

**100 Years Strong: Southern Minnesota Regional  
Legal Services  
And the On-Going Pursuit for Equal Rights and Equal  
Justice**

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<sup>1</sup> J.D., Ph.D. Professor of Law and History, Hamline University School of Law. In my time at Hamline University School of Law and in the Minnesota legal community, I learned of all of the remarkable accomplishments of SMRLS and its partners. It is truly an honor and a privilege to collaborate with Bruce Beneke and in turn, be associated with the countless others who have and continue to bring equal justice to all those who live, work, and make their lives in Minnesota.

<sup>2</sup> Senior Counsel of Southern Minnesota Regional Legal Services, Inc. (SMRLS). The co-author joined SMRLS in 1972 as a VISTA lawyer and served as its Executive Director from 1977 to 2007. This essay is taken, in part, from the latest draft of a book as yet to be titled, regarding the history of SMRLS to hopefully be published in 2011. Many of the facts and comments contained in this essay are based on my direct experience. I extend my deepest respect and gratitude to current and former SMRLS Staff members, whose daily hard labor in the “trenches of justice” is inspirational in keeping with the highest standards of our profession and makes a profound difference in and brings dignity and hope to the lives of SMRLS clients - whom it is our honor to serve. I also extend great respect and appreciation to SMRLS clients, who so often demonstrate great courage, determination, creativity and resourcefulness in overcoming the many obstacles to justice and equal opportunity that they face and who are the reason that SMRLS exists. The 100 year record of service by SMRLS, which is captured in this essay, would also not have been possible without the remarkable equal justice contributions of current and past SMRLS Board members, volunteer attorneys, Campaign for Legal Aid and other volunteers, and the many community leaders, judges, legislators, bar leaders, professors, public officials, students and others who have worked with SMRLS. All of these persons, to whom I extend my profound gratitude and respect, together with SMRLS staff and clients, makeup the SMRLS bipartisan “justice system family,” tradition and partnership which has served the low-income and broader communities in southern Minnesota so well for so long. I am also grateful for the excellent support and assistance of Hamline University School of Law Dean Donald Lewis and the Hamline faculty, staff and students for their work, in partnership with SMRLS staff and volunteers, in sponsoring the “Alumni/pro bono Training on Administrative Law Systems” and the annual Hamline Law and Policy Symposium in March of 2009, all in celebration of SMRLS’s Centennial. I greatly appreciate and value the experiences, outstanding work, wise counsel, and the terrific support of Professor Tom Romero II in writing much of and making this introductory essay possible. I also extend my deepest gratitude to Hamline Law Professor Angela McCaffrey to whom we dedicate this essay, to Steve Kirsch, Hamline 76’ and partner in the Murnane Brandt law firm, Jessie R.

\* We wish to dedicate this essay to our recently departed colleague, friend and former SMRLS Lawyer, Professor Angela McCaffrey, whose life, spirit and service to others fully demonstrated the passion for and commitment to fair, equal, and compassionate justice which is at the heart of legal aid's and our profession's calling and aspirational standards.

## **I. From Humble Beginnings to Community Lawyering, Minnesota Style**

The three lawyers could hardly have known what they were really beginning at a meeting so obscure that no record was ever kept of its proceedings. But when William West, W.O. Washburn, and C. H. Bigelow created the Legal Aid Bureau of the Associated Charities in St. Paul in 1909, they not only started the first legal services program in Minnesota, but they took the first step toward creating Minnesota's nationally respected-and often emulated – tradition of partnership.<sup>3</sup>

The creation of the Legal Aid Bureau in 1909, the forerunner to the Southern Minnesota Regional Legal Services (SMRLS) was not notable for its magnanimity. Indeed, since the 19<sup>th</sup> century, programs to ameliorate the legal problems of the marginalized throughout the United States had been around in some shape and form.<sup>4</sup> In fact, about a decade earlier, groups such as the Family Welfare Association of Minneapolis, and individuals such as Minneapolis City Attorney Daniel Fisher, attempted to start, but

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Nicholson, CEO of SMRLS, Martha Eaves SMRLS lead attorney for Public Benefits, Jan Werness, SMRLS Support Counsel, and Hamline law student, Brian Rochel, all who were kind enough to review this entire essay and to offer many helpful ideas, suggestions and significant support, as well as to many other persons who commented on portions of this essay.

<sup>3</sup> *For the Record: 150 Years of Law & Lawyers in Minnesota*, Minnesota State Bar Association, June 1999.

<sup>4</sup> See generally Phillip L. Merkel, *At the Crossroads of Reform: The First Fifty Years of American Legal Aid, 1876-1926*, 27 HOUSTON L. REV. 1 (1990); JEROLD S. AUERBACH, *UNEQUAL JUSTICE* (1976); and REGINALD HEBER SMITH, *JUSTICE AND POOR* (1919).

were unable to sustain, legal aid programs in the Twin Cities.<sup>5</sup> Nor was the creation of the Legal Aid Bureau notable for its partnership. Churches, social charities, private foundations and some local governments had long recognized the lack of meaningful legal representation for those who existed at the margins of American society and in turn, had partnered with the private bar to provide legal services to those most in need.<sup>6</sup> What made the St. Paul legal aid program unique was the fact that it survived and in so doing, grew to become one of the most respected, innovative, and long-lasting legal aid programs delivering justice in the United States.

This introductory essay marks the 100-year anniversary of the creation of the Southern Minnesota Regional Legal Services and the corresponding Hamline Journal of Public Law & Policy Symposium to chart the future challenges facing legal aid. The bulk of this essay recounts the emergence, challenges, and importance of SMRLS in the delivery of equal justice in Minnesota and the United States in order to put the symposium in perspective. The essay concludes by tying the historical and on-going work of SMRLS to the bold ideas, new directions, and dramatic challenges being encountered by scholars and practitioners of equal justice work. Without a doubt, it is in the interstices of everyday legal action, passionate community engagement, and creative scholarly study where movements for equal justice are maintained and reenergized. In briefly recounting important moments from the past 100 years of SMRLS history, we identify in this essay the legacy upon which the myriad of legal aid work in the 21<sup>st</sup> century will continue to build.

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<sup>5</sup> Angela McCaffrey, *Pro Bono in Minnesota: A History of Volunteerism in the Delivery of Civil Legal Services to Low Income Clients*, 13 J. LAW & INEQ. 77, 80 (1994).

<sup>6</sup> See generally sources cited, *supra* note 4.

**A. Nulli Vendemus, Nulli Negabimus, Aut Differemus, Rectum Aut Justiciam: The Rise of the St. Paul Legal Aid Bureau**

The idea of providing legal aid to those who could not afford or did not have access to adequate legal representation had long been embedded in the Anglo American legal tradition. The Magna Carta, for instance, provided the classic statement of the ideal in its maximum: “to no one will we sell, to no one will we refuse or delay, right or justice.”<sup>7</sup> To be sure, “‘equal justice under law’ is one of America’s most proudly proclaimed . . . legal principles. It embellishes courthouse entrances, ceremonial occasions, and constitutional decisions.”<sup>8</sup> Yet, the ideal was and continues to be a far cry from reality. In state after state, jurisdiction after jurisdiction – the poor, the immigrant, the racially as well as ethnically oppressed, and the socially ostracized encountered barriers to meaningful, equal, and effective justice.<sup>9</sup>

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<sup>7</sup> MAGNA CARTA ¶ 40.

<sup>8</sup> DEBORAH L. RHODE, ACCESS TO JUSTICE 3 (2004).

<sup>9</sup> The best comprehensive overview of the origins of legal aid in the United States remains Reginald Heber Smith’s JUSTICE AND POOR *supra* note 4. Other notable works include JOHN S. BRADWAY, FRONTIERS OF LEGAL AID WORK (1939); EARL JOHNSON JR., JUSTICE AND REFORM: THE FORMATIVE YEARS OF THE OEO LEGAL SERVICES PROGRAM (1974); BRYANT GARTH, NEIGHBORHOOD LAW FIRMS FOR THE POOR (1980); JACK KATZ, POOR PEOPLE’S LAWYERS IN TRANSITION (1982); MARK KESSLER, LEGAL SERVICES FOR THE POOR: A COMPARATIVE AND CONTEMPORARY ANALYSIS OF INTERORGANIZATIONAL POLITICS (1987); LEGAL SERVICES FOR THE POOR (Douglas J. Besharov, ed., 1990). One of the best recent accounts of the current challenges facing legal aid is Deborah L. Rhode’s ACCESS TO JUSTICE, *supra* note 8. See also William P. Quigley, *The Demise of Law Reform and the Triumph of Legal Aid: Congress and the Legal Services Corporation from the 1960s to the 1990s*, 17 ST. LOUIS U. PUB. L. REV. 241 (1997-1998); Alan W. Houseman, *Civil Legal Assistance for the Twenty-First Century: Achieving Equal Justice for All*, 17 YALE L. & POL’Y REV. 369 (1998); Alan W. Houseman, *Civil Legal Assistance for Low-Income Persons: Looking Back and Looking Forward*, 29 FORDHAM URB. L. J. 1213 (2002); and Mauricio Vivero, *From “Renegade” Agency to Institution of Justice:*

One of the earliest chroniclers of the legal aid movement in the United States made the following observation in 1919: “The administration of American justice is not impartial . . . and has caused a gross denial of justice in all parts of the country to millions of persons.”<sup>10</sup>

Though the legal and political community had recognized this deficiency from the earliest days of the Republic, it would not be until the late 19<sup>th</sup> century when a loose collection of the private bar, charitable agencies, and influential individuals attempted to provide a remedy through the creation of organizations dedicated to the provision of legal aid to the poor.<sup>11</sup> The first such organization appeared in New York City on the occasion of the nation’s centennial celebration in 1876 and its purpose was “to render legal aid, gratuitously if necessary, to all who may appear worthy thereof, and who are unable to procure assistance elsewhere.”<sup>12</sup> Four years later, one of the proponents of legal aid noted its distinctiveness from charity or philanthropic work: “Our Society procures [for its clients] not alms, which these applicants do not ask and would not accept, but *justice*.”<sup>13</sup> The creation of the St. Paul Legal Aid Bureau in 1909 came at an especially critical moment in the history of American law. The great fissures of the 19<sup>th</sup> century—the emancipation of four million slaves, the systematization of the wage labor system and the triumph of industrialization, and rapid urbanization and large scale immigration—raised deep-rooted doubts about the unequal delivery of justice and the inequitable applicability of the rule of law in the United States.<sup>14</sup> One response to this crisis was that a “blossoming” national legal aid movement

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*The Transformation of Legal Services Corporation*, 29 FORDHAM URB. L. J. 1323 (2002).

<sup>10</sup> Smith, *supra* note 4, at 9.

<sup>11</sup> *Id.* at 133-49.

<sup>12</sup> Constitution of the New York Legal Aid Society, Article I, Sec. 2 (as cited in Smith, *supra* note 4, at 128).

<sup>13</sup> JOHN MACARTHUR MAGUIRE, *THE LANCE OF JUSTICE: A SEMI-CENTENNIAL HISTORY OF THE LEGAL AID SOCIETY 1876-1926* 22 (1982) (emphasis added).

<sup>14</sup> MICHAEL WILLRICH, *CITY OF COURTS* 68-75 (2003).

emerged; of which the St. Paul Legal Aid Bureau was a forerunner.<sup>15</sup>

In its early years, legal aid in St. Paul was modest. One report to the Board of Directors for the Legal Aid Bureau in the spring of 1913 noted that the free legal aid department “consisted of one attorney and primarily addressed problems related to wage claims, loan sharks and domestic issues.”<sup>16</sup> Though small, the Legal Aid Bureau had some influence and by the 1920s it has successfully lobbied for the passage of the Small Loans Act to combat loan sharking, a problem that was especially acute among the city’s working poor.<sup>17</sup> The birth and growth of legal aid in St. Paul and Minnesota in the first decades of the 20<sup>th</sup> century highlighted important structural changes in the concept and delivery of legal aid. Most importantly, legal aid “organizations abandoned the retained counsel system and instead hired part-or-full-time staff attorneys.”<sup>18</sup> Though the salary was modest compared to what one could earn from fee-paying clients (the first staff attorney for the Legal Aid Bureau earned salary of \$1,000 a year), these legal aid attorneys were young, highly motivated, and carried with them a deep sense that law should and could be used for meaningful social change.<sup>19</sup> Moreover, “legal aid lawyers became specialists, much like corporate or railroad attorneys, and they viewed themselves as

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<sup>15</sup> According to one of the few studies of the early legal aid movement in the United States, “by 1917, forty-one groups accepted clients in American cities nationwide.” Merkel, *supra* note 4, at 13. Importantly, most of these organizations were located in Eastern cities. *Id.* at 13, n.5. Thus, the Twin Cities were one of the few places where legal aid was provided between the Mississippi and the West Coast.

