

## Afghan Asylum Win in Wisconsin

Leakhena Au joined Fredrikson in August 2023. Prior to joining Fredrikson, Leakhena accepted representation for AH, an Afghan asylum seeker, in June 2022. AH had escaped Kabul on an emergency U.S. military airlift from Kabul Airport in the days after the fall of the Afghan government, and arrived in the U.S. in September 2021 as part of Operation Allies Welcome. AH was a security officer for a western bank in Kabul and his close family had been members of the Afghan military or police. On the day that Kabul fell, the Taliban came to his work to look for him. Unable to find him there, they went to his home. Over the next couple of days, the Taliban repeatedly returned to his home, so AH decided he needed to flee Afghanistan. He made his way to the Kabul Airport and, despite being assaulted by Taliban who were attempting to stop evacuees, managed to reach the U.S. military staging area. He was accepted onto an evacuation flight and flown first to Pakistan, then Germany, then the United States. Leakhena helped AH file his application for asylum in September 2022, he was interviewed in October 2022, and he was granted asylum almost exactly two years to the date of his arrival, in September 2023. The next step for the client is to work with Catholic Charities to work on applications to bring his family over to Green Bay, Wisconsin. They have been in hiding for over two years, and Leakhena's client is looking forward to being reunited at sometime in the future.

## Advocacy for Young Immigrants

Sandy Smalley-Fleming, Marvic Salminen Morillo, Beth Prisby, Brenda Haberman, Margaret Severson, Matthew Webster and Lauren Breckenridge secured Special Immigrant Juvenile deferred action and Employment Authorization for their client!

The client fled Guatemala when she was only 16 years old. Her father was murdered when she was a young child, and her family continued to be threatened by local smugglers. The client entered the United States as an unaccompanied minor. After the client's arrival in Minnesota, Sandy represented the client and her brother in Family Court for the brother to be granted custody of the client. Sandy then represented the client in immigration court and filed a petition for Special Immigrant Juvenile Status and an application for asylum as an unaccompanied minor with USCIS. Marvic, Beth and Brenda provided critical support in communication with the client and filing the applications.

Sandy overcame a challenge to the SIJS petition when USCIS issued a Notice of Intent to Deny because the custody order was issued after the client's 18<sup>th</sup> birthday. Sandy successfully outlined the court's jurisdiction to have entered a third-party custody order based on existing Minnesota law. Margaret assisted Sandy with the NOID response as a summer associate.

The client's SIJS petition was approved, and she was granted deferred action until she becomes eligible to apply for permanent residence. Matthew and Lauren then assisted the client in filing for lawful employment authorization, and her EAD was recently approved.

Because of this team's advocacy, the client can remain safe in the United States. She has a path to permanent residency, and she has lawful permission to work in the U.S., which will allow her to support herself and her U.S. citizen toddler.

### Obtaining Housing Justice

Kudos to a cross-department team of Todd Wind, Sean Kearney, Mitchell Stauch and Devin Driscoll, that represented a woman and her family who had been living in a property that was in extreme need of repair. The home had mold in several rooms, missing walls and flooring due to the landlord's previous attempts to treat the mold, and a toilet that ran constantly, causing the client to have water bills that were enormously high. Even after the client paid for independent mold testing, the landlord continued to ignore the situation. Through all of this, the client continued to pay her rent into an escrow account, knowing if she did not, the landlord could bring an unlawful detainer action against her, and it would then be difficult to find another place to live. The client reached out to Volunteer Lawyers Network for assistance and was connected to Todd. Todd and the team attended multiple hearings and, although the Landlord finally began making repairs, prepared to go to trial on the issue of how much of the escrowed rent should be released to the tenants for rent abatement. With a total of five months of rent in escrow, there was a lot on the line. Several days before trial the landlord settled, agreeing to release the entire escrow to the tenant and to give the client free rent for November and half of December, which allowed the family time to find another place to live. What a wonderful holiday gift to this family!

### Wheely Good Bikes

While we often receive notes from pro bono clients telling us how much they appreciate our assistance, it is not very often that they take their gratitude to another level by posting something on Facebook. But that is exactly what Megan Bowman's and Kiel McElveen's client, Wheely Good Bikes, did after receiving assistance on a trademark matter with their nonprofit entity formation. Located in Plymouth, Minnesota, Wheely Good Bikes is a nonprofit that was started by a group of people who wanted to help others by collecting, fixing and donating bikes to the community. Their work has provided bikes for recreation and transportation to many who would not otherwise have the opportunity to ride.

### Attorneys Prevail in Class-Action Case that Prompts Changes to St. Paul Public Schools

Fredrikson attorneys Aron Frakes and Christopher Pham handled a pro bono class-action case that led to changes for English-language learner students in St. Paul public schools.

### Fredrikson Attorneys Prevail in Case Before the Minnesota Supreme Court

Fredrikson attorneys Nicole Moen and Tim Billion, working with Andrea Jepsen of the School Law Center, prevailed in a case before the Minnesota Supreme Court regarding the interpretation of what constitutes a “willful violation” of a school policy under the Minnesota Pupil Fair Dismissal Act.

