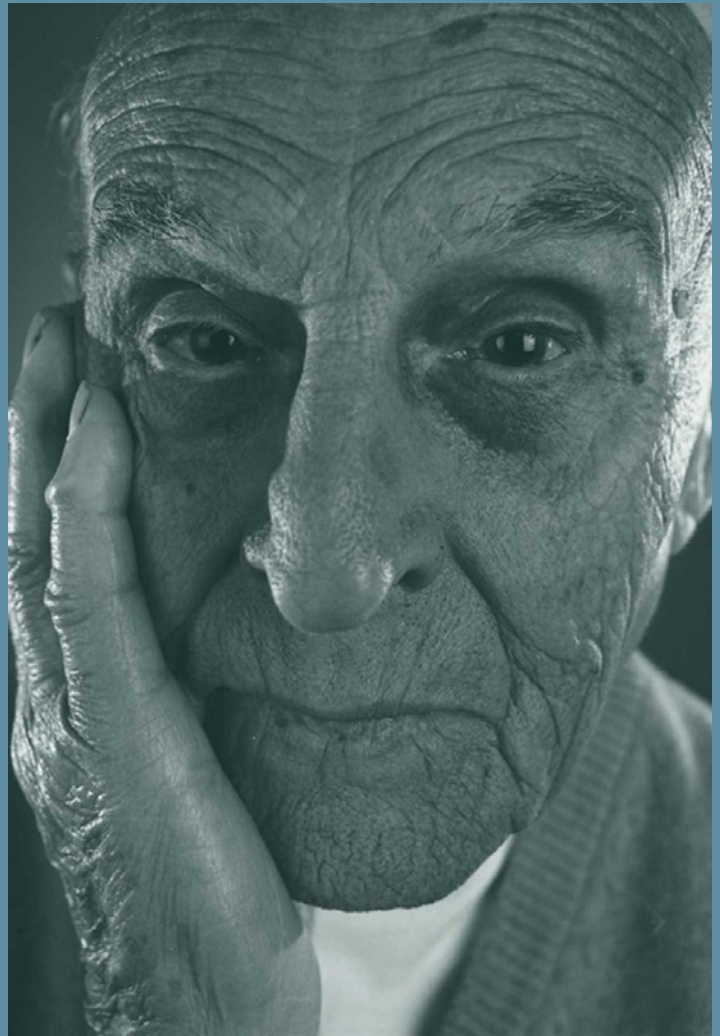


*“Today more and more seniors are contacting the Senior Law Project with general questions regarding whether they are eligible for **ANY** programs that might prevent them from slipping further into poverty.”*

~ Greg Marita, Supervising Attorney
Senior Law Project, LASM

COLLABORATION

Although the Senior Law Project is focused on the broad legal needs of seniors, the services the Project is able to provide are greatly enriched by other practice areas within Legal Aid, allowing for a high degree of consultation and collaboration. These other practice units specialize in substantive areas of poverty law, such as landlord-tenant issues, public benefits, family law, housing discrimination, immigration, consumer and tax law. For example, seniors with housing issues often are represented by attorneys from our Housing unit; seniors with predatory lending cases can be referred to our Consumer unit. Senior immigrants and refugees may be served jointly by attorneys from the Senior Law Project and the Immigration Law Project. All law units and clients benefit from the work of the Legal Services Advocacy Project, where staff work to achieve legislative and policy changes statewide.



The Senior Law Project is a member of the Vulnerable Adults Justice Project, working to develop legislative proposals to update Minnesota's Vulnerable Adult Act. We also work collaboratively with Minnesota's Office of Ombudsman for Long Term Care and serve on the Minneapolis Senior Citizen Advisory Council.