<sup>16</sup> See McCaffrey, *Pro Bono in Minnesota*, *supra* note 5, at 80.

<sup>17</sup> *Id.* at 81.

<sup>18</sup> Merkel, *supra* note 4, at 14.

<sup>19</sup> *Id.* at 14. See also interview with Jessie R. Nicholson, SMRLS CEO, November of 2009 and Beneke Recollections, *supra* note 2. SMRLS and legal aid salaries reported to the legislature in 2009 remain only two-thirds of what public defenders and county attorneys make. In 2008, the starting salary for a new SMRLS attorney who had recently graduated from law school was \$43,000 and the average practice experience of SMRLS attorneys was about 17 years.

a distinct branch of the legal profession.”<sup>20</sup> Legal Aid Bureau attorney Helen Hinton, for instance, the only woman to graduate from the 1925 class of the University of Minnesota Law School, was the expert on loan shark cases.<sup>21</sup>

### **B. War, Civil Rights and the Emergence of Modern Legal Aid in St. Paul, Minnesota and Beyond**

Legal aid in St. Paul would remain a very small enterprise through the Great Depression and World War II. Increasingly, however, the bar began to recognize that the large unmet need for civil legal services and the specialized nature of poverty law work required broader and more sustained institutional support. To be sure, the emergence of the Cold War and the concomitant flourishing of civil rights movements in Minnesota and throughout the United States focused direct attention on legal strategies to address separate and unequal outcomes in educational opportunity as well as housing and employment markets.<sup>22</sup> Although Minnesota and the Twin Cities did not experience many of the massive problems associated with post-World War II urban and suburban growth, it nevertheless experienced many of the manifestations of the “urban crisis” impacting an increasingly multiracial poor population.<sup>23</sup> For instance, in the Swede Hollow

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<sup>20</sup> Merkel, *supra* note 4, at 14.

<sup>21</sup> McCaffrey, *supra* note 5, at 80.

<sup>22</sup> See generally MARY DUDZIAK, RACE AND THE IMAGE OF AMERICAN DEMOCRACY (2002) and GARY GERSTLE, RACE AND NATION IN THE TWENTIETH CENTURY (2002) (particularly Chapters 5-6).

<sup>23</sup> The literature on the “urban crisis” is quite extensive. Emerging in the late 1960s, the “urban crisis” became the dominant paradigm in explaining inequality in American cities outside of the American South. See EDWARD C. BANFIELD, THE UNHEAVENLY CITY; THE NATURE AND FUTURE OF OUR URBAN CRISIS (1970) and LEE RAINWATER AND WILLIAM L. YANCEY, THE MOYNIHAN REPORT AND THE POLITICS OF CONTROVERSY A TRANS-ACTION SOCIAL SCIENCE AND PUBLIC POLICY REPORT (1967). More recent works include DOUGLAS S. MASSEY AND NANCY A. DENTON, AMERICAN APARTHEID SEGREGATION AND THE MAKING OF THE UNDERCLASS (1993); JIM SLEEPER, THE CLOSEST OF

neighborhood of St. Paul, the homes of Mexican American squatters were burned to the ground by the St. Paul Fire Department. At nearly the same time and a few miles southwest, St. Paul's only African American neighborhood was effectively destroyed to make way for the Interstate Highway system. Such acts worked to disperse, re-segregate, and ultimately concentrate the problems affecting the city's poor.<sup>24</sup>

In 1959, the Ramsey County Bar Association (RCBA) with the help of Minnesota State Bar Association established its own small lawyer referral / pro bono program. A young lawyer just out of the U.S. Air Force, Joseph T. O'Neill, used this program as a vehicle that would transform the Legal Aid Bureau into Legal Assistance of Ramsey County ("LARC") in 1964. In the early 1960s, O'Neill was inspired by "the unmet need for service with respect to rent and eviction problems, family and juvenile disputes, consumer problems, legal reform, [and wanted a program that would do] community-lawyering [work] out in the neighborhoods." O'Neill recounts:

Cesar Chavez was bringing a lot of justice to farmworkers during that time. With the strong support of Irving Gottlieb of the Robins, Davis and Lyons firm, I went around the state telling Minnesota lawyers that they better be prepared for

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STRANGERS: LIBERALISM AND THE POLITICS OF RACE IN NEW YORK (1990); THOMAS J. SUGRUE, THE ORIGINS OF THE URBAN CRISIS: RACE AND INEQUALITY IN POSTWAR DETROIT (1996); ARNOLD R. HIRSCH, MAKING THE SECOND GHETTO: RACE AND HOUSING IN CHICAGO, 1940-1960 (1998); AND ROBERT SELF, AMERICAN BABYLON: RACE AND THE STRUGGLE FOR POSTWAR OAKLAND (2005).

<sup>24</sup> DIONICIO N VALDÉS, BARRIOS NORTEÑOS: ST. PAUL AND MIDWESTERN MEXICAN COMMUNITIES IN THE 29<sup>TH</sup> CENTURY 173-76 (2000); ARTHUR C. MCWATT, CRUSADERS FOR JUSTICE: A CHRONICLE OF PROTEST BY AGITATORS, ADVOCATES AND ACTIVISTS IN THEIR STRUGGLE FOR CIVIL AND HUMAN RIGHTS IN ST. PAUL, MINNESOTA, 1802-1985 (2009) at 146, 148; and James Davis, *The Effects of a Freeway Displacement on Racial Housing Segregation in a Northern City*, 26 *Phylon* 209, 209-215 (1965).

legal assistance coming . . . and that the bar should recognize the very definite need and make sure our legal profession had substantial input and provided leadership . . . I brought in a lawyer, George Fuller, a Presbyterian Minister, to meet with the bar associations. He had worked as a legal assistance lawyer with his wife in Harlem. He had wonderful advice for us . . . not to be a downtown law office, but to get out into the community. While some bar members and judges were concerned about this legal assistance business, we pushed on. We got our first grant to start, \$6,000 from Sergeant Shriver and the OEO [Office of Economic Opportunity] in 1964 and we followed the advice of the good minister and located community offices at Roosevelt and Mt. Airy public housing and in the five low-income neighborhoods of St. Paul . . . .<sup>25</sup>

Despite the clearly national implications of legal assistance to serve St. Paul's poor, by the 1960s legal aid "remained small, local, restricted to the largest cities and, when available, usually provided by private or municipal organizations which served the immediate individual needs of the poor."<sup>26</sup> In many cases, "Legal Aid gave perfunctory services to many clients. Court appearances were rare and appeals nonexistent. Administrative representation, lobbying, and legal education were not contemplated."<sup>27</sup> According

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<sup>25</sup> Interviews with Joseph T. O'Neill, practicing attorney, St. Paul, MN, July 7 and 21, and December 3, 2009. Mr. O'Neill served as a Republican State Representative and then Senator from 1966-76. With the help of LARC Board Member Katie Barron of Ramsey Actions Programs (RAP), (which helped Mr. O'Neill to create LARC and have it replace the Legal Aid Bureau in 1964). Mr. O'Neill successfully authored the state's first program to provide educational financial assistance to low-income persons of color. Mr. O'Neill was also instrumental in seeking passage of Minnesota's first "Fair Housing Law." *See also* MCWATT, *supra* note 24.

<sup>26</sup> Quigley, *supra* note 9, at 244-45.

<sup>27</sup> Houseman, *supra* note 9, at 1218.

to one study, only 400 full-time legal aid lawyers were available to serve fifty million of these potential clients.<sup>28</sup> Even more revealing was the fact that the combined budget of all the existing legal aid programs was a little over \$4.6 million, or “one-tenth of one percent of the nation’s investment in legal services.”<sup>29</sup>

The face of legal aid both in St. Paul and across the United States would forever change in 1964. As part of the strategic plan to fight and end poverty, President Lyndon B. Johnson launched the “War on Poverty.” Congress established the Office of Economic Opportunity (OEO) and one the agency’s prime mandates was to make federal funds available, for the first time, to fund legal aid services through the Legal Services Program (LSP).<sup>30</sup> By 1966, over \$25 million dollars had been allocated to over 150 legal services programs throughout the United States.<sup>31</sup> In 1964, OEO awarded the St. Paul LARC one of OEO’s first allocations of federal funds and Allan Markert (later a District Court Judge in Ramsey County) became the first Executive Director of this new program. He was followed by Jerome Halloran, “who had the soul of a reformer” and who took a leave from Doherty, Rumble and Butler to serve.<sup>32</sup>

Federal funding accordingly changed the scope and content of delivering legal aid to the poor and disadvantaged. While

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<sup>28</sup> Johnson, *supra* note 9, at 9.

<sup>29</sup> Quigley, *supra* note 9, at 245, n. 20; and Houseman, *supra* note 9, 1218.

<sup>30</sup> Quigley, *supra* note 9, at 245.

<sup>31</sup> *Id.* at 245.

<sup>32</sup> O’Neill Interview, *supra* note 25 (regarding the 1964 takeover of the Legal Aid Bureau by LARC). In addition to Mr. O’Neill, the late Harry Paulet and Ms. Barron, other early LARC pioneers included William Mahlum, Catherine Harris (who is currently serving once again as a member of the SMRLS board), Mike Healy, RAP client representative Mary Louise Clowes and Jim Geraghty. Early LARC staffers also included Rosalie Wahl (who later became a justice of the Minnesota Supreme Court), the late Delores Orey (who went on to become a Hennepin District Court Judge), Michael Fetsch (who recently retired as a District Court judge in Ramsey county) and Jim Hankes, who recently retired as the Chief Public Defender in Ramsey County. See *For the Record*, *supra* note 3, at page 208.

individual legal services remained the bread and butter of most legal aid work, the LSP program made structural and meaningful law reform a priority.<sup>33</sup> In 1965, the Director of the LSP declared that:

[L]awyers must be activists . . . the law . . . is an instrument for social change. The role of OEO program is to provide the means within the democratic process for law and lawyers to release the bonds which imprison people in poverty, to marshal the forces of law to combat the causes and effects of poverty.<sup>34</sup>

Consequently, LSP and other federal funding (such as the Volunteer in Service to America program “VISTA”) dramatically enlarged staff and pro-bono programs; it funded full-service providers and provided training, leadership and support to undertake impact litigation and representation before state and federal legislative and administrative bodies; and it earmarked funding for issues unique to Native Americans and largely Latino migrant farmworkers.<sup>35</sup>

With federal support, the St. Paul LARC added lawyers and its first paralegals to broaden the scope of cases handled. This allowed LARC to be especially responsive to a diverse clientele with complex legal needs. One former LARC attorney and current Missouri Supreme Court Justice pointed out the agency’s increasing profile:

The community started bringing discrimination cases to us. There were no blacks or Hispanics to speak of in the fire or police departments. Inner city schools were significantly under-funded and racial discrimination seemed to infect all of society. Domestic violence was just becoming recognized as

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<sup>33</sup> Quigley, *supra* note 9, at 246.

<sup>34</sup> Johnson, *supra* note 9, at 75.

<sup>35</sup> Houseman, *supra* note 9, at 1218-19.

an issue and the City routinely shut off people's utilities without notice. Slum landlords seemed ready to 'rip-off' unsuspecting low-income persons. We kept hearing of persons being arbitrarily denied family welfare benefits and food stamps. People were being evicted right and left and there seemed to be few laws to protect them. Persons suffering from mental illness or retardation [sic] were routinely put in state hospitals without much process and stayed there for a long time. It was against that backdrop that I took my first cases.<sup>36</sup>

Under the leadership of LARC Executive Director John E. Brauch, and subsequently Rick Kaplan, community-based programs started by LARC during the early 70s included Women's Advocates, the first battered women's shelter in the nation; Neighborhood Justice Center, which continues to serve low-income persons of color in criminal law matters; Retired Seniors Volunteer Program or RSVP; and Migrants In Action, which became Hispanos in Minnesota.<sup>37</sup>

In addition to such specialized programs, LARC's core legal work came to focus on four substantive areas: (1) representing persons in family law custody and visitation cases; (2) providing assistance to children and families being arbitrarily denied family welfare, unemployment, public services or food stamp benefits; (3) offering needed legal support to families being unfairly evicted or retaliated against; and (4) making legal services available to persons

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<sup>36</sup> Phone interviews with Michael C. Wolff of the Missouri Supreme Court, July 21, 2009 and November 23, 2009.