In April 2014, a student was expelled from United South Central High School for accidentally bringing a pocketknife to school. The student had used the pocketknife to cut twine on hay bales at her boyfriend’s family farm the previous weekend and had forgotten to remove the pocketknife from her purse.

The school board and Commissioner of Education upheld the expulsion based on the student’s alleged “willful violation” of a school policy. In a case of first impression, the Court of Appeals reversed, holding that a “willful violation” required a deliberate and knowing violation of a school policy.

Nicole and Tim, working with the School Law Center on behalf of the student, successfully defended that decision before the Minnesota Supreme Court. In an August 3 opinion, the Supreme Court affirmed the student’s statutory interpretation arguments and found that the record contained insufficient evidence to uphold the student’s expulsion.

### Death-Penalty Case a ‘House of Cards’

Fredrikson team of lawyers prevail on U.S. Supreme Court Petition in Death Penalty Case.

### VA Recognizes Link Between Agent Orange and Parkinson’s Disease

A few years ago, we were approached by a former JAG officer and current local lawyer to assist a man by the name of Steve Fiscus set up a nonprofit entity. Steve was a Vietnam era veteran who was exposed to Agent Orange, a lethal herbicide used in the war to clear out dense brush and vegetation. Steve was diagnosed with Parkinson’s disease a number of years ago. He began investigating and found that a high percentage of veterans were developing Parkinson’s. He petitioned the VA to recognize the connection in order to receive VA health benefits, something the VA originally and repeatedly denied. After working with Jessica Manivasager to set up the nonprofit, Steve was able to raise funds to fully research the connection, travel to

Washington DC to meet with Senate Committees and eventually convince the VA to recognize the connection. In a note to Jessica, the referring lawyer states:

*“they eventually won their fight with the VA and he and others got HUNDREDS of thousands of dollars each in back benefits in recent years as compensation for years of denied benefits when the VA did not officially accept or recognize the connection between Parkinson’s and Agent Orange. Additionally, spouses like Patricia Fiscus will now get benefits that they otherwise would not have received after their affected veteran spouse dies. This was a massive win made possible by your pro bono efforts and firm – – and Steve and his team of grass roots warriors. Fredlaw should report the ripple effect of your work and amazing feel-good success story internally, at a minimum.”*

### Positive Collection Case Outcome

Matt Boos and Anu Sreekanth represented a woman on a \$20,000 collection case brought by a local bank, which was represented by a collection firm. In 2005, the client co-signed on a line of credit with her husband. They divorced a year later and the husband agreed to pay off the loan. The husband declared bankruptcy in 2008 and fell behind on payments until he stopped paying altogether by 2011. Out of the blue, the bank sued the client in 2014 and filed a summary judgment motion this July. Matt and Anu were retained on the day the client’s response was due. The client herself was near bankruptcy and could not afford even a modest settlement. Matt and Anu filed a response to the summary judgment motion raising a number of issues, including statute of limitations. The Court pushed back the summary judgment date by four months, giving the team time to prepare. The bank recently filed another summary judgment motion. In a continued attempt to establish our statute of limitations defense, Matt and Anu pushed the bank for additional discovery relating to the timing of the earliest “default” and noticed depositions with bank representatives. Shortly thereafter, the bank dropped the case.

### Unemployment Appeal Win

Ingrid Culp represented Bonnie, the grandmother of a child represented by Children’s Law Center. Bonnie was fired from her job sorting mail after putting some letters in the wrong bin. The grandmother, who cares for the CLC client, said this incident coincided with the time her granddaughter was suicidal and cutting herself and she just had a momentary lapse of judgment. The unemployment denial letter stated, “not eligible because applicant tampered with driving records.” CLC reached out to us to assist as their client was severely abused for many years and the possibility of having to leave her grandmother’s care would have been devastating. Ingrid represented Bonnie on her unemployment appeal and won, giving the family the financial stability it needs.

### Real Estate Transaction Closes

Our communities are fortunate to be home to many highly-respected nonprofit organizations that serve low-income, vulnerable, or mentally ill citizens. One such organization is Project for Pride in Living (PPL), a 40-year old nonprofit that helps people help themselves by providing stable housing, educational, and job training opportunities through its programs. Momentum Enterprises is a subsidiary of PPL. It has facilities that recycle those old mattresses we all toss out, another area that does industrial sewing and a third that sells used office furniture. All of these locations employ people who have been long-term unemployed due a variety of circumstances and require a fresh start. Larry Berg, Jeremy Duehr and Lisa Lindenfelser finished work assisting Momentum sell a small campus of industrial buildings. There were significant “brownfield” issues, including the need for additional environmental testing, and submission of the property to the Minnesota Pollution Control Agency’s brownfield program. The key was to limit Momentum’s future liability for costs relating to additional testing and remediation. Because there were other “third party” rights in connection with contaminated properties, we also needed to get the buyer to agree to indemnify Momentum if claims are made in the future by third parties. This was an interesting and complex pro bono project, but one that will allow the continued growth and success of this very worthwhile program.