



SMRLS

e-News!

Appellate Practice Edition

Southern Minnesota Regional Legal Services, Inc.
www.smrls.org

Volume 2 | Issue 4 | November 2008



*SMRLS Staff Attorneys Leah Montgomery
and Lindsay Davis*

SMRLS' Appellate Work on Unemployment Insurance Benefits

Under the priority area of preserving income, SMRLS advocates have worked on unemployment benefits cases for many years. The state Department of Employment and Economic Development (DEED) currently conducts 20,000 hearings each year on benefits cases, 60% of these filed by workers appealing from a denial of benefits and 40% filed by employers contesting an award of benefits to a former employee. Very few workers have representation at these hearings. SMRLS' individual case work focuses on assisting families and individuals who need unemployment benefits for survival. These cases have identified problems both in the application of the substantive standards of eligibility for benefits, and in the procedures used in the pro se hearing process. Since 1979, SMRLS attorneys have successfully handled five cases in the Minnesota Supreme Court, and have prevailed in eight published and twenty-two unpublished Court of Appeals decisions about unemployment benefits. SMRLS has submitted an amicus curiae brief on a pending Supreme Court case about the requirement that an unemployed worker have transportation to be available for employment. Appeal cases have dealt with the definitions for a disqualifying discharge for "misconduct", whether a worker has "good cause" for quitting a job, and special aspects of work for temporary employment agencies. Other cases have addressed procedural aspects of hearings, such as refusal to issue or enforce subpoenas, the unemployment law judge's duty to assist an unrepresented person to present their claims, and use of anonymous statements as evidence. A recent published decision requires unemployment law judges to make explicit findings of fact when witness credibility determinations are made.

With current economic conditions, it is likely that SMRLS will see more unemployment benefits cases. Advocates will continue to scrutinize individual cases for opportunities through targeted appellate work to clarify and enhance the substantive and procedural standards for unemployment insurance benefits.



SMRLS wishes everyone a happy
and safe Thanksgiving!



Judge Rosanne Nathanson and Judge John Cuthmann presenting the Pro Bono Award to Hugh Markley, center

Hugh Markley Receives Second District Pro Bono Award from RCBA

What it's all about is giving a hand to those who need it and providing an important service to those who can't afford it.

That's what has sustained Hugh Markley through more than three decades of work as a volunteer attorney at the St. Paul office of Southern Minnesota Regional Legal Services (SMRLS).

Markley, 66, has had his own general practice in St. Paul since he graduated from William Mitchell College of Law in 1968 and has devoted thousands of hours to pro bono work for SMRLS for much of that time.

For his dedication, he received the Ramsey County Bar Association's 2008 Pro Bono Award at the Bench & Bar Benefit held Saturday, November 8 at the Midland Hills Country Club in Roseville. Half of the proceeds from the benefit go to support SMRLS's Volunteer Attorney Program; the other half to local legal organizations through the Ramsey County Bar Foundation.

"During the past 32 years, [Markley] has been the most consistent and willing volunteer to help wherever it is needed," said Patricia Brummer, pro bono coordinator for SMRLS. "He has made and continues to make an extraordinary time commitment to helping low-income people in Ramsey County. Hugh always receives praise and many thanks from his clients for the help he has provided to them."

Bruce Beneke, former executive director of SMRLS who's now senior counsel for the legal aid agency, said Markley is one of the few volunteer attorneys willing to take on family law cases, some with complicated child custody issues. "People are seldom at their best when their family is breaking up," Beneke said. "It's very hard work. Very, very important work, but very hard work. I'm from a small town originally; my dad was a small-town attorney," Beneke said. "Hugh reminds me of my dad, an old-fashioned lawyer where you didn't talk about pro bono, you just did it."

Markley is a soft-spoken man who deflects much of the praise that comes his way.

The lifelong St. Paul resident said he was a foster kid at one point in his life and "was favorably impressed with the court system" after he had to appear before a judge.

When it came time to decide what he'd do for a living, "I was thinking of the classic careers: spiritual, medical and legal," he said. "I ruled the first two out and took the third."

Markley practices probate, trust, corporate, criminal and personal injury law. He golfs in the summer and is on a curling team in the winter. He travels and recently returned from a trip to Europe. He and his wife have three grown children.

About twice a year, he participates in the SMRLS Tuesday Night Clinic, where volunteer attorneys each take on three or four cases. Some might take a few hours. Some might take dozens of hours.

Why does he do it? "Some people really need help," he said humbly. Markley said he plans to continue his volunteer work as long as he is able. "There's a tradition in Ramsey County where attorneys die with their boots on," he said. Markley plans to be one of them.

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Briggs and Morgan attorneys Chris Huntley, Sally Scoggin, Sharna Wahlgren and Dan Cole

SMRLS Hosts Briggs and Morgan Night

On November 12, 2008, Briggs and Morgan attorneys joined SMRLS in reviving the Briggs Night volunteer attorney clinic. The event was a great deal of fun, with nine Briggs attorneys attending and addressing such issues as rental housing repairs, judgment collection and terminations from employment. Dan Cole, former SMRLS Board President and SMRLS Volunteer Attorney Program booster, was instrumental in starting Briggs Night almost thirty years ago. Dan attended Briggs Night with former SMRLS board member Sally Scoggin and longtime SMRLS volunteer Marc Manderscheid, as well as Phil Schenkenberg, Sharna Wahlgren, Alison Midden, Jessica Stomski, Chris Huntley and Kara Tyler. Thank you all for your service to SMRLS and its clients!



**SMRLS Social Justice Uncorked!
Invitation Receives Award**

Aimee Falk, Marketing Manager - Design & Interactive at Opus Corporation, designed the invitation for SMRLS' Prequel event, *Social Justice Uncorked!*

The invitation won the Association of Marketing & Communication Professionals (MarCom) Platinum Award.

MarCom Awards recognizes outstanding creative achievement by marketing and communication professionals. There were over 5,000 entries from throughout the United States and several foreign countries in the 2008 competition.

A special thank you to Thomson Reuters/West for printing the invitations gratis.



Aimee Falk



**SMRLS Worthington
Staff Attorney**

Margaret Erickson

**Awarded 'Unsung Hero' status
from MSBA**

Margaret is the Outstate Representative of the 15 member MSBA Council.

The Council implements the policies of the Assembly, oversees management of the MSBA, and executes actions approved by the Assembly. In addition, between meetings of the Assembly, the Council may perform all functions of the Assembly that have been delegated to the Council.



SMRLS Lead Attorney Julia Craig presenting the Feast Cup Award to Lisa Hill, SMRLS Staff Attorney - Mankato Office

SMRLS Feast Cup

Each year the SMRLS family law supervisory team recognizes a staffperson for "extraordinary acts on behalf of SMRLS family law clients". This year the traveling Feast Cup is being given to our very own Lisa Hill of the SMRLS Mankato Office.

SMRLS Receives CLAC Award

SMRLS was nominated for recognition of our work in the Latino community by the Chicano Latino Affairs Counsel (CLAC) for its 30th Anniversary.

The nomination was accepted and SMRLS was featured in a video prepared for the CLAC's celebration on October 15, 2008.

**SMRLS St. Paul Paralegal
Ann Sullivan**

Receives Advocate Award

Thursday, November 20th marked the Minnesota Justice Foundation's 26th Annual Anniversary Celebration at International Market Square in Minneapolis, at which Ann received the Award.