The Senior Law Project at all Legal Aid offices has strong connections with other agencies serving low-income elderly Minnesotans. Staff are in contact with social workers who staff public housing and nursing homes, Meals on Wheels, Senior Center Directors, and providers and agencies such as Lutheran Social Services and Senior Helping Hands. Senior Law Project staff in Minneapolis are in contact with social workers who staff the Minneapolis Public Housing high-rises, and also the outreach staff at Senior Community Services, which works with frail elders in suburban Hennepin County. Staff also maintains liaisons with the Elder Law Clinic at the University of St. Thomas Law School, which deals directly with the needs of institutionalized seniors, and with William Mitchell's Center for Elder Justice and Policy. Senior Law Project staff have trained Independent Living Skills (ILS) workers who use those skills in the homes of disabled and frail seniors, helping them to manage daily tasks. All of these contacts and connections help ensure that low-income seniors in need are aware of and are referred to the Project, and that staff at these agencies have a ready means to bring the legal service needs of their clients to the Project's attention.

As we get older, all of us will need some help living the way we want to live. Those of us with resources and caring families will have comfort and dignity as we age. But for poor and vulnerable older Minnesotans, aging can be a heart-breaking time of fear, indignity, and impoverishment. Aging should not be filled with uncertainty and fear. The Senior Law Project and the Immigration Law Project provide help and hope to those who need it most. ❖

"I work for Legal Aid because nothing feels better than being able to make a difference in people's lives."
~ Karla Krueger, Supervising Attorney
Senior Law, SCALS

Program-wide, 2118 seniors received
Legal Aid services in 2008.

CHARITABLE GIFT ANNUITIES: Giving to those you love, AND to Legal Aid

Using a Charitable Gift Annuity, you can make a gift to Legal Aid and also receive fixed income payments that will continue throughout your life.

You can create a Charitable Gift Annuity as a gift. Think about the people who have made a difference in your life: the spouse or children you adore, the parent or grandparent who came to every game, the coach or teacher who believed in you, the mentor who gave you the tools to succeed. What can you give to someone who has meant so much to you?

With a Charitable Gift Annuity, you use your assets to provide a fixed payment to you or the person you are honoring; the payments are not tied to investment performance. If you make a gift to Legal Aid's Endowment through the Minneapolis Foundation, you and/or your honoree (a maximum of two people) will receive a fixed annuity and also avoid or defer taxation on capital gains. No matter how long you or your honoree lives, the annuity payments are backed by the unrestricted assets of the Minneapolis Foundation. The minimum gift is \$5,000, and annuitants must be at least age 55 when beginning to receive payments. After death, the remaining assets will create a living legacy for you, paying income to Legal Aid in your name forever. You can even receive an income tax deduction for making this gift. The Minneapolis Foundation, for Legal Aid, will provide you with all the advice and help you need, and it's free. Contact Mary Ellis Peterson at mepeterson@mplsfoundation.org or 612-672-3859.

LEGAL AID IS NOW ON FACEBOOK.
Search "Mid-Minnesota Legal Assistance"
and join us now!

**Stay tuned for Legal Aid's new website -
coming soon to a computer near you!**



A 65-year-old Laotian immigrant had disabilities that prevented her from holding a job. Bounmy was living in Minneapolis on \$203 per month from General Assistance, and applied for Social Security disability benefits to augment that sum. The law, however, mandates that to receive Social Security disability payments, a person needs to have worked up to 10 years and be disabled. After her application was denied both at the initial and the reconsideration stages, Bounmy came to the Senior Law Project for help. Project staff worked with her, and represented her throughout her appeal. At the hearing, the judge found her to be disabled and to have met work requirements, and awarded her both prospective and retroactive disability benefits of approximately \$770 a month. These additional resources made a huge and permanent difference in this woman's quality of life; without the Senior Law Project, she was facing potential destitution. ❖

IMMIGRATION LAW PROJECT

Elderly immigrants come to Legal Aid's Immigration Law Project (ILP) seeking help to become U.S. citizen or permanent residents. Most are recent immigrants from Ethiopia, Somalia, Mexico, Bosnia, Laos, Liberia, Russia, and other countries, and are referred by social workers, community agencies, Public Housing High Rises, Women's Networks, and other groups. As a refugee or asylee, a person can only receive Supplemental Security Income (SSI) benefits for a limited period, up to ten years, unless they obtain citizenship. Elderly immigrants, most often poor, disabled, and unable to speak English, find it especially hard to secure work, or to bring minor children from their homeland to the US. It is often impossible for those fleeing war-torn countries to obtain the documents needed for citizenship applications; these issues make the Immigration Law Project's involvement even more vital.