<sup>37</sup> *For the Record*, *supra* note 3, at 208, and Beneke Recollections, *supra* note 2. The late Delores Orey was instrumental in the establishment of Women's Advocates; Mike Fetsch, Reed Richards and Tommy Williams helped to create NJC; Rick Kaplan, Al Hester and Elaine Dunbar started RSVP and John Brauch, and others helped to launch Migrants in Action. Most of these "community-lawyering" programs grew out of LARC created VISTA projects and accordingly were staffed by VISTA volunteers.

of color and the disabled who were being denied their civil rights.<sup>38</sup> These four rubrics crystallized into what would emerge in 1977 when SMRLS was formed to assure expansion of services to rural Minnesota. This is consistent with SMRLS's historic and continuing mission to provide legal services necessary "to assure freedom from hunger, homelessness, sickness, and abuse; to provide equal opportunity so that persons may become economically self-reliant; and to address the common legal problems of persons which arise in a broad community context."<sup>39</sup>

Impact litigation and structural reform regarding some of the nation's most contentious and gut-wrenching legal and racial justice/social issues emerged as a LARC/SMRLS specialty in these formative years. LARC/SMRLS lawyers successfully secured equal opportunity for persons of color by challenging the racially discriminatory hiring practices of the St. Paul Fire and Police Departments in *Warren v. Schleck* and *Fowler v. Schwartzwalder*.<sup>40</sup> In the second state supreme court case of its kind in the nation, LARC/SMRLS attorneys, working closely with the St. Paul Tenant's Union established that tenants have a right to safe and decent housing in *Fritz v. Warthen*.<sup>41</sup> Litigation efforts by LARC attorneys the late Delores Orey, Mike Wolff and Roger Haydock led directly to the Minnesota Legislature adopting the nation's first comprehensive school financing legislation so that low-income children would begin to have the same access to equal educational opportunities as children who resided in more affluent school districts.<sup>42</sup> LARC was also active in representing low-income

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<sup>38</sup> Beneke Recollections, *supra* note 2.

<sup>39</sup> *See infra* note 51.

<sup>40</sup> *See For the Record*, *supra* note 3, at 210. Delores Orey, Andrew Haines and Michael Wolff were lead counsels and Bruce Beneke subsequently became lead counsel. Private attorneys Delores Orey and Maury Landsman and SMRLS attorneys Jan Werness and Catherine "Kit" Hadley subsequently served as co-counsel with Mr. Beneke in the 80s and with SMRLS Attorneys Mark Bohnhorst and Mr. Beneke in the 90s when two companion cases to *Fowler* were brought.

<sup>41</sup> *Fritz v. Warthen*, 213 N.W.2d 339 (1973). Bill Crowder and Mark Reinhardt served as chief counsels in this case.

<sup>42</sup> *Van Dusartz v. Hatfield*, 344 F. Supp. 870 (1971).

persons in a host of utility shutoff and other due process constitutional cases.<sup>43</sup> Comprehensive changes to Minnesota's mental health laws were adopted when LARC collaborated with the Minnesota Mental Health Association.<sup>44</sup> LARC/SMRLS attorneys

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<sup>43</sup> One representative case is *Norlander v. Schleck*, 345 F. Supp. 595 (1972). The case led to the adoption of due process protections for persons faced with utility shutoffs.

<sup>44</sup> Mr. Brauch's leadership laid the original foundation for SMRLS class action litigation, legislative and administrative rule-making work on behalf of eligible clients. The mental health laws successfully sought to insure that persons who were involuntarily committed were afforded appropriate treatment and adequate due process protections, and were otherwise treated with dignity and respect. LARC Attorney Delores Orey and LARC Board member the late William Kampf were the chief LARC/SMRLS lawyers who drafted and lobbied for this comprehensive reform legislation. In addition to the mental health area, LARC/SMRLS was also active in representing low-income persons at the legislature in a wide variety of other critical civil legal need areas during this period. SMRLS lawyer Tom Johnson played a key role in the passage of the first *In forma Pauperis* act and consumer protection legislation. VISTA Bruce Beneke, along with Clayton Rein, the President of the Minnesota Multi-Apartment Association, Bob Stein from the University of Minnesota (later Dean Stein), Frank Knoll (later State Senator) of the Minneapolis Urban League, Minneapolis Legal Aid legend, Paul Marino and private attorney Dick Curtin all played major roles in the reform of Minnesota's tenant-landlord laws, including the adoption of the Tenant's Remedies Act, the Retaliatory Eviction Act and a host of other progressive housing laws. LARC/SMRLS staff worked with Paula Goldberg, co-founder and current Executive Director of PACER, St. Paul Public Schools leader Julio Almanza (who went on to be Superintendent of Schools in Duluth), Bob Wedl from the Department of Education, private attorney Bill Messenger and others in securing passage of the first comprehensive Special Education Act and subsequent special education regulations and later Minnesota's first bilingual education statute. SMRLS staff also partnered with Jim Solem and Jim Dlugosch (both of whom went on to be Directors of the Minnesota Housing Finance Agency, MHFA), Tom Fulton, (now the head of the "Family Housing Fund), Metro State Professor Tom O'Connell, former Brooklyn's Center's Mayor Phil Cohen and State Representatives the late Bruce Vento, Linda Berglin, Randy Kelly, Ray Faircy and Ken Nelson and Senators the late Allan Spear, Jack Davies and Bob Tennesson to secure passage of state housing rehabilitation programs, anti-redlining legislation, the creation of the MHFA (subsequently chaired by former SMRLS staff attorney Kit Hadley) and

also successfully settled class action mental health litigation establishing due process protections for mentally ill persons who were having their provisional discharges illegally revoked and being returned to the state hospital.<sup>45</sup>

The local scope of such efforts was dramatically expanded in 1974 when the Legal Services Corporation (LSC) Act allowed the LSC to officially take control of the federal legal services program.<sup>46</sup> Former Congressional Representative and later Governor of Minnesota, Albert Quie, “was one of the behind-the-scene architects of the act which had as its purpose the expansion of access to civil legal services and thus equal justice throughout the entire United States.”<sup>47</sup> Up until this time, federal funding of legal services in Minnesota and in most of the country was largely confined to urban areas.<sup>48</sup> The 1974 Act and its reauthorization in 1977 relaxed restrictions on legal activity, increased funding for legal aid even further, and recognized that the need for legal aid was not merely an urban problem, but was also intricately connected to state and regional non-urban issues.<sup>49</sup>

By the end of the 1970s, the passage and funding of the LSC Act led to the creation or “expansion, reconfiguration and development” of six of the seven programs that now make up the Minnesota Legal Services Coalition.<sup>50</sup> The Coalition was thus able

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the prohibition on public employment and licensing discrimination, based on arrest and conviction records. *See also For the Record, supra* note 3, at 209-10.

<sup>45</sup> Beneke Recollections, *supra* note 2.

<sup>46</sup> *For the Record, supra* note 3, at 208.

<sup>47</sup> *Id.*; Beneke Recollections, *supra* note 2; and Legal Services Corporation Act, Pub L. No. 93-355, 88 Stat. 378 (1974) (codified as amended at 42 U.S.C. § 2996 (1977) [hereinafter LSC Act].

<sup>48</sup> Houseman, *supra* note 9, at 1219-20.

<sup>49</sup> *See generally* Quigley, *supra* note 9, at 254-55.

<sup>50</sup> McCaffrey, *supra* note 5, at 83-84; *For the Record, supra* note 3, at 209. In addition to SMRLS, these Coalition programs include Mid-Minnesota Legal Assistance (MMLA) (central office in Minneapolis), Anishinabe Legal Services (central office in Cass Lake), Legal Aid Services of Northeastern Minnesota (central office in Duluth), Legal Services of Northwest Minnesota (central office in Moorhead) and Judicare of Anoka County (office in Blaine). Central

to provide “minimum access” service to low-income Minnesotans in all 87 counties.<sup>51</sup> In 1977 at the direction of the new SMRLS Executive Director, Bruce Beneke and the newly merged LARC/SMRLS Board, first chaired by attorney Bill Mahlum and subsequently attorney Dan Cole, SMRLS opened its first rural office in Mankato. SMRLS opened a second office in Winona in 1978 and its migrant farmworker office in North Dakota, and in 1979 opened law offices in Carver, Albert Lea, and Worthington.<sup>52</sup>

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Minnesota Legal Services (CMLS), an outgrowth of the Minneapolis Legal Aid Society (formed in 1913) was the original Coalition partner - not MMLA. MMLA later became a seventh member of the Coalition and has worked jointly with CMLS since 1981 to serve low-income persons in the original CMLS service area.

<sup>51</sup> “Minimum access” refers to the plan adopted by Congress and the supervising national non-profit LSC Board of Directors to make available sufficient federal funding to support “the equivalent of two legal aid lawyers for every 10,000 poor persons in all areas of the state.” At the time, there were 14 attorneys available for every 10,000 non-low-income persons in the general population. To meet this minimum access expansion goal, “LSC representatives held public hearings, and consulted with legislators, local bar associations, community groups and legal services programs.” Beneke Recollections, *supra* note 2, and McCaffrey, *supra* note 5, at 84, n. 33.

Based on information gathered at these hearings and meetings, LSC initially “awarded new expansion funds to three local existing programs,” including the general services programs of LARC, the Minneapolis Legal Aid Society (later CMLS/MMLA) and Legal Aid Services of Duluth (formed in 1917 and now LASNEM). *See also For the Record*; *supra* note 3 at 207-08. LARC staff played key roles in arranging for these community meetings. In 1976, with the leadership of Executive Director George P. Shirley, the LARC Board of Directors began the process to create SMRLS. The formal merger with SMRLS took place in 1977. LARC/SMRLS prepared and submitted applications yearly during 1976-79 for LSC expansion funding. SMRLS leadership did so by working closely with LSC regional office staff, and with the excellent assistance of longtime SMRLS/LARC Comptroller Sylvia Lane, Executive Secretary Sheila Norman and SMRLS. All of these grant requests were successful.

<sup>52</sup> Beneke Recollections, *supra* note 2. The opening of the Mankato office was facilitated by the outreach and planning leadership of Mr. Beneke and Managing Attorney Paul Onkka. They worked in cooperation with local lawyers and community representatives, which provided a model for the subsequent expansion to the other rural office areas. After stepping down in Mankato, so

These offices completed SMRLS expansion to low-income residents residing in thirty-three counties of southern Minnesota. At and since that time, about 35% of the state's low-income population resides (d) in SMRLS's service area, making the agency the largest provider of legal services to the low-income population in Minnesota.<sup>53</sup>

**C. Strategic Alliances, Leadership on Racial Justice and Other Emerging Needs, Retrenchment, and the Dynamic Landscape of Legal Aid in the 1980s and 1990s.**

SMRLS's pioneering work in representing low-income persons at the legislature and in administrative rule-making forums made it possible for SMRLS to become a statewide leader in partnership with other Minnesota Legal Services Coalition (Coalition) programs to create Minnesota's first two statewide joint legal aid ventures: the Legal Services Advocacy Project (LSAP) and the Coalition.<sup>54</sup> SMRLS also led the way in establishing new

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that Patricia Keefe could become the permanent manager, Mr. Onkka then assisted in the opening of the Winona office in 1978. When Candace Rasmussen and John Brauch became managing attorneys for Winona in 1978, Mr. Onkka then helped to open and became the on-going manager of the new Carver (later Prior Lake) office and remains with SMRLS to this day. Key local rural attorney leaders who strongly supported the opening of these new rural offices included, among others, Kelly Gage, Dan and the late Sid Gislason, Herb Kroon, Will Partridge, the late Arnold Beneke, Michael Long, G. Barry Anderson, Neil Jensen, Chuck Frundt, Dave Johnson, Nancy Gruchow, Pat Costello, John Scholl, Cy Bernardy, Candace Rasmussen, Scott Richardson, Kent Gernander, Jerry Kellum, Jim Forsythe, Pat Hart, the late Dick Genty, Luke Melchert and Joe Cade. Key client and community representatives who assisted included, among others, Marie Wellman, Marina Gillard, Kathy Bartz, Willie Mae Wilson, Kathie Benton, the late Margaret Eaton, and June Lunz. Many of these individuals went on to become SMRLS board members, volunteer attorneys or SMRLS staff members.

<sup>53</sup> *Id.*; IOLTA Grant Application, 2007-08.

