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*And thank you to all of the golfers who
participated in the charity golf tournament.*

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Victoria Elsmore

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Changes Ahead for the *Barrister*

The RCBA has been bringing the legal community together since 1884 and continues to provide you, as one of our 3000 members, with CLEs, programming, professional updates, and resources. The *Barrister* newsletter and the RCBA's other communications have kept members connected to what's happening in the local legal community and have highlighted ways members can connect and grow. Over the decades, the *Barrister's* look and publication frequency have changed. We have recognized and responded to the evolution in how communications content is delivered and digested.

And change continues. Later this year, the *Barrister* takes its next step ahead with a significant change to how you will receive content. This, our September/October issue, will be the last of our regular printed issues. We will be transforming to a primarily digital-delivery model, with *Barrister* updates and features distributed to members via regular emails and made available online at ramseybar.org. The print version of the *Barrister* will continue but will no longer be published on a monthly or bimonthly basis. Instead, we will create special annual editions, with the first of these planned for later in 2022.

Your RCBA leadership and staff will work together to ensure you continue to receive the content you've come to expect and rely on, now delivered in a timelier manner. In addition, we will be introducing some new features during the coming year to provide additional opportunities to highlight members and allow for more contributors and diverse voices. The new *Barrister* weekly edition will also incorporate the events calendar from each Monday's RCBA e-newsletter (which will be discontinued). The revamped *Barrister*—in both its weekly digital edition and printed annual—will be the best way to stay informed and connected to the bar association and provide a platform to showcase members' expertise and accomplishments.

We look forward to hearing your thoughts on features and content. Additionally, if you are interested in being a part of the new RCBA publications working group and helping shape, edit, and contribute to the newest version of the *Barrister*, please reach out. Send your comments and inquiries to me or our staff editor [Bethany Lenderink \(blenderink@mnbars.org\)](mailto:Bethany.Lenderink@mnbars.org) at any time.

Thanks for your membership and all you do for the RCBA.

Cheryl Dalby, CEO
cdalby@mnbars.org



Community Engagement Helps Us Be Champions for Our Legal Community

Like for many of you, a summer highlight for me was watching the 2020 Tokyo Summer Olympics. I was amazed at the journeys that every athlete endured to first prepare for the 2020 Olympic Games, then learn they were postponed, then have the strength and dedication to continue to train another year during a pandemic. I was particularly impressed with our hometown Olympic Champion, gymnast Sunisa Lee. The sacrifices that she and her whole family made to help her succeed as a gymnast is truly remarkable! On August 8th, I joined thousands of other “Team Sunisa” fans, lined up on the streets on the East Side of St. Paul to celebrate the first Hmong-American to not only represent Team USA, but also the first Asian American Olympic Gymnast to win the All-Around Women’s Gymnastic title. This celebration was truly one comprised of deep cultural traditions, where all aspects of Sunisa’s life came together to honor her. It was one of the rare occasions where I witnessed two worlds coming together—Sunisa’s strong, vibrant Hmong culture blended with her American culture. It was a celebration of culture, traditions, gymnastics and how investing in our youth can lead to awesome accomplishments. It quickly reminded me of how our “culture” affects our paths in life and our success.

Sunisa’s family saw her love and unique talent in gymnastics—which was evident at a very young age. They looked beyond how Hmong girls are traditionally raised and broadened their universe beyond what was familiar to them to give their daughter opportunities. The Hmong community also played a significant role in supporting her, emotionally and financially—a testament to the power of community.

Like Sunisa’s family and community have proven to be her champions, we too, can be champions for our clients by engaging in their communities. One way of accomplishing this is through approaching our role as lawyers through cultural and community building lenses. With the demands of meeting deadlines, applying the law to the facts of our client’s case, hearing preparation and advising clients, it is easy to overlook the importance of considering the cultural aspects of a client’s situation, and how our approach to advocacy can affect a client’s community. We are often reminded as legal professionals of the importance of active community engagement, however, we often engage in the communities that are most familiar to us, that serve our interests and passions. By stepping outside of the box and engaging in the communities of the clients we serve, often a community and culture different from our own, we are not only advocating for our clients, but also their community.

In the legal services world, this is often referred to as “community lawyering”.

What is Community Lawyering? Harvard Law School defines Community Lawyering as “... an umbrella term for collaborative, community-based approaches to legal services”. Central elements include “the integration of the lawyer into the community the lawyer serves, the use of multifaceted approaches to problem solving, and the investment and empowerment of community members in the lawyering process”.¹

When legal professionals take a community lawyering approach to advocacy, we gain a better understanding of the strengths in our client’s community. We are less likely to fall into implicit bias or have negative biases that can greatly hinder our level of advocacy.

