

PRO BONO BULLETIN

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

Washington DC:

Judith Andrade is doing pro bono work for the Washington Legal Clinic for the Homeless, a non-profit organization in Washington DC that seeks to ensure homeless individuals have access to quality legal services. Volunteers at the Clinic generally see clients at soup kitchens and day programs throughout the city. Volunteer attorneys and paralegals assist clients with a wide range of civil legal issues including: wrongful eviction and shelter terminations, benefits and public assistance, subsidized housing, probate, health and mental health, credit and other consumer matters, discrimination, and impounded property. Judith will be seeing clients at the "Dinner Program for Homeless Women." The Clinic will also be holding a training program for new volunteer attorneys on March 30th-April 1st for anyone interested in getting involved.

Seattle:

Ed Bulchis prepared an asylum application for a case in which Minneapolis associate, **John Marsalek**

recently represented a Liberian national in his political asylum application before an asylum officer in Minneapolis. In a country where belonging to the wrong tribe, religion or political party can result not only in discrimination but much worse, our client combined all three as a muslim mandingo belonging to a political party that was not favored by either former president or the current coalition governing Liberia. Before the asylum officer our client testified to these facts in addition to the persecution of his family that he witnessed as well as the beatings and arrests he personally suffered. Based on our client's testimony we argued both that he had suffered from past persecution and that he had a well-founded fear of returning to Liberia. The asylum officer agreed. Our client has been in the United States for close to four years now working hard to send money to his wife and children who are in a refugee camp in Guinea. We will now turn our efforts to reuniting him with his family.

Minneapolis:

The Tax, Trust and Estates and Employee Benefits Departments have launched Sabathani Community Center Legal Clinic. Sabathani's mission is to strengthen youth, children and families and to build the capacity of the

community that Sabathani serves. The Center was founded in 1966 as a small grassroots organization focused on serving African American youth in South Minneapolis. Within a short time, the organization was overwhelmed with requests from residents for broader, more direct services, especially those addressing basic needs and necessities of life. Sabathani is a modern-day settlement house for the area's most-recent immigrants and refugees, which includes Somalis, Chicanos/Latinos, Southeast Asians, and Russians, and is truly the hub of the community.

The legal clinic is being staffed by attorneys in the Tax, Trust & Estate Planning and Employee Benefits Departments. The clinic is open the second and fourth Wednesday of each month. Clients are able to sign up through the Community Center office and meet with our attorneys concerning matters such as consumer, debtor's rights, bankruptcy, housing, landlord/tenant, employment and other civil issues.



Sabathani Community Center

John Liethen represented a Chinese woman of Uighur ethnicity who was granted asylum in January 2004 after her interview with the USCIS. Uighurs are an ethnic Turkish minority in the western provinces of China. Because of their distinct culture, language, and religion, the Chinese government has cracked down on them in efforts to stem any claims for independence. Our client was subject to significant persecution by the Chinese government and was forced to hide her identity in order to work. After months of trying, she finally received a student visa to come to the US. Since her arrival, she has been active in speaking on the plight of the Uighurs and their mistreatment by the Chinese government, including appearances before the Minnesota Legislature and on Radio Free Asia. She is now studying at St. Thomas for an MBA in international business. **Julie Dymit**, John's secretary, has been of invaluable assistance.



John Liethen



Dorsey has been working in a cooperative, joint pro bono effort with two other Twin Cities law firms to represent five prominent Twin Cities

community service organizations in challenging Minnesota's "Conceal and Carry" law (The Minnesota Citizens' Personal Protection Act of 2003) passed by the Minnesota legislature last year. The five organizations represented are: People Serving People, Inc.; People Serving People Charities, Inc.; Family and Children's Service; YWCA of Minneapolis; and Catholic Charities of the Archdiocese of St. Paul and Minneapolis. The three law firms and five community organizations have joined together in an effort to overturn the legislation because it violates the Minnesota and U. S. Constitutions.

We filed a six-count complaint asserting that the Conceal and Carry law violates the Constitutional rights of these five community organizations and similarly situated persons because it impermissibly compels their speech, in violation of their free speech rights under the Minnesota and U. S. Constitutions; it takes away their property rights without due process by forcing them to allow tenants and their guest to bring guns on the property and any person with a permit to have guns in their parking lots; it violates the requirement of the Minnesota Constitution that a law deal with only one subject because it was appended at the last minute to an unrelated, technical Department of Natural Resources bill, and it violates the Minnesota Constitution by denying them a remedy in court when their property and contract rights have been violated. The suit was filed as an intervention in a case already

pending in Ramsey County District Court brought by more than 25 religious institutions.