<sup>54</sup> *For the Record*, *supra* note 3, at 209-11; Beneke Recollections, *supra* note 2. LSAP was originally funded by a special grant from LSC and is now funded by

“community lawyering” law offices and outreach programs to help low-income Latinos, migrants, other immigrants, as well as Native-Americans to “improve [legal] access for underserved populations.”<sup>55</sup> Notable in this regard was the fact that SMRLS established the state’s first bilingual office, Oficina Legal, at the Neighborhood House in St. Paul’s Westside in 1975. The office was funded by LSC and was the “brainchild” of University of Minnesota law students and subsequent SMRLS lawyers, including the Honorable Salvador Rosas, Martha Eaves, Tony Cortez, David Matusmoto, Wes Iijima, Ted Martinez and the late Ben Johnson.<sup>56</sup>

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IOLTA dollars, contributed from all of the Coalition programs. LSAP’s primary mission is the “representation of low-income persons at the legislature” and in administrative rule-making proceedings. LSAP is administered by MMLA on behalf of all of the Coalition programs, as is the Coalition’s state support staff. The primary mission of the state support staff is to provide statewide coordination and to encourage joint fundraising and planning between the seven Coalition programs; and includes providing for staff and volunteer attorney training, client, community and volunteer community education materials, a poverty law newsletter and related electronic, information/education support to all legal aid staff and volunteers throughout Minnesota.

<sup>55</sup> *Id.*

<sup>56</sup> *For the Record, supra* note 2, at 212. In a personal Interview in December of 2009, Judge Salvador Rosas recalls that:

[W]hen I was in law school at the [University of Minnesota], several of us students got together and realized that the racial makeup of the state was changing. We wanted to help insure that our brothers and sisters had access to legal aid and to justice. Our group approached LARC Executive Director George Shirley about our ideas. George had been a staff lawyer with California Rural Legal Services. He had done litigation on behalf of migrant workers. George responded wonderfully; we all went to work and the rest is an amazing history of service.

Interview notes on file with authors. *See also* interview with Jan Werness, December 11, 2009. The St. Paul American Indian Center (AIC) office was also formed in 1977 by Native-American University of Minnesota law students Warren Heisler and Joel Thompson. It is part of LARC/SMRLS. Attorney Jan

Led by the late George P. Shirley, then Executive Director, SMRLS staff attorneys Mark Bohnhorst, George Rehm and Bruce Beneke served as lead counsel in the successful *Cantu* and *Garcia* civil rights class action cases, on behalf of Latino migrants and immigrants.<sup>57</sup> In 1978, SMRLS helped establish the nation's first "two-state" Migrant Legal Services program covering all of Minnesota and North Dakota.<sup>58</sup>

As a result of such collaboration, SMRLS emerged as a national leader in providing legal services to the multiracial poor. In the early 1980s, SMRLS was seeing thousands of people being cut off from disability, refugee assistance, family welfare and veteran's assistance by state, local and federal government, especially Lao, Hispanic, Hmong, and Cambodian refugees as well as homeless veterans of color. As a by-product of these relationships, SMRLS discovered that many persons from these communities were unable to reunite with family members. In 1987, SMRLS created the Immigration Reform Law Project (IRLP), in partnership with Centro Legal and MMLA. Led by Karen Ellingson of SMRLS, IRLP sought to "reunite refugee families and to prepare the extensive documentation necessary for persons to

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Werness joined SMRLS in 1978 as one of SMRLS's many Comprehensive Employment and Training Act (CETA) staff. Ms. Werness played a leading role in establishing the AIC office. Ms. Werness subsequently developed great expertise in Indian Child Welfare Act cases. Ms. Werness now works with Jim Street and Jane Morgan, and their combined work has enabled SMRLS to maintain this community law office to this day now in partnership with the Ain DayYung, a community agency which serves Native –American children and families.

<sup>57</sup> *For the Record*; *supra* note 3, at 209-10; Beneke Recollections, *supra* note 2. The *Cantu* case was brought on behalf of migrant workers and their children who were denied minimum wage while working the fields in southern Minnesota. The *Garcia* case was brought on behalf of Hispanic children who were English language learners (ELL), but who were not receiving transitional bilingual education services in order to keep up in the mainstream classroom while they made the transition to English.

<sup>58</sup> Beneke Recollections, *supra* note 2.

obtain legal status and to be protected from illegal deportation.”<sup>59</sup> SMRLS’s work on behalf of migrant farmworkers throughout Minnesota and North Dakota also took hold during this time. Led first in the 80s by Tom Barrett, and later Bob Lyman. SMRLS Migrant Legal Services (MLS) unit effectively represented clients in court, at the legislature, and in administrative forums in order to remedy widespread violations of federal food stamp and family welfare regulations, discriminatory treatment under numerous state and federal labor laws, and environmental racism from unsafe exposure to pesticides.<sup>60</sup>

The early 1980s also brought increased federal antagonism and scrutiny to legal aid which subsequently led to dramatic cutbacks in LSC funding. As a result, SMRLS had to turn many desperate people away from service.<sup>61</sup> During this time SMRLS went through its first of several retrenchments, by reducing staff and therefore reducing client services.<sup>62</sup> Nevertheless, SMRLS

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<sup>59</sup> *Id.*; *For the Record*, *supra* note 3, at 212. Sothea Phea Poch and Glenda Potter were two of the early pioneers in helping Ms. Ellingson to create a special program with the financial assistance of the Bremer, Bush, St. Paul, Mardag and Bigelow Foundations to serve the Cambodian refugee community. Mr. Poch became the first Cambodian refugee to graduate from a Minnesota law school and he works with SMRLS to this day. Also, under the leadership of SMRLS attorneys Salvador Rosas and Aurelia Romo Perez, SMRLS created Centro Legal in 1981 to represent low-income immigrants on cases which SMRLS was prohibited from participating in as a result of new LSC regulation. As head of Centro Legal, Mr. Rosas became the first lawyer of color to lead a legal services program in Minnesota.

<sup>60</sup> Robert Lyman, “SMRLS’s Migrant Legal Services,” draft (December 3, 2009) (on file with author); Beneke Recollections, *supra* note 2. Marta Castanon, an early pioneer and secretary-turned-paralegal, still works for SMRLS’s Refugee, Immigrations and Migrant Services Program (RIMS) in the Fargo office. *See infra* note 86.

<sup>61</sup> Beneke Recollections, *supra* note 2.

<sup>62</sup> *Id.* In order to maintain and increase access to justice and its services, SMRLS, unlike many programs around the country, was able to maintain all of its rural offices and all of its core substantive law practice areas, even during retrenchment times. *See also* SMRLS Future’s Plan, August 2005, (on file with author).

boldly responded on behalf of this growing number of low-income persons in need of civil legal assistance by strategically tackling new and emerging legal issues.<sup>63</sup> For example, SMRLS modern day “government benefits” unit emerged in St. Paul under the leadership of Martha Eaves, and assisted by Berry Friesen, Laura Melnick, and Steve Moon. This unit embarked on a comprehensive “community-lawyering” strategy to insure persons damaged and harmed by arbitrary government action had meaningful access to SMRLS’s services.<sup>64</sup> Following a series of community education meetings in 1982, SMRLS co-counsels Martha Eaves and Mark Bohnhorst brought the landmark case, *Minnesota Mental Health Association of Minnesota v. Heckler*, which restored benefits to 8,000 mentally ill persons who had been illegally terminated from their Social Security entitlements.<sup>65</sup> This case also compelled the Social Security Administration to restore the necessary survival benefits of thousands of disabled persons around the country. Eighth Circuit Court of Appeals Judge Donald Lay stated that Ms.

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<sup>63</sup> During the 80s the number of low-income persons in Minnesota grew by 16% while between 1984-94, requests for SMRLS and Coalition services grew by 62%. See *For the Record*, *supra* note 3, at 212, 216.

<sup>64</sup> *Id.* at 212, 216; Beneke Recollections, *supra* note 2. With a largely homogenous population, the public assistance legal needs of low-income persons in southern Minnesota differed somewhat from the urban areas during the late 70s and early 80s. Local government agencies in most rural areas at that time were able to establish many of their own local rules regarding need-based programs and were not used to low-income persons legally challenging their decisions. These factors, along with limited transportation and other factors, gave rise to differing rural representation and outreach needs. Charles Thomas, Patricia Keefe and Paul Onkka, early managers of the Mankato and Carver offices, and paralegals Shelley Smith-Fletcher of Winona, Ted Hinnenkamp of Albert Lea and Ken Gilchrist of Mankato, were also early pioneers in developing SMRLS’s first rural public assistance, social security disability and unemployment compensation practices. Mr. Gilchrist is now a public benefits attorney in SMRLS’s St. Paul office, as is Ms. Melnick. Ms. Smith-Fletcher and Mr. Hinnenkamp also remain with SMRLS as paralegals. Mr. Moon is now an Administrative Law Judge.

<sup>65</sup> 728 F.2d 1175 (8<sup>th</sup> Cir. 1984). Private Attorney Bill Messinger and the nationally-based Mental Health Law Project also assisted SMRLS with this case.

Eaves's argument in the Eighth Circuit was one of the two best cases he ever heard argued in his 30 years as an appellate judge.<sup>66</sup>

SMRLS lawyers were also successful in a number of additional state and federal cases involving arbitrary government denial of need-based benefits, including the *Cha v. Noot* class action case on behalf of 1,000 Hmong refugee families.<sup>67</sup> SMRLS traditional work on behalf of disabled persons also found expression in the landmark case of *Jarvis v. Levine*. Based on the arguments of chief SMRLS counsel, Charles Thomas of Mankato, the Minnesota Supreme Court upheld the right of committed mentally ill persons to refuse treatment and to receive due process with respect to overly intrusive medical care.<sup>68</sup>

During the 80s, SMRLS also responded tactically to the farm crisis and the concomitant need for low-income persons to receive services. Working with former SMRLS staff attorney James Massey of the Farmer's Legal Action Group (FLAG), Jerry Lane, the Executive Director of MMLA, and Cathy Haukedahl from the Attorney General's office, SMRLS helped to successfully persuade the relevant coalition programs to form a new statewide partnership, the Minnesota Family Farm Law Project (MFFLP). SMRLS and its partners, along with the Minnesota State Bar Association (MSBA), also persuaded private foundations and a bipartisan legislative coalition to fund legal services for low-income farmers. These projects helped thousands of farm families keep their farms and

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<sup>66</sup> The Hon. Donald P. Lay, *LAW: A HUMAN PROCESS*, (1996); *For the Record*, *supra* note 3, at 210, and *Beneke Recollections*, *supra* note 2. Judge Lay further wrote that Ms. Eaves "was poised and confident . . . She exhibited remarkable knowledge of the facts and law . . . The impressive characteristic of her argument was . . . that she did it without any notes or briefs in front of her. Her sincerity was overwhelming, conveying to the court that a great injustice had been done to her clients."

<sup>67</sup> 696 F.2d 594 (8<sup>th</sup> Cir. 1982). SMRLS Attorney Mark Bohnhorst co-counseled the case. *See also* Interviews with Martha Eaves and Berry Friesen, December 2009 (on file with author).

<sup>68</sup> 418 N.W.2d 139 (Minn. 1988).

homesteads and maintain their way of life.<sup>69</sup>

The 1980s also saw the flourishing of senior law programs in all legal aid offices throughout the United States under the federal Older Americans Act.<sup>70</sup> Building upon its success in representing farmers, SMRLS, led by Senior Leadership Attorney Larry Nicol, developed very strong rural senior “community-lawyering” outreach, education and legal representation programs.<sup>71</sup> Not to be outdone, longtime Senior’s law expert Steve Wolfe and Kathie Eveslage re-organized SMRLS’s East Metro Senior Law Project, thereby increasing SMRLS’s ability to break down barriers faced by senior-citizens of color.<sup>72</sup>

Perhaps no era represented SMRLS creativity more than its major mission-related commitment to prevent and end domestic abuse and to protect the safety of children and their parents from violence. Led by Southeastern SMRLS-Winona staff attorney Loretta Frederick, SMRLS created the “Battered Women’s

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<sup>69</sup> *Id.*; and *For the Record*, *supra* note 3, at 212. Early MFFLP pioneers Barry Bartelt and Gary Petersen – both having come from a farm background - remain with SMRLS to this day. SMRLS’s first MMFLP office in Mankato was led by Berry Friesen and the late Obert “Obie” Knutson. Mr. Massey was the lead litigator in the *Coleman* case which helped to spawn the popular movie, “*Country*.” SMRLS through the efforts of Mr. Knutson, Mr. Friesen and Mike Hagedorn, also brought its own notable farm law case, *Leckband v. Naylor*, 715 F.Supp. 1451, (D. Minn. 1988).

<sup>70</sup> 42 U.S.C. §§ 3001 *et. seq.* (Title III of the Older Americans Act starts at 42 U.S.C. §. 3021).

<sup>71</sup> *For the Record*, *supra* note 3, at 213; Beneke Recollections, *supra*, note 2. Development of these early rural seniors’ programs was made possible by the leadership of Mr. Nicol and Nancy Gruchow in Worthington, and Candace Rasmussen, Bob Youngerman, Paul Mundt and Debbie Brady in Winona. All of these SMRLS staff members remain with SMRLS in 2009, except Ms. Rasmussen (who went on to be Chief Public Defender in the Rochester area) and Ms. Gruchow.