How can we serve our client communities? No matter what role we play in the legal community, we have a unique opportunity to apply our education, knowledge and experience to strengthen the communities we serve. Whether an attorney in private practice at a large firm, solo practitioner, legal support staff or public interest attorney, here are some ways you can engage in your client community:

- Seek out professional services in the community of the clients we serve, reflecting their cultural background (i.e. arbitrators, mediators, appraisers, custody evaluators).
- Meet clients in a confidential environment in their community
- Use culturally specific language interpreters to communicate, when applicable.
- Participate in cultural events and financially support causes that directly affect your client community.
- Partner with legal services providers to present on legal topics that impact your client community.

By serving as legal advocates and analyzing how to best assist our client community through a cultural and community-building lens, we gain a deeper understanding of our client’s legal issue from a broader perspective, that only enhances our ability to assist our clients in reaching their legal outcome goals.

I look forward to serving you as President this year and engaging in our communities together. Thank you for your commitment to the RCBA!

¹Harvard Law School Community Lawyering/Grassroots < <https://hls.harvard.edu/dept/opia/what-is-public-interest-law/public-interest-work-types/community-lawyering/#tab1-1> > (2021).

Introducing RCBA Vice President: *Victoria Elsmore*

"We're talking to actual people and the work that we're going to do is going to have actual impacts, not just on my clients, but on a generation or an entire family. That really spoke to me."



Victoria Elsmore knows that seemingly small decisions can alter the course of someone's career. From working on a political campaign in California, to clerking at a small firm, and eventually being asked by a colleague to volunteer for the RCBA Judges Dinner, Elsmore will now serve as Vice President for the RCBA for the 2021-22 bar association year.

Elsmore is the newest member of the Ramsey County Bench, accepting a position as a Ramsey County Family Court Referee. Prior to this recent move, she was an attorney at Collins, Buckley, Sauntry & Haugh in St. Paul. After graduating from UW-LaCrosse, Elsmore had her sights set on a career in politics. After working on a Congressional campaign in California, she noticed something about her fellow campaign workers, "All of the people who made decisions I wanted to make had law degrees." After the campaign was over, she decided to come home and get a law degree with sights set on a political career. However, her 1L year inspired her to take a different track.

The classes were more impersonal than she anticipated, and Elsmore wanted to focus on a career working with people. "I wanted to find a way to take this law degree, and have it impact humans, actual human people in a way that felt more grounded," she said. A friend of a friend

found a law clerk position for her at a small law firm that did bankruptcy, criminal, and family law. Working there made something click. During her first family law case she said it was like a lightbulb had turned on in her head, and she realized she had found her calling, "We're talking to actual people and the work that we're going to do is going to have actual impacts, not just on my clients, but on a generation or an entire family. That really spoke to me."

Elsmore joined Collins, Buckley, Sauntry & Haugh in 2015. Soon afterwards, colleagues encouraged her to get involved with the bar association. One of them was 2019-2020 RCBA President Sarah McEllistrem, who thought Elsmore's talents would be a good fit for the Judges Dinner committee. "I didn't even know that the Judges Dinner existed. There really is a thing for everyone if you are willing to go looking," said Elsmore.

She enjoyed her time so much that it eventually led to her joining the RCBA board of directors, where she served as the Minnesota Women Lawyer's representative. After her term on the board was over, she still felt called to be in leadership. "I thought that an organization is only as strong as people who are willing to step up and keep the lights on. That's why I had decided that a leadership role made sense for a next step," she said.

In addition to her bar association leadership, Elsmore has been an advocate for working parents in the legal profession. The COVID-19 pandemic exposed the struggles of attorneys who are also parents. “It highlighted a problem that was already present in the legal community,” said Elsmore, “We have very high expectations for lawyers that they have 45 balls and they keep them all in the air and we don’t ever want to see any effort on their faces keeping those balls in the air.”

Elsmore hopes that the good things that came out of pandemic’s effects will stick around, “I think that there was sort of an influx in empathy of ‘Oh man this is hard,

it’s hard on everybody’ and I hope some of that exists beyond when things go back to normal.”

One place for professional connection or career growth is the RCBA. “It’s a ‘one-stop shop’ for whatever it is you need,” she said. While the Association can be a place where you take a CLE, go to a happy hour, or network, it can also be a place where you present a CLE or serve on a leadership role. “We’re all trying to find that area that can be ours to set ourselves apart,” said Elsmore, “The RCBA can allow you to find the area that’s going to be yours.”