The filing of the lawsuit attracted considerable media attention, and was featured in several local television and radio news reports and in several local newspapers, including the Minneapolis Star Tribune and St. Paul Pioneer Press. In statements to the press, Nancy Hite, Chief Executive Officer, YWCA, stated: "People in our parking lots and locker rooms have a right to know that the car or gym bag next to them doesn't have a gun in it. We join in an effort to overturn this law which violates our rights to operate our property in accordance with our mission and values." Fr. Larry Snyder, executive director of Catholic Charities stated: "We have a right to maintain a safe environment for our own employees and the individuals who are struggling to improve themselves in our housing programs. This law strips us of that right and forces us to allow tenants to bring guns onto our premises. It's a dangerous situation for everyone." Dorsey partner **Joe Hammell** was quoted on several television and radio news programs stating that the law's provisions requiring landlords and parking lot owners to permit guns on their property constituted a "state-sanctioned armed invasion of private property" and should be overturned as unconstitutional.

Joe Hammell and **Eric Sjoding** have had primary responsibility for handling this case, but number of people have also made valuable contributions,

including partners **Jay Cook** and **Roy Ginsburg**, associates **Lynnette Slater** and **Sara Ackermann**, and secretaries **Maggi Capra** and **Linda Carlson**. A number of summer associates did research for this case, including: **Rebecca Molloy**, **Joelle Blomquist**, and **Dan Vondra**.



Joe Hammell



A Liberian citizen was recently granted asylum following an interview in August of 2003. **Elaine Kumpula** represented this individual, a human rights worker, who fled his native country in 2000 following repeated arrests and torture by Liberian officials. The asylee lives and works in the Twin Cities metropolitan area and looks forward being reunified with his wife and children.



On March 9, 2004, the Eighth Circuit reversed and remanded a denial of relief under the Convention Against Torture (CAT) for our pro bono asylum client – a reversal that literally gives our client another chance at life. In 1986, our client was kidnapped by a then-illegal

Marxist guerrilla army, the Eritrean People's Liberation Front (EPLF). Six months after he was kidnapped and forced into the EPLF, he escaped, killing two guerillas in the process and fled Eritrea. During the next ten years he lived as a refugee in various countries, and the EPLF became the government of Eritrea. Our client was able to come to the United States, where Dorsey attorneys, including **Chris Bercaw**, now of our Tokyo office, helped him pursue asylum and CAT claims before the INS (now the BCIS). It is largely undisputed that our client will be killed by the EPLF if he is returned to Eritrea, but the Immigration Judge denied relief, concluding that this would be prosecution, not persecution. His appeal to the BIA was summarily overruled without opinion in 2002. Our appellate team of Dorsey attorneys, including **Andre Hanson**, **Michelle Grant**, **Heather Toft**, and **Martine Daniel**, with oversight from **Kathy Moccio** and **Mike Wahoske**, appealed to the Eighth Circuit. Oral argument was heard in November 2003 before Judges Murphy, Lay, and Fagg, and Judge Murphy recently issued a decision in our client's favor. While the Court affirmed the denial of asylum itself, it reversed and remanded on the denial of relief under the CAT. In the Court's well-reasoned decision (which largely tracked our arguments), Judge Murphy explained that the denial of relief under CAT was not supported by the record, and remanded for further findings of fact.



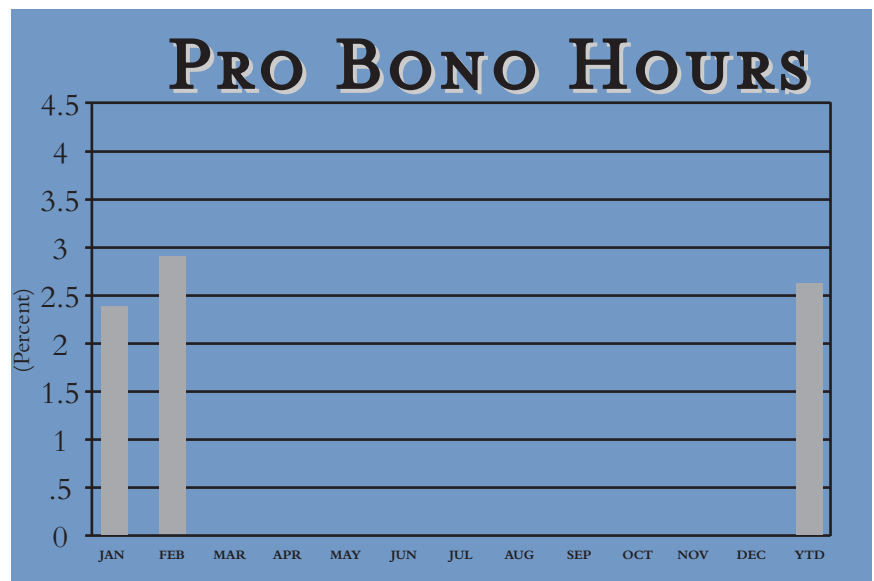
Awards and Recognition:

Earlier this month, Co-Pro Bono Partner Steve Carlson was recognized by the Hennepin County Bar Association for his commitment to pro bono services over many years. Steve has served Minnesota Advocates for Human Rights since 1987, as a volunteer, a board member and for the past two years as board president. Steve also participated as a team leader of the firm's ABA Immigration project last year. Steve is one of many business attorneys at the firm who have made a significant commitment to pro bono services.



Steve Carlson and the Honorable Joan N. Ericksen, Federal Court Judge, St. Paul.

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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