<sup>72</sup> The seniors’ programs were “shaped to help vulnerable seniors with insurance and health scams, problems with social security and a myriad of legal problems with nursing homes, health care and physical disability issues.” *For the Record*, *supra* note 3, at page 213. *See also* Beneke Recollections, *supra* note 2.

Advocacy Project” (BWLAP), the first program of its kind.<sup>73</sup> Under the subsequent leadership assistance of Jan Werness, James Street (St. Paul) and Julia Craig and Larry Nicol (SW SMRLS, Mankato), SMRLS substantially increased its capacity and commitment to handle domestic abuse cases and to provide education, training and outreach services to battered women as well as to private attorneys, judges, battered women’s advocates and shelter staff.<sup>74</sup> Such programs have grown to the point that by 2009, about 35% of SMRLS’s annual resources are allocated to the critical legal area of family law by which SMRLS attorneys address domestic violence through individual case representation, self-help, empowerment, judicial and public safety coordination and preventative law programs, as well as through legislative representation and community group collaborations.<sup>75</sup>

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<sup>73</sup> Interview with Jan Werness, *supra* note 56. In 1983, SMRLS began the Family Law Project, Minnesota’s first legal aid representation and community education project. The project evolved into BWLAP, which subsequently was spun off from SMRLS as part of its retrenchment plan in 1995-96. BWLAP functions successfully to this day in coordination with SMRLS and other legal aid family law practitioners.

<sup>74</sup> *Id.*; Interview with Loretta Frederick, November 2009 and James Street, December 8, 2009. Starting in 1991-92, under the stewardship of Ms. Werness’s efforts in implementing SMRLS’s strategic plan, SMRLS received an unprecedented nine straight years of funding from the McKnight Foundation to implement this local community-based domestic violence prevention vision in rural southern Minnesota. Because of SMRLS’s outstanding record of accountability and creativity in meeting and exceeding its grant goals, under Ms. Werness’s leadership, SMRLS is one of a handful of legal aid programs nationally to continuously secure Department of Justice (DOJ) funding since the late 90s to sustain and grow this work. The grant proposals and all of the McKnight and DOJ accountability records are in the possession of Ms. Werness. *See also* Beneke Recollections, *supra* note 2.

<sup>75</sup> In addition to helping create Women’s Advocates, SMRLS staff has helped open two additional shelters – Women of Nations’ Eagles Nest Shelter (for American Indian women) and Asian Women United’s House of Peace. SMRLS staff has helped found and/or work closely with all seventeen prevention of domestic violence organizations in SMRLS’s service area – particularly those in Winona, Mankato, Worthington, Ramsey, and Dakota Counties. SMRLS also maintains a strong relationship with Ain Dah Yung (Our Home Center) working

While federal financial support for legal aid waned in the 1980 and 90s, SMRLS worked creatively with the private bar to strengthen and develop new Volunteer Attorney (VAP or pro bono programs) and to identify and create new funding sources in order to continue to provide first class legal representation to those in need. During this time SMRLS partnered with the venerable Minnesota-based corporation 3M and its Vice President for Legal Affairs, Charlton “Chuck” Dietz, to form one of the nation’s first corporate / legal aid partnerships. The company’s lawyers took volunteer cases in immigration, family law and housing, in addition to assisting SMRLS with senior’s education, management issues

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on Indian Child Welfare issues. Under the strong leadership of James Street, who has worked with a wide variety of public and private organizations dedicated to ending domestic violence, SMRLS has helped create the exciting and unique “Bridges to Safety Domestic Abuse Service Center” in the Ramsey County Courthouse. SMRLS keeps office hours at this Center, which is dedicated to providing comprehensive, coordinated and effective domestic violence prevention services. SMRLS lawyers also have a long history of successfully serving as counsel or amicus in a wide variety of appellate domestic abuse and family law cases including *Maxfield v. Maxfield*, where the Minnesota Supreme Court “endorse[d] standards [of] custody and provide[d] battered women with protection against forced mediation.” This includes many other notable cases such as *Morey v. Peppin*, 375 N.W.2d 19 (1985); *State v. Errington*, 410 N.W.2d 681 (1981) (Paul Onkka and pro bono counsel Barbara Johnson as Amicus for Minnesota Coalition for Battered Women, where the Domestic Abuse Act does not violate the constitution), *Latuorell v. Dempsey*, 518 N.W.2d 564 (1994) (Chuck Thomas establishes the Right to Counsel in certain paternity cases); *Fitzgerald v. Fitzgerald*, 406 N.W. 2d 52 (1987) (Candace Rasmussen, Mutual OFPs cannot be issues unless there is evidence of domestic abuse by both parties); *Braend v. Braend*, 721 N.W.2d 924 (2006) (James Street and Jim Laurence, once an OFP has been issued, a subsequent order can be based on the victim’s subjective fear of physical harm and s/he does not have to prove intent); and *Burkstrand v. Burkstrand*, 632 N.W.2d 206 (2001) (Jan Werness and Charles Thomas, SMRLS was the only organization to step forward to request amicus status for hundreds of battered women whose OFPs would otherwise have been unenforceable if the Court of Appeals decision had not been reversed). See Jan Werness Interview, *supra* note 56.

and fundraising.<sup>76</sup> The partnership continues to this day.

3M's leadership and commitment to equal justice has also been critical in gaining the acceptance and support of the business community and in assuring adequate state, federal and local resources for SMRLS and for legal aid statewide.<sup>77</sup> Perhaps no instance demonstrates this more than the crisis that faced legal aid in 1981 and 1982. By 1981, 78% of SMRLS funding came from LSC. Faced with the proposed elimination of LSC by President Ronald Reagan in 1981, the MSBA and its Executive Directors, first Celene Greene and then Tim Groshens, and 3M Senior Attorney Gerald "Gerry" Regnier, worked closely with Bruce Beneke of SMRLS and Jerry Lane of MMLA in 1982 to bring together a diverse coalition of local and state bar and legal aid leaders, the Minnesota Supreme Court, and a bipartisan legislative group to secure the first state funding to address the LSC funding cutbacks.<sup>78</sup> The MSBA leadership, in particular, was also key in

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<sup>76</sup> Beneke Recollections, *supra* note 2. Many 3M lawyers have participated in the various 3M/SMRLS partnership pro bono, senior's education, legislative fundraising, SMRLS Board, private fundraising and other programs since 1982 as discussed throughout this essay. 3M General Counsel Chuck Dietz was the original driving force behind the partnership and remains active with the Campaign for Legal Aid (CLA). *See infra* notes 86 and 94. He was ably assisted by Gerry Regnier, who had previously served as the Executive Director of the MSBA.

Early 3M pro bono pioneers Tom Boardman and Carol Peterson continued to assist on immigration and other cases in 2009. Maureen Harms has also served as the 3M lawyer pro bono administrator for many years. All of 3M General Counsels since Mr. Dietz have made the 3M/SMRLS partnership a major priority, and John Ursu's and Steve Witort's leadership resulted in 3M funding a video and brochure featuring SMRLS's equal justice work. 3M General Counsel Marschall Smith served as a major supporter of SMRLS Centennial "prequel" corporate fundraising event in Minneapolis in 2008.

<sup>77</sup> *Id.*; *For the Record*, *supra* note 3, at 209; Telephone Interview Gerald Regnier, October 26, 2009 (on file with Beneke). *See also* Erica Wood and Susan Love, *Corporate Lawyers Go Pro Bono*, 70 AMERICAN BAR ASSOC. J., 74-77 (August 1984).

<sup>78</sup> Minn. Stat. § 484, which authorizes state funding for "civil legal services," was enacted in 1982 as only the second substantial source of state funding for a legal aid program in the nation. From early legislative equal justice leaders such

helping this coalition to successfully save LSC, though SMRLS and other Coalition programs suffered a 25% cut in federal funding.

Faced with retrenchment, the SMRLS Board adopted a comprehensive funding diversification and pro bono strategy to coordinate with other coalition programs and to significantly involve the private and corporate bar in the delivery of legal services. The SMRLS Board and leadership recognized early that the core value of “Equal Justice” is something that all persons could embrace, regardless of political affiliation. By 1985, the MSBA, 3M and the various southern Minnesota bar associations had provided the necessary leadership and support to help SMRLS, MMLA and other Coalition legal aid programs to successfully seek, develop and receive joint state, IOLTA, foundation and corporate funding support while identifying untapped sources of pro-bono resources from the private bar and organizing “volunteer programs to provide supplemental legal assistance in every county of Minnesota.”<sup>79</sup> To be sure, SMRLS’s work has been marked by a

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as Ann Wynia, Dave Bishop, John Keefe, K.J. McDonald, Mark Piepho, Allan Spear, Dennis Frederickson, Tom Pugh, Roger Moe, Randy Kelly, Dave Jennings, Tracy Beckmann and Mary Forsythe to later legislative leaders such as Dick Cohen, Mary Murphy, Steve Smith, Peg Larsen, Dave Knutson, Mike Paymar, John Hottinger, Leo Foley, Linda Higgins, Loren Solberg, Deb Hilstrom, Warren Limmer, Tom Neuville, Sherri Broecker, Julie Rosen, Tim Pawlenty, Lyndon Carlson, Ember Reichgott Junge, Doug Meslow, Ellen Anderson and many others, SMRLS and its Coalition partners have enjoyed “a long legacy of bipartisan support in the state legislature.” See *For the Record*, *supra* note 3, at 209. The same has been true in Congress, where the late Senator Paul Wellstone, and Senators Amy Klobuchar and Dave Durenberger and House leaders Jim Ramstad, Dave Minge, Bill Frenzel, the late Bruce Vento, Jim Oberstar, Bill Luther and others have provided active and strong bipartisan support with respect to federal LSC and related federal legal aid funding. Senator Wellstone and Congressman Ramstad both made LSC funding and equal justice a major priority, and both appeared in the 3M funded video referred to *supra* note 76. The legislatures began by collegially stating that while they don’t agree on much, the “one thing they do agree on is the value of legal aid.”

<sup>79</sup> *For the Record*, *supra* note 3, at 209-13; McCaffrey, *supra* note 5, at 77-79, 82-83, 86-88, 91. As a result of this collaborative, sustained bipartisan approach, state funding has grown from nothing in 1981 to over 40% of SMRLS and its

tradition of bipartisan legislative and broad-based community support which has contributed significantly to the creation of one of the nation's most successful justice system partnerships. This history of collaboration recently prompted longtime equal justice leader, Minnesota State Representative Steve Smith, to observe in November of 2009 that "[n]o program has done more than SMRLS to develop and foster the excellent bipartisan tradition of equal justice which exists in Minnesota."<sup>80</sup>

**D. Into the new Millennium: Strategic Projects,  
Planning, Preparation and Practices for the Next**

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coalition partner's annual funding base. Early private bar and corporate leadership pro bono "pioneers" such as the late Harry Paulet, Dan Gislason, the late Angela McCaffrey, Dan Cole, Charlton Dietz, Kelly Gage, Ted Collins, Scott Braden, Tom Conlin, Jerry Regnier, Steve Rolfsrud, Elmer Trousdale and many others, working in collaboration with current SMRLS staff members Pat Brummer, Larry Nicol, Mary Stoos, Steve Wolfe, Kathie Bushard, Bruce Beneke (and many other staff who have since left SMRLS), and the MSBA's Access to Justice Coordinator, Nancy Kleeman, were critical to the significant success of these formative SMRLS/LARC pro bono and fundraising efforts. Specifically, the work of these volunteer and staff "pioneers," in partnership with other Coalition programs and other bar, judicial and legislative leaders, resulted in: (a) the creation and subsequent expansion of the state's first combined legal aid staff/volunteer attorney program, the RCBA/LARC partnership in the 60s and 70s; (b) the creation of the 3M/SMRLS pro bono partnership in 1981; (c) leadership in successfully lobbying for the first state funding in 1982; (d) the creation of SMRLS rural volunteer or VAP programs covering 28 counties in 1982-83; and (e) assistance to Jerry Lane of MMLA, and Alan Saeks, James Hale and Gerald Magnuson and Tim Groshens of the MSBA in persuading the Minnesota Supreme Court to create the Interest on Lawyer's Trust Account (IOLTA) Program in 1984. *See also For the Record, supra* note 3, at 211, 213, and 215; Beneke Recollections, *supra* note 2. For their outstanding leadership efforts in supporting and increasing equal justice, both the MSBA and 3M have twice been awarded prestigious national ABA and corporate awards.

