

## Legal SCENE

By Ron Hocevar  
Scott County Attorney



### Civil law is part of the job

When you ask someone what they think the County Attorney does, the response is invariably "prosecute criminals." Television and movies have done a remarkable job in portraying that important responsibility over the years, but the County Attorney has another critical role outside of the criminal arena that most people don't even realize. County Attorneys are also responsible for providing general legal advice and representation to the County Board and County departments for all of the civil and business issues that come with running the County.

In addition to me attending County Board meetings, the Scott County Attorney's Office has a Civil Division where seven attorneys, two paralegals, and two legal assistants handle all of the civil legal issues that involve the County. This work ranges from answering quick legal questions all the way to multi-day trials and everything in between.

One of our main duties in the Civil Division is to represent the County and its departments in District Court civil cases. These cases include situations where we are directed by state statutes to handle particular matters, in addition to situations where we defend the County when it is sued or pursue enforcing its rights through the court system. Many people know that we appear as attorneys pursuing Child in Need of Protection (CHiPs) cases for our Human Services department. Under similar direction, we also represent petitioners in Civil Commitment cases where individuals are being involuntary committed due to mental health and/or chemical dependency issues; we represent public interests in Child Support cases; we represent our Highway Department in Eminent Domain cases; and we represent law enforcement agencies in civil forfeiture cases that arise out of criminal behavior, just to name a few. The County can be sued for many reasons, but common examples include contract issues, quiet title actions, and employment complaints.

Along with District Court cases, we also represent the County in other legal forums -- such as tax appeal cases -- before the Minnesota Tax Court, and representing Human Services in Administrative appeals. If a citizen objects to certain actions or decisions of the County (such as being denied economic assistance, having a daycare license suspended, or a social worker determining they have maltreated a child), that individual has a right to appeal to an authority apart from a District Court process. Those appeals are heard by hearing officers and administrative law judges and our office presents and defends the County's position throughout the proceedings.

Aside from courtroom-type duties and all of the preparation that goes with them, the largest part of our work is helping County staff navigate legal aspects of their jobs, answering questions and ensuring that proper procedures are followed. For instance, we help the Sheriff's Office determine who and in what order creditors can redeem foreclosed property, we help our parks department navigate renting out cropland in County parks, and we help departments understand when new legislation impacts them and guide them through needed procedure changes. We work with our Procurement department on purchasing decisions, reviewing bid requirements and contract documents that are used every day throughout the County. We also spend time with departments helping them understand their legal duties surrounding data privacy and health information privacy (HIPAA). When requests for information come to the County, we help departments decide what information is public and can be released and what has to be protected. Finally, we provide training to County departments to help them identify risks and pitfalls so they recognize when to reach out to our office before a problem becomes too big.

All in all, we are the "general counsel" to the County. Just as private corporations need attorneys to assist in business matters, so does the County. The goal of our work in court situations is to ensure the actions and decisions made by county staff are legally appropriate and justified. On the business side, we strive to minimize risk and liability exposure of the County and ensure the continued delivery of services that our citizens depend on.

As a final comment, it is important to note that we can only give legal advice to the County. We are not authorized to give any legal advice or provide legal services to private citizens, so while we watch out for citizens of the county as taxpayers, we can't provide individual assistance.

## Law Library News

# Crime victims can receive free legal help

Walk-in clinics offered on Mondays, 9 – 11 a.m.

*The Law Library is pleased to announce that the Southern Minnesota Regional Legal Services (SMRLS) will have an attorney available every Monday morning for free crime victim legal advice. Attorney Kevin Jonassen has written the following article explaining the Department of Justice grant.*

SMRLS is now offering *free* legal assistance to crime victims in Scott County through a special project. SMRLS is a legal aid organization that provides free, high-quality assistance to low-income people in civil legal matters. For more than 100 years, SMRLS has helped individuals secure and protect their basic needs, maintaining freedom from hunger, homelessness, sickness, and abuse.

SMRLS is offering legal assistance to Scott County crime victims through its participation in the Minnesota Crime Victim Legal Services Project. Along with its project partners, SMRLS is developing a network of resources to provide wraparound legal services to victims of crime. Scott County is fortunate to be part of the project, as there are only two other sites in the state offering services through the Crime Victim Legal Services Project.

