

PRO BONO BULLETIN

Dorsey & Whitney LLP is a fully integrated, multi-practice law firm with offices in the United States, Canada, Europe and Asia.

The American Immigration Lawyers Association (“AILA”) will present its 2004 Pro Bono Award to Dorsey & Whitney at its June 12, 2004 award ceremony in Philadelphia. The award is given to an individual or entity for “promoting the highest goals of professional responsibility through exemplary efforts in support of pro bono representation of indigent aliens.” Dorsey & Whitney is receiving the award for two recent immigration pro bono projects: the report to the American Bar Association concerning the Board of Immigration Appeals, led by **Paul Klaas** and including a 60-person, multi-office team; and work on the successful class action lawsuit (*Ngwanyia v. Ashcroft*) brought on behalf of 150,000 asylees, with the assistance of a team led by Jim Langdon. Former Pro Bono Partner **Jim Langdon** and **Kathy Moccio** (who contributed substantially to both matters) will accept the award on behalf of the firm. You can view the ABA report on our website.



Seattle:

The Access to Justice Institute's pro bono summer internship program has been a huge success. The Institute recognizes the importance of social justice work by attorneys. The program places two exceptional students at private firms in the Seattle area where they are matched with mentor attorneys, spending their summer working on the firm's pro bono cases. Interns spend time working with organizations such as the King County Bar Housing Justice Project, the Tenants Union and the Humane Society as well as individual cases involving issues such as asylum application and employment law.



Minneapolis:

Dorsey has won an important victory in the ongoing pro bono case on behalf of Darby Opsahl, convicted of first-degree murder 12 years ago. Working in conjunction with the Innocence Project of Minnesota, the Dorsey team-led by **Ed Magarian** presented evidence to the Minnesota Supreme Court that several key state witnesses gave false and misleading testimony and that the prosecutor engaged in prosecutorial misconduct. Based on this evidence, the Minnesota Supreme Court reversed in

part a district court ruling, ordering the McLeod County court to conduct an evidentiary hearing. Opsahl maintains he had nothing to do with the crime (first degree murder). The physical evidence as well as a polygraph administered by the State of Minnesota's Bureau of Criminal Apprehension back up his claim.

The Supreme Court held in part that “the petition and affidavits [presented by Opsahl's legal team] challenge the truth or believability of five of the seven witnesses who testified that they heard Opsahl make incriminating statements. These recantations are particularly significant because there was no physical evidence linking Opsahl to the murder. Because Opsahl's petition calls into question such a significant part of the State's circumstantial case, we conclude that the postconviction court abused its discretion by concluding that the jury would have reached the same result without the recanted testimony.”

Dorsey attorneys and the Innocence Project of Minnesota have worked on this case for more than two years. Dorsey's wrongful conviction team is headed by Minneapolis trial partner Ed Magarian, who is also Chair of the Innocence Project of Minnesota and Co-chair of the firm's white collar crime and civil fraud practice group. The executive

director of the Innocence Project is Erika Applebaum and the Managing Attorney is Julie Jonas. “We are happy that the Supreme Court agreed with us that Mr. Opsahl’s case should get another look. We look forward to continuing our efforts to right this injustice so that we can end the twelve year incarceration of another innocent person,” stated Mr. Magarian.

Team members who assisted in obtaining this important victory in the Supreme Court include: **Heather Redmond; Shari Jerde; Tom Jancik; David Eldred; Ann Reckin; former Dorsey attorneys Dean Eylar and Chris Young;** with outstanding secretarial support by **Sheri Linden,** and investigator Bill O’Keefe. As Dorsey prepares for the evidentiary hearing, a few additional persons have joined the team, including: **Jessica Dvorak, Nick Campanario, Kristina Carlson, Jennifer Hanson, John Marsalek, Sara Stenberg-Miller, Robin Wolpert and Deb Pangerl.**



Ed Magarian



Recently **John Ruckdaschel** received a grant of political asylum for young man from Belarus who feared persecution

based upon his sexual orientation and political views. As an openly gay male in Belarus, our client was repeatedly persecuted. He was also arrested and threatened because of his activities on behalf of a Belarus opposition party. In addition to the past persecution suffered, our client documented if returned to Belarus, he would be forcibly conscripted into the military where he would face a brutal hazing. John’s victory is significant given the client’s difficulty relating his experiences and the fact asylum grants based upon sexual orientation are rare. **Molly Joseph** and **Bryan Keane** also worked on the matter.



John Ruckdaschel

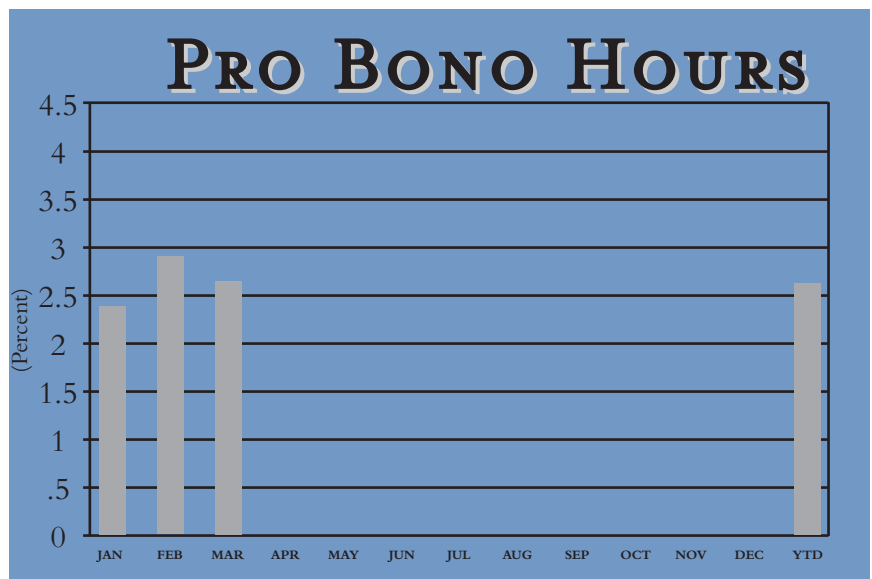


Awards and Recognition

Special Olympics Minnesota is a nonprofit organization which Dorsey attorneys recently assisted in an investigation. The Chairman of the Board wrote a letter thanking Dorsey attorneys for their professionalism, expertise and pragmatism in reaching a successful conclusion to the process. The services provided by our attorneys helped to bring the matter to a successful close. The Chairman said “In today’s world of high pressure to produce revenues in all organizations, it is a tribute to you, and to the Dorsey & Whitney organization that you devote a portion of your time and expertise to serve the community in which you operate.” **Joe Hammell** and **Nicole Haaning** worked on the matter.



As a Firm, Dorsey has made a commitment to the Law Firm Pro Bono Challenge at the 3% level. We have met this goal since signing on as a charter signatory eleven years ago. Please help us to continue to meet our pledge by providing quality legal services to the disadvantaged in our communities.



EDITOR'S NOTE

Please contact your Pro Bono Coordinator if you have questions, contributions or suggestions for the Pro Bono Bulletin.

[Sue Kjelvik](#) publishes this newsletter.

As always, you are invited to pursue your passions and interests in pro bono. There are opportunities everywhere to be explored. If you are interested in pursuing a project please contact your Pro Bono Coordinator.

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