

▲ **Work Authorization**

An often-overlooked way to get an unrestricted U.S. work permit is through the “working spouse” rules. Many spouses of temporary work-visa holders can easily get work permission that can be used for any job in the U.S. Who is eligible? Anyone who is married to an L-1 (Multinational Transferred Employee) E-1 (Treaty Trader) or E-2 (Treaty Investor) can apply for this type of unrestricted work permit. The work permit is annually renewable and is usually approved in less than 90 days. Also, the spouse of a J-1 (Exchange Visitor) can get a similar work permit provided that the J-2 spouse’s earnings are not used to support the J-1 principal.



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▲ **Appellate Practice**

Appellate practice is much less forgiving of inadvertence or inexperience than trial court practice. A thorough grounding in the Rules of Civil Appellate Procedure is a must, but an effective presentation to the court also hinges on knowing the unwritten rules of appellate practice. For example:

- Do not argue facts that are not in the record. No matter that the lawyer at the trial court level failed to preserve critical facts or objections, except in very limited circumstances (see R.Civ.App.Proc. 110.05) it’s a mistake to introduce those facts at the appellate stage. Make your argument based on the trial court record, or not at all.

important, at oral argument, when you are asked a question, stop talking and answer the question. You aren’t there to read your brief to the court; you are there to answer their questions.

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▼ **Defamation**

When considering the initiation of a defamation action, be wary of suing corporations or the business entities as defendants. Under Minnesota law, a corporation or business entity is considered a “public figure” for purposes of the application of the *New York Times* rule, which requires proof of knowing falsity or reckless disregard of the truth, which must be established with “convincing clarity.” See *Jadwin v. Minneapolis Star & Tribune*, 390 N.W.2d 437 (Minn. App. 1986). This is a higher standard than the general negligence test for defamation claims against nonmedia “private” parties. There may be strategic reasons to name a corporate or business entity as a party defendant, but those should be weighed against hooking the higher evidentiary standard, which is extremely difficult to meet.

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▼ **Collections Scam**

Minnesota lawyers have recently been approached by phone and email in a scam involving the purported representation of a new client in collection matters. The inquiries are quite plausible and may be embellished with personal details to enhance credibility.

In a typical scenario, the inquiries involve international collections. The lawyers are asked to collect certain receivables, deduct the fee, and forward the balance to the client. The lawyer falling for the scam is given the names of purported debtors and the lawyer con-

tacts the debtor. In response, the lawyer promptly receives a large cashier’s check in settlement of the claim.

The rub is that the client and debtor are fake and the cashier’s check is counterfeit. The bank charges the counterfeit check back to the lawyer’s account after a few weeks, and the lawyer must reimburse the bank for the amount that was wired to the “client.”

Not only does the lawyer not collect the fee, but the lawyer is out-of-pocket for the amount wired to the “client.”

Name Withheld by Request  
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Have a bit of sage advice for a newcomer to your area of practice?  
Send us your “tips & traps”! Your colleagues will be grateful.  
Email suggestions, cautions, and tales of woe to [bb@mnbar.org](mailto:bb@mnbar.org)