The project is set up to provide holistic legal services to crime victims, meaning the lawyer assisting the crime victim is able to help with whatever legal needs the crime victim is experiencing. The crime in question does not need to have been prosecuted -- or even reported -- to the police. Those eligible for services are crime victims residing in Scott County, or crime victims who were the victim of a crime in Scott County but live elsewhere.

Scott County crime victims may be able to obtain help through the project with a variety of legal issues such as restitution and reparations (compensation) for out-of-pocket expenses incurred because of the crime, restraining orders (such as Orders for Protection and Harassment Restraining Orders), landlord-tenant problems, government benefits, identity theft prevention and repair, divorce and custody issues, and any other legal issues related to victimization.

Through the project, SMRLS and its partners are also engaging and working with law enforcement, prosecutors, and

community organizations in an effort to gather information on gaps in services available to crime victims. That information will be used to identify not only the gaps in services, but what improvements can be made at the state and local level to address and close them.

Crime victims can find out if they qualify for help through the project by calling SMRLS and explaining that they are a crime victim in Scott County. SMRLS staff will then do a brief interview to see if the caller is eligible for services. If the caller is eligible, he or she will be transferred to an attorney for assistance. The attorney will then do a "full needs" assessment to gather information on the specific legal issue, and to determine if there are any other legal issues the crime victim may be encountering. Depending on the legal issues discovered, those eligible for assistance may receive full legal representation on their problem, they may be provided legal information and brief advice on their issue, or they may be referred to another service provider better adapted to the specific problem.

SMRLS has also worked with the Scott County Law Library to set up office hours at the Scott County Government Center. Most Monday mornings, crime victims with questions about civil legal issues can go to room 302 in the Justice Center (Courthouse) and speak with a SMRLS attorney. Again, there is no cost for this service and making an appointment in advance is not necessary.

The Crime Victim Legal Services Project is truly unique. It provides crime victims in Scott County the opportunity to get help with the various legal issues they may be facing at no cost to them. For more information, and to inquire about services under the project, call SMRLS at (651) 222-4731 or 1-888-575-2954, Monday through Friday, 9 to 11:45 a.m. or 1 to 3:00 p.m. You can also visit the SMRLS project attorney in room 302 of the Scott County Justice Center on Mondays from 9 to 11 a.m.

*This product was supported by grant 2012- VF-GX-K420, awarded by the Office for Victims of Crime, Office of Justice Programs, U.S. Department of Justice. The opinions, findings, and conclusions or recommendations expressed in this product are those of the contributors and do not necessarily represent the official position or policies of the U.S. Department of Justice.*

# Conserving water does make a difference

We all know we are supposed to conserve water, but here in Minnesota with water all around, do these small everyday decisions make any difference? Is it worth your time to change your habits to conserve water? In a word, *yes!*

Conserving water means conserving energy and resources. If you are connected to a city's water system, any water that runs down the drain goes to the wastewater treatment facility. All the water entering the facility needs to be treated, which takes both money and energy. Any water that you conserve is water that you do not have to pay for. It is much more efficient to save water by shutting off the tap when not using it than to let it flow down the drain to the wastewater treatment facility, then have it pumped back to you. Plus, when hot water is wasted, you not only pay for the water but also for the energy to heat it, only to have it flow down the drain.

Here are some ideas for saving water around your home:



Don't run faucets unnecessarily.

- Keep drinking water in your refrigerator rather than running the faucet until water gets cold.
- Shut off the tap when brushing your teeth and when soaping up in the shower.
- Install a low-flow showerhead that uses less than two gallons a minute of water.
- Wash a full load in the clothes washer and dishwasher to get the most for your washing.
- Compost your vegetable and fruit scraps rather than using the sink garbage disposal.
- Wash fruits and vegetables in a bowl of water rather than running the tap.
- Fix any leaky faucets or toilets. You can save over 100 gallons of water per week!

Contact the Scott Soil and Water Conservation District in Jordan for more information at (952) 492-5425. Remember: Everything we do on lawns, driveways, and yards eventually ends up in our rivers, lakes and wetlands. Everyday decisions do matter!