<sup>80</sup> A copy of the November 2009 letter from Representative Steve Smith is in the author's possession. As noted by the 2005 Peer Review SMRLS Evaluation team, SMRLS has played a key leadership role in expanding statewide access to justice by embracing a collaborative, non-partisan vision. *See Peer Review Report, infra* note 83.

### 100 Years

Changes in Minnesota's economy, population and other factors both increased and changed the needs of low-income persons in the last decade of the 20<sup>th</sup> century. Minnesota's minority population grew by 72%, with a majority of this growth driven by new Americans from Latin America, Asia and Africa. Indeed, by the time of the 2000 Census, SMRLS's service area experienced one of the nation's largest growths of immigrants and refugees from war or famine ravaged communities. The number of children living in poverty skyrocketed and "the poverty rate of female-headed households rose by nearly 40 per cent."<sup>81</sup> The depressed economy in rural southern Minnesota, the lack of affordable and safe housing, an increased awareness of family violence, welfare reform, the denial of health care, and more restrictive immigration laws all resulted in new and specialized legal problems for clients of legal aid at the beginning of the millennium. All of these changes contributed to a dramatic spike in the already well-documented unmet need for civil legal services in Minnesota's dynamically changing low-income communities.<sup>82</sup>

To better identify, prepare for, and proactively address growing and changing legal needs, SMRLS administers a strategic

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<sup>81</sup> *For the Record*, supra note 3, at 214.

<sup>82</sup> *Id.* at 216. For a more extensive discussion of the documented unmet need for civil legal services, see Minnesota Legal Services Planning Commission Drafting Committee, *Recommendations of the Minnesota Legal Services Planning Commission on the Configuration of LSC-Funded Programs*, 20 HAMLINE J. PUB. L. & POLICY 280, 280-83 (2005); [hereinafter Commission Report]; see also Joint Legal Services Access and Funding Commission, *Final Report*, (December 31, 1995) (the "Penn-Stageberg Report"); Legal Services Corporation, *Documenting the Justice Gap in America* (Sept. 2009); "The latest LSC report "reaffirms a 2005 report by LSC that also found 50% of potential clients seeking help from LSC-funded programs were not served because of a lack of resources." LSC Releases Updated Report on the Justice Gap in America, Press Release, (Sept. 30, 2009) (on file with author).

community based “input” and “Future’s planning” process.<sup>83</sup> Starting in the 80s, the SMRLS Board, chaired then by former client Roy Garza has worked closely with SMRLS senior leadership and staff to use this strategic community input to further enhance and strengthen SMRLS’s historic mission.<sup>84</sup> As a critical adjunct to this process, SMRLS has also engaged in a comprehensive diversity training and organizational development and accountability processes since the early 1990s.<sup>85</sup> SMRLS’s goals, which have emerged from these related strategic and dynamic planning and development processes, and which serve to this day, include intense focuses on: (1) substantially increasing SMRLS’s commitment to legal representation and collaborative community work to protect the safety of children and families by reducing domestic violence; (2) bringing more focus and resources to SMRLS’s legal work to combat discrimination in housing, education, employment, homelessness and the arbitrary denial of need-based public

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<sup>83</sup> This on-going strategic Future’s Planning process and its many outcomes are also described in more detail in: (1) SMRLS, “Major SMRLS Board Report Regarding Transition Planning . . . State of SMRLS, Its Strengths and challenges; (2) the SMRLS Peer Review and Needs Assessment Report and Executive/Leadership Selection Criteria” (August 2006) [hereinafter SMRLS Board Report]; and (3) the SMRLS Board Approved Future’s Plan and a host of related strategic, needs assessment and “Future’s Planning” documents all of which are in the author’s possession.

<sup>84</sup> *Id.*; SMRLS Board Report, *supra* note 83, at 3. In addition to Mr. Garza, since the early 80s the SMRLS Board has been chaired by the late Lee Fossum, Joe Chase, Barbara Penn, the late Angela McCaffrey, and client Kathy Bartz, respectively. The Board is currently chaired by Scott Braden. Commenting on the SMRLS Board’s strong leadership and its close work with SMRLS leadership and staff, the Peer Review team commented in 2005 that “SMRLS as an institution, its leadership and the Board itself has done a remarkable job in forging an effective role for the Board and setting the direction of the organization” and the SMRLS Board’s “engagement gives the program direction, expertise, personal and political support and is a significant factor in its fundraising, legislative accomplishments and ability to respond to emerging client needs.” SMRLS Board Report, *supra* note 8, at 3.

<sup>85</sup> SMRLS Board Report, *supra* note 83, at 3-8; Beneke Recollections, *supra* note 2.

assistance and health programs; (3) increasing and improving SMRLS's staff and client diversity and resource allocation in the immigration law and pro bono areas; and (4) assuring that SMRLS provides a full range of high-quality legal services in an efficient, effective manner as called for by its mission.<sup>86</sup> To be sure, SMRLS's intensive work around organizational development, particularly in the areas of diversity, strategic planning, and accountability has itself been trendsetting.<sup>87</sup> To illustrate, in 1997,

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<sup>86</sup> Jennifer Eichten, *Commentary*, MINNESOTA LAWYER (April 13, 2009). In addition to the various excellent 3M pro bono projects discussed *supra* note 76, and Project HALO, *infra* note 93, two wonderful and "unique" examples of legal aid staff/corporate/private bar/judicial "special project partnerships are the immigration/citizenship program," done by SMRLS in "conjunction with the in-house legal department of Rochester, Minnesota based Mayo clinic and attorneys at . . . Briggs and Morgan, P.A.," and the divorce "self-help" clinic done in partnership with Gislason and Hunter lawyers located in New Ulm. The "immigration/citizenship" project is an offshoot of 3M's volunteer attorney immigration work with SMRLS and is the brainchild of Mayo General Counsel Jon Oviatt, in-house lawyer Christopher Wendt (who serves on the SMRLS Board), SMRLS CEO Jessie Nicholson and John Degnan of Briggs; it is administered and supported by Jennifer Powell Stohl of SMRLS. The program enables Rochester Mayo and private firm lawyers to help low-income people become citizens. Mr. Degnan notes that the program is a "win-win-win relationship between the three separate entities," and makes it "efficient" for the client. The "self-help" clinic was created by Ruth Harms, VAP Coordinator for Southwest SMRLS and Dan Gislason of the Gislason and Hunter firm and is strongly supported by Judge John Rodenberg, Larry Nicol and other SMRLS lawyers and many law students from the Minnesota Justice Foundation.

<sup>87</sup> SMRLS Board Report, *supra* note 83, at 4-10, 15; Legislative Materials for 2009 Session (on file with author); "SMRLS e-News!", May 2009 and September 2009 (on file with author). Recent changes resulting from the SMRLS's Future's and related organizational development processes include: (1) creation of the Midwest's first rural hotline (which is led by Gary Hird and largely implemented by longtime SMRLS staff members Margaret Erickson, Gary Petersen, Bea Berg, Marina Gillard, Ray Beckel and others); (2) implementation of the first web-based case management system for a legal aid program in the country, under the leadership of Lolita Oorlog; (3) re-organization of SMRLS immigration and migrant programs into the firm wide Refugee, Immigration and Migrant Services (RIMS) program under the leadership of, first, Jessie Nicholson, and now Jennifer Powell Stohl; (4) a host of fresh new "project based" and major "senior's

and under the leadership of then SMRLS Deputy Director Jessie R. Nicholson and SMRLS Litigation Coordinator Michael Hagedorn, the SMRLS Board adopted the nation's second set of written practice standards for a legal aid program, as well as clarifying its mission and written value expectations of staff.<sup>88</sup> The Board also adopted a "Racial Justice" policy in 2009, under the leadership of SMRLS new Chief Executive Officer (CEO), Jessie R. Nicholson and Support Counsel Jan Werness to guide the work of SMRLS advocates in developing its next generation of leaders, improving

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community education event" approaches to pro bono, formed under the leadership of former SMRLS board member Thomas Lund, in coordination with Kathie Battle Sayles, Debi Finseth, Tom Zera, Steve Wolfe, Andrea Jepsen, Larry Nicol and others and made possible by the financial and pro bono support of UCARE, Dorsey & Whitney, 3M, The Government Lawyers Section of the MSBA, William Mitchell College of Law, United Health Group, the Elderly Advisory Resources Network and a host of individual pro bono volunteers and vendors; (5) re-allocation of resources and an emphasis on "best practices" to overcome "access barriers" of differing client communities and to assure "equity of access," throughout SMRLS service area; and (6) implementation of many cost-saving innovations and new fundraising initiatives in order to maintain the level of client service, even in a time of declining public resources. Many of these "best practices" and innovations have been recognized by LSC and are indirectly referenced to and/or served as the basis for many of the statewide recommendations contained in the "Commission's Report," *supra* note 82, at 291, 295-97, 299, 301, 302-04, 307, and 311-15. *See also infra* note 88.

<sup>88</sup> As all attorneys know, providing high quality representation to clients also requires a professional and first-rate support staff. SMRLS has been blessed in this regard; also, not only by the many paralegals, volunteer coordinators, financial and "hotline" intake staff identified in this essay, but by its terrific screener and secretarial and administrative support staff. In addition to the employees already named, other current long-time staff members filling these important positions include: Senior Leadership Secretary Georgia Sherman, Jane Simon, Tamara Dreher, Carla Diesch, Phengta Phetsarath, Maria Luisa Giese, Ann Sullivan, Jeannie Williams, Shirley Summers, Michelle Krause-Rehberger and Sheryl Riemersma. The 2005 Peer Review Team notes that "SMRLS has done an outstanding job of attracting and retaining highly experienced staff including attorneys, paralegals and support staff. They are talented, genuinely committed and effective in working for clients." *See* SMRLS Board Report, *supra* note 83, at 4.

client service, recruiting and retaining a diverse workforce, and in providing effective justice for issues related to race, gender, culture, disability and other forms of discrimination.<sup>89</sup>

SMRLS's institutional framework and concomitant values provide vehicles to empower the organization's staff and board members to provide exceptional, high quality, and customized legal representation.<sup>90</sup> The institutional culture that emerged out of the

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<sup>89</sup> The 2005 Peer Review Evaluation Team notes its "appreciation that SMRLS's staff and leaders have been many years ahead of most legal aid providers" in addressing Racial Justice and diversity issues "in thoughtful, creative ways . . . The leaders of the organization can be proud of the success they have inculcating this value into all levels of the organization. It's no surprise that the Ramsey County Bar has recognized SMRLS with an award for its outstanding commitment to diversity." See SMRLS Board Report, *supra* note 83, at 5, 15.

<sup>90</sup> Nicholson, *supra* note 19; SMRLS Board Report, *supra* note 83. These mission-centered "diversity" trainings, the "norms" and the "written practice standards" have gained national attention as "best practices." They have better equipped SMRLS to provide respectful, compassionate, and culturally competent legal representation as required by the Professional Code of Ethics and SMRLS strategic "Future's" plan. Beneke Recollections, *supra* note 2. This on-going diversity and Future's Plan implementation work, along with SMRLS's professional practice standards and an upgraded evaluation system, (combined with the private sector accountability ideas and measures gained from SMRLS's collaborative work with 3M, Briggs and Morgan, Leonard Street and Deinard and other law firms), as well as the recommendations from Peer Review team "evaluation" visits to SMRLS, together have enhanced SMRLS capacity to better respect and discharge the attorney-client relationship. This work resulted in the expert national peer evaluation team concluding in December of 2005 that the

SMRLS Futures Process must be considered a significant strength . . . both in quality and vision . . . use of this document and its strategic commitment to implement its vision . . . is also evidence of SMRLS's commitment to self-examination and self-improvement . . . SMRLS has become highly responsive to emerging client need . . . SMRLS's commitment to diversity is also evidenced in its substantive work, including special projects aimed at meeting the needs of racial and cultural minorities," such as 'HELP, ELAP, HOPE and RIMS and its outreach to such populations.'

1990s has created an environment wherein SMRLS lawyers have been successful in about 85% of the matters that go to a contested trial or administrative hearing. SMRLS was able to assist over 42% more persons during the 1990s than in 1980. SMRLS also respects client objectives, settling about 85% of its cases. SMRLS attorneys also steer away non-meritorious cases, saving the court system time and money.<sup>91</sup>

Leading into the new millennium, SMRLS continues to build upon its “community lawyering” traditions. SMRLS launched one of the nation’s first legal aid prevention-of-homelessness programs, Project HOPE, in 1995. They did so with the help of innovative grants from AmeriCorps and LSC, and matching funds from the Campaign for Legal Aid.<sup>92</sup> The assistance of Professor Angie McCaffrey was instrumental in creating the

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*See* SMRLS Board Report, *supra* note 83, at 4-5. SMRLS received significant assistance from Bryant Rollins and Shirley Stetson of the Mountain Top Institute from 1992-2008 in planning and executing SMRLS diversity training and leadership development efforts.

