

The Storm

Victor Arellano
makes waves to help
immigrants find
peaceful shores.

By Christopher Hollenback
Photograph by Kim Keyes

Madison attorney Victor Arellano was driving like Indiana Jones through the scorching Mexican jungle with his clients, Lauri and Jack Henderson. Lauri was holding onto their “lost ark” — a baby boy, Hunter Henderson, whom Lauri had tried to adopt two years earlier.

Back then, federal authorities at the Cancun airport had arrested Lauri after she tried to leave with the newborn, and charged Lauri and her mother, Beverly Gehrke, with child trafficking. They were jailed in Mexico for a week before Arellano convinced local authorities that these were good people trying to legally adopt the boy. The women were released back to the U.S., but Hunter remained in a Mexican orphanage.

Arellano and the Hendersons would not give up, though, even if it meant driving through the jungle en route to court in Chetumal, Mexico, to argue for the boy. Finally, after multiple trips across the border, they won Hunter’s release.

“That kid drove me nuts screaming in the car on the way back,” Arellano says with a chuckle and twinkle in his eye. The 5-foot-8-inch lawyer with black curly hair bet Lauri Henderson a Mexican blanket he would get the child. “She bought that blanket for me,” he says.

Beverly Gehrke, now Hunter’s proud grandma, is equally proud of Arellano. “Victor was fantastic,” she says. “He knew what he was doing. If we had been waiting for the Mexican attorneys, Hunter would’ve been in college before we brought him home.” Now Hunter is almost 9 years old. “His mommy reads to him every night. He’s a third-grader reading at the fifth-grade level.”

Arellano, fluent in English, Spanish and Portuguese, specializes in immigration cases because he came to America as an exchange

student in 1970 and went to high school in Bonduel, Wis., about a half hour east of Green Bay. He was born and raised in León, a central Mexican industrial city with a population of more than a million.

Arellano says he loves Wisconsin but hasn’t forgotten his roots. “León is known for its work ethic, and I was a product of that. My father had an expression: ‘You carry your own rocks.’ I strongly believe that everybody has a responsibility to be self-sufficient. That ethic has carried me to this date, to the point where even in my law firm they think I’m this slave driver and demand too much.”

What he demands, he says, is justice for his clients.

His career playing the Good Samaritan began when he visited the house of a Bonduel beauty he had planned to take to the high school prom. It turns out her family employed migrant workers who worked on the farm and lived in the barn.

“I was in shock,” Arellano recalls. “Like, ‘Is this a joke?’ I looked at my friend and said, ‘What are they doing sleeping next to the cows and pigs?’ I was outraged and investigated with my limited English.” So much for the prom.

Arellano learned they weren’t the only migrant workers living in substandard conditions in Wisconsin, so he went to work for the Wisconsin Department of Industry, Labor and Human Relations (DILHR) in the 1970s as the monitor advocate for migrant workers. He also participated in various protests with other advocates and in 1980 sued Gov. Lee Dreyfus for violation of the workers’ constitutional rights. He settled the case in 1981 but thought: I’m going to learn what the law is because I’m tired of marching.

Arellano went to law school at Antioch in Washington, D.C., finishing the last year of his degree at the University of Wisconsin

When he picked up his prom date in high school, Arellano was shocked to see migrant workers living in the barn. Now he's one of the top immigration lawyers in the state

in 1984 and joining Lawton & Cates in 1985. It was the start of a fruitful career helping immigrants like pathologist Edward Nikicicz, who feared for his life after speaking out against the then-communist Polish government. Thanks to Arellano, Nikicicz now resides in the U.S. Or the case of the farming companies who agreed to pay 58 migrant workers \$175,000 for injuries from pesticide exposure while on the job.

Or the two migrant workers, Jesús Leal and José Nuñez, who were allegedly attacked and beaten in 1997 at a party in Marinette County by young white adults. The assailants allegedly chased them by car until Leal and Nuñez ran their vehicle into a tree. Arellano likens the case to the movie *Mississippi Burning*, and he was subject to intimidation himself. In Marinette County, where the hearings were held, he was followed to the bathroom by what he called “a group of thugs,” and then by car whenever he'd leave the courthouse. Arellano, unintimidated, took the case to federal court, took on 22 lawyers and eventually brokered a settlement.

One particular pro bono case still eats at Arellano. It involved a 15-year-old Mexican girl known publicly only as “Juanita,” sent by her mother in Mexico to her aunt in Wisconsin to save her from physical and sexual abuse by family members only to have the aunt treat her like dirt. Given her background and limited English, it's no surprise Juanita soon got into trouble, including charges of retail theft and operating a car without the owner's consent. Most charges were dropped, but she served time in a detention facility.

“That young lady was like a scared deer who got into the town and broke everything in her way and we had to catch and cage her,” Arellano says. “I wanted to help this child so much. On the other hand, society has to control people who are destructive, whether it was by accident or society or confusion. [Circuit Court] Judge [Richard] Werner helped me to see that.”

Sitting in his fourth-floor office overlooking lake Monona in Madison, Arellano is crying. He wipes tears, redness lingering in his eyes as he reflects on the Hispanic Man of the Year award he received from the United Migrant Opportunity Services. “Your tireless efforts on behalf of those who cannot advocate for themselves



has left a profound impact on the lives of so many,” Sen. Herb Kohl wrote in a congratulatory letter.