Besides refugees and asylees, elderly immigrants who were sponsored by family members in order to make immigration possible face problems once they arrive. Under current law, a sponsored immigrant does not qualify for public benefits. While some sponsored immigrants receive financial support from family members, many more do not. This makes obtaining citizenship even more crucial.

The Immigration Law Project provides vital outreach and education to immigrant communities. Together with the Senior Law Project, the ILP supports elderly immigrants in their quest for independence and dignity. ❖



Upholding the Promise of Justice for All

When attorney Munir Meghjee went to Kenya last year with Judge Ann Williams and Lawyers Without Borders as part of a program to train lawyers and judges in advocacy for victims of violence against women, he was following a path he's been on for most of his 42 years. Judge Williams, Judge for the U.S. Court of Appeals for the Seventh Circuit and founder of Equal Justice Works, is a long-time mentor of Munir's; they share the absolute conviction that making a difference in the world is an imperative for living in the world.

That conviction led Munir Meghjee, today a trial lawyer with Robins, Kaplan, Miller & Ciresi in Minneapolis, to begin his legal career in Colorado practicing public interest law at the Sierra Club Legal Defense Fund. This was after graduating from Northwestern Law School and returning to his home state. He says he loved law school – it taught him how to think and how to analyze problems.

Munir always wanted to be a lawyer. He says that Indian parents want their children to be doctors; his small rebellion was to become a lawyer. His heroes are also attorneys, including Judge Ann Williams; these are people who use their intelligence and energy to make a difference, to bring “justice for all” a little closer to reality. Munir Meghjee does that today.

After moving to Minneapolis to be closer to his wife's family and to the thriving East African/Indian community here, he joined Robins, Kaplan, Miller & Ciresi L.L.P., in part because of their values and their strong support of Legal Aid.

When he first became a board member of the Legal Aid Society of Minneapolis, he says that, “I sat quietly and learned. And what I learned is that year in and year out, the organization has successfully navigated a changing climate



Munir Meghjee, LASM Board Member


to continue to find funding in order to provide much needed legal services. It's the board's job now to solidify a solid foundation of funds so that the people who provide access to justice aren't at the whim of third party funders. Programs need to be sustained and expanded as needs grow; the best people to tell us what's needed are the attorneys and advocates who do the work, and the clients themselves.”

Munir Meghjee says he wants to be a great trial lawyer who is the best advocate possible for his clients. He's also a husband and father – and any free time is spent with his wife Sophie, a labor and delivery nurse at Hennepin County Medical Center, and their three young children. But he also gives that “free time” to Legal Aid, as a board member and now a fundraising committee member of the board. His commitment, intelligence, and humor are deeply appreciated assets, and we hope he is part of our work for many years to come.

Beatrice, a 70-year-old woman from Liberia, immigrated to the United States in 2000, and for eight years took English lessons in an attempt to become a US citizen. She still cannot read or speak or write English well enough to pass the citizenship test; her inability to concentrate because of memories of the war in Liberia and the trauma from her husband's murder and loss of their farm have become concrete disabilities. She came to the Immigrant Law Project (ILP) at Legal Aid seeking help, as she was no longer eligible to receive disability benefits. Suspecting that Beatrice might be suffering from depression, ILP staff referred her to a psychologist for a medical evaluation. The psychologist confirmed depression, and filled out a Medical Waiver of Disability Exceptions form. Immigrant Law Project staff filed the waiver, along with an application for naturalization. Staff also found an interpreter who spoke Mano, the Liberian dialect Beatrice speaks, to help her with the naturalization interview. As a result of ILP's work, both the waiver and the application for naturalization were approved. Beatrice is now a naturalized citizen who, with disability benefits, can live without fear of hunger, homelessness, and deportation. ❖