<sup>91</sup> Legislative Materials for 2009 Session, *supra* note 88; 2003 Legislative Materials, *infra* note 107. *See also* Beneke Recollections, *supra* note 2; SMRLS, The Mission, History and Programs and Legal Work of SMRLS, (Oct. 2005) (on file with author [hereinafter SMRLS History and Programs]; various LSC and United Way funding requests from 1982-2009 (on file with author).

<sup>92</sup> LSC President Alex Forger and MSBA President Mike Galvin of Briggs and Morgan officially launched Project HOPE in a ceremony at the University of Minnesota in 1995. HOPE was created by Martha Eaves and originally received financial support from AmeriCorps, thanks to the assistance of former St. Paul Mayor Jim Schiebel. Based on the input received from homeless persons Project HOPE features: (a) service by staff who have experienced homelessness themselves; (b) legal assistance, outreach and preventative legal education; and (c) partnering with private market “pro bono” landlords, community and public agencies and foundations to make housing opportunities available. HOPE has prevented homelessness for over an estimated 20,000 persons and in so doing has saved considerable taxpayer money. Along with the support of the CLA, funding for staff positions from City of St. Paul and Ramsey County has been crucial to sustaining Project HOPE. Rent and security deposit grant funding from the Bremer and St. Paul Foundations and from RAP have made it possible for families in crisis to keep or find rental housing. *See* Martha Eaves, Special Reports on Project Hope (October 2009) (on file with author).

unique Education Legal Assistance Project (ELAP), which works to provide equality of education opportunity in post-busing Minnesota.<sup>93</sup> Broad-based community support and the fundraising leadership of Mike Hagedorn were instrumental in helping SMRLS respond to systemic discrimination in the housing market through the Housing Equality Law Project (HELP).<sup>94</sup> Building upon the success of HELP, St. Paul Mayor Randy Kelly helped SMRLS and its community partners to launch the Housing Alliance Law Office (HALO) in June of 2003. HALO utilizes the legal framework to obtain repair of substandard housing and to keep affordable housing on the market.<sup>95</sup> In response to the doubling of foreclosure cases in

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<sup>93</sup> Beneke Recollections, *supra* note 2. Influenced by the lessons of *Garcia*, ELAP was created by Professor McCaffrey, as mentioned, and Bruce Beneke and is carried out in partnership with the Hamline School of Law and SMRLS to this day. Lead attorney, Lilian Ejebe, supervises the Hamline students on ELAP cases and the project primarily uses mediation, negotiation, parent and community education, conciliation and administrative appeals to accomplish client objectives. ELAP has had significant success in keeping kids in school and in assuring that children of color receive the affirmative programs and services contemplated by law.

<sup>94</sup> Mr. Hagedorn and Ms. Nicholson's work in *Robinson et. al. v. Cisneros*, led to better recognition of the significant issue of race and disability discrimination in housing in Minnesota and subsequently to the creation by Mr. Hagedorn of Project HELP. The program is funded by HUD, The Family Housing Fund, the City of St. Paul, the Bremer Foundation and CLA and works in partnership with MMLA's fair housing project, to assist low-income persons residing in fifty-two Minnesota counties with discrimination issues they face in both rental and homeownership situations and to prevent further discrimination.

<sup>95</sup> CAMPAIGN FOR LEGAL Annual Report, SMRLS Annual Reports, (Summer 2003). HALO community partners include 3M, the City of St. Paul, Briggs and Morgan, William Mitchell College of Law, VISTA and local District Councils in St. Paul. While initially funded by General Mills, HALO is now sustained by the City of St. Paul, the Family Housing Fund and the CLA. William Mitchell Professor Peter Knapp and Sally Scoggin and Dan Cole from Briggs and Morgan, worked with John Allison from 3M, Andy Dawkins from the City of St. Paul, private (and former SMRLS) attorney Perry deStefano, and SMRLS attorneys Gerry Kaluzny and Mr. Beneke to develop this program. HALO is now led by Cassandra Netzke with critical support from Al Harris, Ms. Jelinek, Lisa Hollingsworth, VISTA volunteers and others. The program won its

Minnesota in 2008, SMRLS established a special predatory lending and mortgage foreclosure program. This project has already saved the homes of hundreds of families including tenants facing eviction due to mortgage foreclosure and has assisted seniors and vulnerable persons to be protected from “equity strippers.”<sup>96</sup> The program’s success is largely owed to the creative case, education and pro bono recruitment work of Larry Moloney and the leadership of SMRLS CEO Jessie Nicholson, new COO Gary Hird, and Senior Leadership Attorney Laura Jelinek.<sup>97</sup>

Many of these recent community-lawyering projects are made possible by the SMRLS Campaign for Legal Aid (CLA). Created in 1991, and chaired for the past fifteen years by Steve Kirsch, the goal of the CLA is to raise additional resources from law firms and law-related businesses to address emerging low-income client needs and to recruit and retain a diverse SMRLS staff.<sup>98</sup> The Campaign has raised over \$8 million since 1991.<sup>99</sup>

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first 119 cases. SMRLS History and Programs, *supra* note 91, at 2. The Federal Bar Association helps to financially support the SMRLS Housing Foreclosure Prevention Program. Steve Wolfe and Gerry Kaluzny also provide significant direct service leadership support to the housing projects. Beneke Recollections, *supra* note 2.

<sup>96</sup> SMRLS Annual Reports, *supra* note 96, at 8.

<sup>97</sup> Beneke Recollections, *supra* note 2. Ms. Nicholson, who served with great distinction as Deputy Director and then as Senior Leadership Attorney for RIMS, became the first African-American CEO of a Midwest legal services program on August 1, 2007. Mr. Hird had previously done an excellent job in leading SMRLS Southeast Region offices and programs. Terry Newby of the SMRLS Board contributed great expertise and significant time in leading the Board’s Executive Director transition planning, implementation and hiring process. SMRLS was one of three programs, nationally, to be invited by LSC, to present its comprehensive and innovative SMRLS Board Executive Director Transition process, at the July 2007 meeting of the LSC Board in Nashville, Tennessee.

<sup>98</sup> For the Record, *supra* note 3, at 216. The CLA was originally created as a three-year pilot in 1991 by the SMRLS Board. The initial planning and development assistance was provided by private or corporate attorneys Charlton Dietz, Joe O’Neill, Barbara Penn, Sid Abramson, and Lehan “Jay” Ryan. The Campaign was made an on-going program and extended to the Mankato area in the mid-90s, with the additional leadership assistance of Mr. Kirsch, Ann

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Huntrods, Kelly Gage, Dan Gislason, Will Partridge, Terry Wade, Glen Taylor and John Ursu. All of these early Board/CLA Committee planning and implementation efforts were supported by consultant Catherine Reid Day, and Dennis Dorgan, Larry Nicol and Bruce Beneke from the SMRLS staff. The “piloting” of the Campaign was initially made possible by a \$200,000, three-year grant from the St. Paul Foundation in 1991. Beneke Recollections, *supra* note 2.

<sup>99</sup> Many of the earlier CLA founders mentioned *supra* note 98, along with other CLA urban and rural Campaign founders or leaders, have been honored as SMRLS Millennium Leaders at the annual CLA luncheon. At the SMRLS Centennial celebration on November 24<sup>th</sup>, 2009, Steve Kirsch was awarded the “Lifetime Achievement Award” by the CLA for his extraordinary service. The CLA annual fund reached a record \$793,379 in 2009. SMRLS, e-Newsletter December 9, 2009. Dennis Dorgan, Gerry Regnier, and later Barbara Penn initially staffed the CLA fund, before Kathie Battle Sayles took over in 2008. Under Ms. Battle Sayles and Ms. Penn’s inspired leadership, in recent years the Campaign has used a wide variety of very successful fundraising, client and lawyer education and donor appreciation approaches. These include, for example, (a) the annual November SMRLS/CLA luncheon to thank volunteers and donors, (b) the “Lawyers on Ice” annual hockey event at the Excel Energy Center, (c) the SMRLS Centennial “prequel/sequel” corporate fundraisers in Minneapolis, (d) a special cy pres funding book and education effort, (e) the creation of a statewide legal aid endowment fund, (f) the “SMRLS e-news, created in 2007, (g) a special Centennial video “congratulations” from Vernon Jordan, and (h) upgraded annual reports and other improved communication vehicles. CLA/SMRLS also sponsored three special Centennial CLEs at Hamline, William Mitchell and the University of Minnesota Law Schools in 2009; and six special Centennial “Senior Citizen community education” or CLA/pro bono volunteer CLE events in St. Paul, Owatonna, Mankato and Rochester, as well as Racial Justice and related CLEs in the late 90s. The CLA funds have been critical during a time of decreasing federal and state funds and increasing client need. Thanks in significant part to a significant annual donation by an anonymous donor and other donations, the CLA has been instrumental in keeping all of SMRLS’s rural and community/client access offices open. Donations to the CLA have also assisted SMRLS in retaining its best and most hardworking staff and to create and maintain the new staff/pro bono programs, discussed in this essay. With the assistance of rural CLA leaders such as those volunteers mentioned in note 98 as well as Scott Braden, Neil Jensen, Mike Long, Jim Manahan, Bill Hoverson, Matt Benda, Herb Kroon, Mark Delehanty, Kent Gernander, Lee Anne Riehle, John Eisberg, Chuck Frundt, Kent Rossi, Steve Smith, Joe Cade, Andy Willaert and others, the CLA has also become one of the nation’s first successful rural fundraising programs. In recent years, newer

These funds have made it possible for nearly 10,000 low-income families and individuals to receive needed legal assistance they otherwise likely would not have been able to secure.<sup>100</sup>

The first decade of the 21<sup>st</sup> Century has brought new challenges to SMRLS. The agency's intake increased by 39% during 2009. This increase was largely driven by domestic violence matters, and also by "issues directly related to job and/or shelter loss, crisis in family life, [and] income maintenance," according to Jessie R. Nicholson. In St. Paul, "intake days for Project HOPE, for instance, find the waiting room with standing room only on many occasions. Intake lines are full and walk-in traffic has increased."<sup>101</sup>

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CLA, Board or SMRLS Centennial Committee members have joined with the veteran Campaign leaders mentioned above, in celebrating SMRLS Centennial and in expanding CLA fundraising to corporations, large Minneapolis firms which practice in Southern Minnesota and to selected United Ways. These members include Centennial co-chairs Steve Kirsch and Beverly Heydinger, Steve Witort, Carol Peterson, John Allison, Kyle Thomas, Dan O'Fallon, Greg Weyandt, Mike O'Neill, Richard "Dick" Zehring (a former SMRLS lawyer), Tom Kayser, Winston Hewitt, John Degnan, Ellen Sampson, Stacy Broman, Ruth Marcott, Larry King, Tom Hatch, Ken Kohnstamm, Dan Scott, Tom Boyd, Bill Tilton, Reatha Clark King, Kevin Goodno, former SMRLS Attorney Angie McCaffrey, Tom Romero, Peter Knapp, Carl Warren, Marianne Short, Jon Oviatt, Chris Wendt, William "Bill" Studer, Paul Peterson, Tim Kenny, Phil Pfaffly, Mike Sieben, Bernie Dusich and others. The 2005 Peer Review Team observed that "SMRLS's fund-raising success in its public Campaign and private grant writing . . . [t]he diversity of funding, its diversified staff and its success in the field of legal and legislative advocacy are indications of the strong respect the firm has earned in the local and statewide community . . . and among public and private funders." See SMRLS Board Reports, *supra* note 92, at 6.

<sup>100</sup> See generally SMRLS Annual Reports, *supra* note 96. In 2008, SMRLS represented persons in 11,601 cases, in addition to its extensive preventative law and community education activities. It is estimated that SMRLS full range of legal services benefits at least 30,000 persons a year. See SMRLS, *Annual Report for 2009: SMRLS Celebrating 100 years of client service!*, at 2; SMRLS History and Programs, *supra* note 92, at 1.

<sup>101</sup> Comments and information shared at SMRLS "Social Justice Uncorked" event at the 601 Graves Hotel in Minneapolis, MN (October 17, 2009). See also

Unfortunately, the global financial meltdown of 2008-2009 has created a fundamental threat to SMRLS's historic mission. SMRLS's attorney staff was reduced through attrition in 2009 by 9.6 positions or 14.6%.<sup>102</sup> As part of the Minnesota's overall cuts to the justice system in 2008 and again in 2009, SMRLS has "lost 8.3% of state funding and 22.4% of IOLTA funding."<sup>103</sup> With further cuts to state funding a significant possibility, SMRLS and other legal aid providers will be hard pressed to meet the very large and growing unmet need for civil legal services in the near future.<sup>104</sup> These budgetary challenges will dramatically impact SMRLS's ability to sufficiently address the systemic legal issues of those poor women, men and children who suffer poverty, abuse and discrimination every day.