“There's nothing more sublime and important than when you're recognized by your community,” Arellano says. “To me, receiving that award was incredible because I've battled many Latino leaders who seem to forget where they came from. It was a sweet moment.” His voice cracks and he smiles. “See, I'm not as tough and nasty as everybody claims.”

Indeed, his opponents might be surprised to see him like this. Arellano is known for defending his clients like a father defending a son who isn't getting a fair strike zone from the Little League baseball umpire. “Once in a while, his emotion might get in the way a little bit,” says Gary Gerlach, a retired Milwaukee circuit

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judge who had Arellano in his court several times and now handles mediation for Gunta & Reak. “But I suppose you’d want someone too emotional rather than unemotional.”

“I call it passion,” Arellano says. “They call it other things with many labels. And some judges don’t like me. They like it harmonious: ‘Settle the case; don’t make waves.’”

Arellano’s clients hire him precisely because he makes more waves than a hurricane. One client who filed a religious discrimination case gave Arellano a print depicting turbulent ocean waves as a thank-you gift. It’s on the office wall behind his desk. “She said, ‘This is you,’” Arellano says with a laugh. A second print of waves crashing on rocks from another client hangs on the adjacent wall next to the window.

Marilyn Figueroa knows what it’s like when those waves crash. She hired Arellano to help her with a sexual harassment complaint she filed against the City of Milwaukee in 2000, alleging that former longtime Mayor John Norquist repeatedly forced her to have sexual relations with him over the course of her employment as his aide.

Arellano offered to settle for as little as \$175,000. Then lurid details became public and the mayor, a married man with kids, held a press conference admitting to what he called a consensual affair.

The case eventually settled for \$375,000 just days before what would have been a bitter, televised court battle. It was a big victory for Arellano, but he didn’t stop there. At the post-settlement press conference, he churned up the waters again. “In my view,” he said, “we’re talking about a deliberate attempt [on the part of city officials] to conceal certain truths.” Milwaukee City Attorney Grant Langley and Madison attorney Lester Pines, Norquist’s lawyer, were enraged. They responded with press releases.

“It was cowardly for them to attack Norquist’s veracity,” Pines wrote, “and the veracity of the city employees once the hearing process had been closed off.”

“Ordinarily, attorneys do not comment on the evidence once a settlement has been reached,” Langley wrote.

“That case got fairly heated, and I could see they were probably upset with Victor,” Arellano’s partner, Jim Olson, says. “There was probably some justification [to that]. But I was there when we were able to work out a settlement, and Victor did a masterful job.”

“I’m very proud that I speak my mind,” Arellano says. “They think I should follow the rules of protocol, i.e., settle the case, collect the money, be happy and go home. Should I have joined more committees and tea parties and become a Latino lawyer among elite lawyers? No, I didn’t go to law school for that.”

“He’s very energetic and quite fearless in terms of what he’s willing to take on,” Olson continues. “Victor called me in to help him with cases in the last few years, including the Figueroa case. It

required me to look at a lot of the work Victor had done in the last few years. That caused me to think, ‘Wow, this guy is good.’”

“You’ve got to love to have passion, and I do,” Arellano says. “If the system, when I’m done, faults me for that, they can go back to their peaceful existence.”

Not all of Arellano’s cases involve representing the have-nots of society. At press time, he was defending former World Boxing Association flyweight champion Eric Morel, a native of San Juan, in a case in which police matched his semen to the shirt of a 15-year-old girl who had passed out in a hotel room. Arellano is also Morel’s business attorney.

Still, Arellano stands by Morel’s right to representation and a fair procedure. Arellano secured a no-contest plea agreement that included a recommendation of no prison time and permission to box outside the state. He also takes a fatherly role with Morel, he says.

Arellano’s dedication to his career hasn’t left much time for romance or family life. But he does have a music studio in his basement, where he plays Latin songs he composes on guitar and piano. “When I was younger, all I wanted to do was become a famous singer, but Ricky Martin beat me to it.” Arellano still has a recording he made with Lyle Mays, the jazz pianist for the Pat Metheny Group, a nine-time Grammy winner. “There’s something the legal community doesn’t know about me,” Arellano says, “and that’s my musical talent. Which is far better than my legal talent.”

He also enjoys running with his two English setters and playing basketball. It was on the court in Madison that he met Gov. Jim Doyle (back when Doyle was the Dane County D.A.). The two played at the same sports center and now are good friends.

“I love life,” Arellano says. “Sometimes I wish I could live forever. While I’m healthy and strong, I want to do as much as I can.”

He continues to fight for underdogs, such as the family of Wilbert Prado, an undocumented immigrant from Mexico who was shot eight times by an off-duty Milwaukee police officer. After an inquest last spring where nobody but the D.A. was allowed to call and question witnesses, the jury ruled that the officer acted justly. Arellano questions the inquest procedure and the fact that, in Milwaukee, inquest juries have never found that an officer should stand trial.

“In cases like this, the public loses trust,” he says. “They begin to question an institution, i.e., the police department, that we all depend upon, respect and admire. We can’t afford that.” If the D.A. doesn’t file charges against the officer, Arellano will request an independent investigation and he has already filed a notice of claim for \$10 million. “This is one case that should not go unnoticed,” he says. “We *will* try this case.”

The storm is about to create more waves. ❖