"It's a pleasure to help elderly immigrants in our community; our assistance provides people with opportunities to be more self-sufficient, allowing them to live with pride and dignity into old age."

~ Alison Olson, Staff Attorney
LASM Immigration Law Project



THE AMERICAN COLLEGE OF TRIAL LAWYERS AND THE FUND FOR THE LEGAL AID SOCIETY ARE PLEASED TO PRESENT:

MASTERS of the COURTROOM
New Frontiers for Lawyers

LAW DAY CLE SEMINAR
Thursday, May 7, 2009

Come hear the stories and learn the techniques used in these current legal issues:


- FUNDING OF 9/11 ATTACKS
- RECOUNT TRIAL
- 35W BRIDGE COLLAPSE
- ISSUES CONFRONTING THE COURTS
- CONSTITUTIONAL RIGHTS
- INTERNATIONAL DISPUTE RESOLUTION
- GUANTANAMO

After the CLE, please join us for the
28th Annual
Law Day Testimonial Dinner

DINNER & CLE INFORMATION:
WWW.FUNDFORLEGALAID.ORG

THANK YOU TO OUR 2009 DINNER UNDERWRITERS

ROBINS, KAPLAN, MILLER & CIRESI L.L.P.



Santas and Dreidels Run Again for Legal Aid!

Teams and individual runners outdid themselves at the 2008 Santa Run to Benefit Legal Aid, raising more than \$33,000 to support free civil legal services for low-income Minnesotans. Hundreds of Santas and Dreidels, and a sprinkling of elves, ran down Nicollet Mall on December 5th, red hats and multicolored Dreidels flying in the wind.

This year we honored the individual runner who brought in the most sponsorship monies; that trophy was won by Bob McGillivray, who brought in \$1,700 on his own! And a second new trophy honors the Minnesota Roller Girls, as the non-law firm team with the most runners – bravo! Law firm trophies went to Faegre and Benson, for the most runners from a law firm with 51 or more employees, and to Speeter and Johnson, those mighty dancing Dreidels, for the law firm with 50 or fewer employees.

The St. Louis Park High School National Honor Society provided volunteers for the event – they handed out suits, took registrations, and best of all, sang in front of the YWCA! They were so great we asked them back for next year.

Thank you to each and every runner and volunteer! Santas and Dreidels will be out in force in 2009, so be there!

See you on
December 5th, 2009!



Legal Aid Attorney Honored

Irene Opsahl, Supervising Attorney of the Youth Law Project, has been awarded the Hennepin County Bar Association's 2009 Distinguished Service Award. The award is given in recognition of public service work throughout an attorney's career. As Supervising Attorney of the Youth Law Project, Irene leads her staff in working with children before they become embroiled in the juvenile justice system or the child protection system. She is a strong advocate for children and teenagers, helping hundreds of children return to and stay in school, and to find housing, health care, and a real possibility for a future. She also brings her experience and knowledge to the University of Minnesota, where she teaches "Child Welfare and the Law," and to her service on the Minnesota Supreme Court's Juvenile Protection Rules Committee. The HCBA Distinguished Service Award was presented to Irene Opsahl on March 10, 2009, at the HCBA Bar Benefit. Legal Aid is proud to congratulate Irene, and to call her one of our own. ❖



430 First Ave. N., Suite 300
Minneapolis, MN 55401
Phone: 612-332-1441

Non-Profit
Organization
U.S. Postage Paid
Permit #3201
Minneapolis, MN



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