Without a doubt, the legal aid movement in Minnesota is at a precipitous moment. In his review and appraisal of SMRLS's equal justice work, former Chief Judge Lawrence C. Cohen of Minnesota's Second District observed:

SMRLS attorneys appear before us on a frequent basis . . . These attorneys have provided high-quality representation in matters involving family law and domestic abuse, homelessness, substandard housing, denial of public benefits, sealing of records and discrimination. Continued support of SMRLS . . . in the face of . . . cuts is critical if we are to ensure that our justice system is to serve all citizens

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Jessie R. Nicholson, "Retrenchment Planning," memo, at 1 (Sept. 24, 2009) (on file with author) [hereinafter Retrenchment Memo].

<sup>102</sup> Retrenchment Memo, *supra* note 101, at 1-3.

<sup>103</sup> *Id.* IOLTA or Interest on Lawyer Trust Account Funding derives its resources from small interest bearing accounts handled by lawyers, consistent with the Rules adopted by the Minnesota Supreme Court. Collection and distribution of these funds to support access to justice and administration of justice programs is overseen by the Minnesota Supreme Court and its Lawyer's Trust Account Board. *See For the Record*, *supra* note 3, at 215.

<sup>104</sup> Beneke Recollections, *supra* note 2.

regardless of economic status.<sup>105</sup>

Court of Appeals Judge Natalie Hudson and District Court Judges Salvador Rosas and Joseph Carter, all former SMRLS lawyers, stated that as “judges and former legal aid lawyers, we have observed, first hand, the hard work and outstanding dedication of legal aid lawyers . . . Equal access to justice for all persons is as basic as education . . . [l]egal [a]id lawyers perform a critical service for the State of Minnesota.”<sup>106</sup>

To be sure, SMRLS has long filled a dramatic and important legal need in the lives of many marginalized Minnesotans. United State District Court Judge Donovan W. Frank, as part of his work on the SMRLS Centennial Committee, recently explained the centrality of SMRLS in insuring the integrity of the rule of law in Minnesota:

Incredibly, really, SMRLS has represented for over  
100 years those individuals most in need of lawyers;

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<sup>105</sup> SMRLS Annual Reports, *supra* note 96; *see* sources cited *supra* note 92.

<sup>106</sup> Letter to Representative Steve Smith, April 11, 2003, (on file with author). Commenting on her experiences on the Minnesota Supreme Court, former Justice and former LARC attorney Rosalie Wahl observed “[b]oth through our contact with the bar association and cases that come before us, which is to say, by reputation and at first-hand, we are well aware of the representation given to low-income persons by this competent, hard-working staff of SMRLS lawyers. I know of no group of lawyers more dedicated or more involved with the community.” *See* SMRLS History and Programs, *supra* note 92, at 10. These positive judicial and public official assessments of SMRLS’s work are widespread. On April 14, 2006 of 17 judges from Southwestern Minnesota stated in writing, “[a]s you may know, SMRLS does an excellent job in assisting low-income persons . . . SMRLS does excellent work for refugees and immigrants, among others.” (on file with author). In a similar vein, former Congressman Jim Ramstad wrote “Legal Aid programs in the other 49 states in the years to come will be struggling to emulate the high standards you have established here in Minnesota. In my judgment, Southern Minnesota Regional Legal Services is a national leader in providing legal services to the economically disadvantaged.” *See SMRLS, Campaign for Legal Aid: A Report to the Community* (1996) (on file with author).

namely, those individuals living on the margins – the poor and so many individuals living in communities of color. In many ways . . . legal aid lawyers are the ultimate equalizers for those in need of legal services but unable to hire their own attorney. Really, from where I see . . . the lawyers and staff at legal aid offices like SMRLS are true warriors of justice.<sup>107</sup>

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<sup>107</sup> Letter from Judge Donovan Frank to MSBA President Leo I. Brisbois, August 17, 2009 (on file with author). Consistent with the Judicial Code, many federal and state court jurists like Justice Wahl, Judge Frank and Judges Hudson, Cohen, Rosas and Carter have provided outstanding assistance in supporting SMRLS mission to assure access to justice for low-income individuals. See sources cited *supra* note 107. Other notable federal jurists in this regard include Chief District Court Federal Judges Michael Davis and James Rosenbaum and Federal Judge Joan Erickson. At the appellate level, outstanding additional leaders who have supported SMRLS equal justice mission include Minnesota Supreme Court Chief Justice Eric P. Magnuson, and former Chief Justices Kathleen Blatz, A.M. “Sandy” Keith and Douglas Amdahl, and Justices Alan Page, G. “Barry” Anderson, Paul Anderson, Lorie Gildea and former Justices, Esther Tomljanovich, Sam Hanson and earlier justices, as well as Court of Appeals judges Chief Judge Edward Toussaint Jr., Renee Worke, Terri Stoneburner, Gordon Shumaker (all former SMRLS volunteer attorneys), David Minge, Wilhelmina Wright, and others. In addition to the State district court judges and public officials mentioned *supra* notes 79 and 107, many current or recently retired state district court judges (many of them who were strong leaders in securing equal justice funding while serving in the legislature), administrative law judges and current and former public officials have all greatly assisted SMRLS’s equal justice efforts. These include Judges David Knutson, Beverly Heydinger, Tom Neuville, Mike Fahey, David Higgs, Mike Fetsch, Mike DeCourcy, Kathleen Gearin, Doug Meslow, former Attorney General Hubert “Skip” Humphrey and current Attorney General Lori Swanson, Judges Kurt Johnson, Ed Wilson, Gregg Johnson, Steve Swanson, James Clark, Terry Conkel, John Rodenberg, Manuel Cervantes, John Van de North, Bill Macklin, Thomas Mott, Elena Ostby, Rosanne Nathanson, public officials Kathie Lantry, Jerry Blakey, George Latimer, Norm Coleman, Chris Coleman, Debra Montgomery, Randy Kelly, Jim Schiebel, William Finney, Melvin Carter, William “Bill” Wilson, and Judges John Guthman, Edward Cleary, Gary Bastian, Ann Leppanen (former SMRLS staff attorney), Tom McCarthy, William Johnson, Joseph Chase (former SMRLS Board Chair), Mike Savre, and many others. These judges and

These comments suggest that nothing less than a fight to preserve the democratic ideal of equal justice is at stake as SMRLS enters its second century of existence.<sup>108</sup>

**II. “Barriers to Justice: Responding to the Needs of the Low-Income Population in America” and the 2009 Hamline Journal of Public Law & Policy Annual Symposium.**

In commemoration SMRLS’s centennial anniversary in March 2009, *The Journal of Public Law & Policy* at Hamline University School of Law in Saint Paul, Minnesota partnered with SMRLS to host a symposium dedicated to charting out the present and future course of legal aid work in the United States. Gathering scholars, law practitioners, educators, policymakers and government officials, the symposium addressed the challenges of providing meaningful legal access for low-income persons and underserved populations. Accordingly, the symposium addressed welfare reform and access to health and other benefits; domestic abuse, custody and the impact of violence on children; and equal education opportunities and outcomes.

The goal of the symposium was to focus on creative ideas and responses to current barriers to justice and opportunity caused by racism and poverty that will help to insure that all Americans have equal access to justice for the next one hundred years. In the nuance of these conversations, we hope the symposium serves to renew the legal community’s commitment to ensure provision of

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public officials have been and in most cases remain very active in promoting SMRLS pro bono programs and related volunteer attorney recruitment, training and retention efforts; its 2009 Centennial and related CLEs; its work in seeking adequate justice system public resources; its many senior citizen, prevention of domestic violence, racial justice, family law, immigration law and housing CLEs for the low-income community, legal aid staff and SMRLS volunteers, and related equal justice efforts.

<sup>108</sup> Beneke Recollections, *supra* note 2.

quality access to the legal system for all people, regardless of circumstance.

This special symposium issue of the SMRLS symposium provides a snapshot of the challenges facing legal aid in Minnesota and across the rest of the nation. In *Administrative Advocacy: Justice in the Lives of Low-Income Families*, Lucy Williams reflects on administrative advocacy and the practice of administrative law in the representation of poor people. Recognizing that the administrative forum is “far from empowering” for the poor and disadvantaged in society, Williams documents its history and present use to highlight the ways an individual applicant’s and recipient’s basic subsistence needs are not met due to a Byzantine, complicated, and ultimately biased process. Accordingly, Williams’s article calls on legal aid lawyers to not only be thoughtful, meticulous, and rigorous in their assessments and critiques of administrative processes, but to search for those areas of transformative opportunity in administrative practice that will systematically serve the broad based needs of legal aid clients.

As a fortuitous case study of Williams’s insights, former SMRLS staff attorney Jon Geffen and current SMRLS staff attorney Lindsay Davis, in *Minnesota’s Healthcare Licensing Laws and Their Hidden Impact on the Working Poor*, analyze the Minnesota Department of Human Services (DHS) and the Minnesota Department of Health (MDH) legislative mandate to protect vulnerable adults and children from individuals who may cause them harm. Geffen and Davis focus on the DHS requirement to give preeminent weight to the safety of vulnerable individuals in order to highlight the perils and harsh consequences of agency decision-making on those most subject to this rule. Critically, Geffen and Davis argue that DHS and MDH’s discretion in deciding who is eligible and ineligible to provide direct care services to the vulnerable has a significant and damaging consequence on those who are disproportionately poor and often persons of color.

One population that has proved particularly vulnerable during the history of SMRLS, Veterans of the Armed Forces, is the

subject of Steven K. Berenson's *Legal Services for Struggling Veterans – Then and Now*. Focusing in particular on those veterans suffering from one or more disabilities, and those whose incomes are sufficiently low to qualify them to receive free legal assistance under most publicly provided legal services programs, Berenson assesses the many ways that these Veterans have stood outside the framework of legal aid.

In response to the changing demographics and systematic legal work that have long occupied SMRLS and legal aid throughout the United States, Kevin Brown's *Change in Racial and Ethnic Classifications is Here: Proposal to Address Race and Ethnic Ancestry of Blacks for Affirmative Action Admissions Purposes* uses the racial and ethnic ancestry of President Obama as a point of departure to critically assess new guidelines for the racial and ethnic classifications of students promulgated by the Department of Education (DOE) in 2007. Brown argues that DOE guidelines would require an educational institution to report a person who self-identifies with the racial and ethnic ancestry of Obama as "Two or More Races," not as Black/African American. The consequence, according to Brown, is to dilute the absolute numbers of African American students and in turn, weaken the potential of affirmative action programs to systematically address historical patterns of bias and discrimination. Brown accordingly offers a remedy for institutions of higher education and all other government agencies tracing race and ethnicity in the assessment of equality of educational opportunity to become more nuanced and sophisticated in their reporting and selection criteria.

The challenge of diversity in education at the primary school level is the focus of Augustine Romero and Sean Arce's *Culture as a Resource: Critically Compassionate Intellectualism and its Struggle against Racism, Fascism, and Intellectual Apartheid in Arizona*. As front-line educators in the Tucson Unified School District (TUSD) and through their implementation of one of the only Critical Race Theory curriculums in the United States, Romero and Arce highlight the challenges of a "Barrio Pedagogy" for a multiracial and multicultural student body in a

state antagonistic to ethnic or race studies education. Through their own experiences, Romero and Arce document the favorable student responses when the cultural diversity of a multiracial and multicultural student body is embraced, appreciated, understood, and honored. Of significant import, one of the ways that students respond is through academic proficiency in standardized tests. As Romero and Arce suggest, these benchmarks prove to be vitally important evidence to overcome resistance from an antagonistic legislature or from a school district concerned with the mandates of No Child Left Behind.

Ultimately, the symposium articles in this issue, as well as the on-going work of SMRLS, are part of a global resurgence in conceptualizing and actualizing the provision of fair and equitable justice for all. As one recent study noted, access to justice “is an object both of scholarly inquiry and political contest, and both a social movement and a value commitment that motivates study and action.”<sup>109</sup> Although West, Washburn and Bigelow may have had more modest goals in mind when they founded the Legal Aid Bureau in 1909, they started a movement in Minnesota that continues to grow in strength and sophistication each and every day. It is the hope that this collaboration between SMRLS and the *Hamline Journal of Public Law & Policy* provides critical insight and substantive perspective into the praxis of legal aid work for Minnesota and the world in the 21<sup>st</sup> century and beyond.

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<sup>109</sup> Rebecca L. Sandefur, ACCESS TO JUSTICE ix (2009).