By: Nick Hansen

Fast Facts: Get to Know Victoria



Favorite Twin Cities restaurant:

Tongue in Cheek on the east side of St. Paul



Best TV show you've binged recently:

I really like *Star Trek: Discovery* and *Picard*. I watched the heck out of those in quarantine.



Favorite concert you've been to:

Elton John and Billy Joel with my dad.



Favorite play you've been to:

I had the opportunity to see *Hamilton* in Chicago and it was amazing.



Most memorable vacation spot:

Japan



One store you could max out your credit card at:

Any bookstore!



What is your go to listen:

During the pandemic instead of joining a book club, I joined a podcast club. Through that I've found so many podcasts I've liked. My favorites have been “The Weeds” and “Magnus Archives.”

RCBA CALENDAR

MON.

TUES.

WED.

THURS.

FRI.

SAT./SUN.

September

		1	2	3	4	5
Labor Day			Trusts & Estates Section CLE	Executive Committee Meeting		
6	7	8	9	10	11	12
OFFICE CLOSED						
13	14	15	16	17	18	19
		Board of Directors Meeting				
20	21	22	23	24	25	26
		Family Law Section CLE				
27	28	29	30	New Lawyers Section Happy Hour		

For CLE course presenters, descriptions, and registration information, please see page 8.

Regular Section Meeting Times (Dates subject to change)

Criminal Law Section - Dates vary

Family Law Section - Fourth Wednesday of each month

Real Estate Section - Third Tuesday of each month

Solo and Small Firm Section - Fourth Thursday of each month

Trusts & Estates Section - Second Tuesday of each month

MON.

TUES.

WED.

THURS.

FRI.

SAT./SUN.

October

				1 Executive Committee Meeting	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21 New Lawyers Section Happy Hour	22 Family Law Section CLE	23	24
25	26	27	28	29	30	31

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Silver Level



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SEPTEMBER/OCTOBER CLE AND SECTION PROGRAMMING

(Unless Otherwise Noted)

Location:

All RCBA programming is currently via remote participation only.

Time: Noon – 1:00 p.m.

Cost:

\$15 RCBA members
\$30 non-members

Credit: 1 standard credit applied for

Register at ramseybar.org
or call (651) 222-0846.

September 9 | Trusts & Estates Section: Would We Free Britney? Minnesota Guardianship Law and the Conservatorship of Britney Spears

Presenters: Megan C. Kelly, Attorney | Iverson Reuvers;
Jessica Timmington Lindstrom | Attorney, Winthrop & Weinstine, P.A.; Kathleen Carlson | LSW, VOA-MN Center for Excellence in Supported Decision Making

A panel discussion of the troubling and notorious case of the Conservatorship of Britney Spears by three professionals specializing in incapacity planning, guardianships and conservatorships. Minnesota is held out as a model for being protective of the rights of persons subject to guardianship and conservatorship. This circus would never happen here—or would it?

September 22 | Family Law Section: Estate Planning for Family Law Lawyers

Presenter: Rachel Schromen | Managing Attorney, Schromen Law, LLC

This presentation will provide an estate planning overview for family law attorneys, highlighting concerns that arise in divorce and/or custody cases for which estate planning approaches or tools may be beneficial.



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SAVE THE DATE

Ramsey County Bar Foundation's 46th Annual Bench & Bar Benefit

**Saturday, November 6
5:30 to 8:30 p.m.**

**Saint Paul Hotel
350 Market Street
St. Paul**

Tickets: \$85 per person;
2 tickets for \$150;
New Lawyers \$50 per person

Table of 10: \$750
*Prices change
on October 22.*

Donate to the Silent or Live Auction!

We welcome your donations—gift cards, merchandise, sports team tickets, theater tickets—whatever people might want to purchase at the event!

Sponsor the event! Levels start at \$400 and go up to \$7,500.
Contact [Sarah Mayer](mailto:smayer@mnbars.org) at smayer@mnbars.org.

Register online at ramseybar.org

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Ramsey County's ICWA Calendar

Recent news stories about unmarked graves of American Indian children at residential schools could lead one to believe that removing American Indian children from their homes was the horror of a by-gone era. Today in Minnesota, Indian children are eighteen times more likely overall to be removed from the home than white children, according to Sheri Riemers, Government Relations Director at the Ain Dah Yung Center (“Our Home” in Ojibwe).

The Indian Child Welfare Act (ICWA) of 1978 (25 U.S.C. §1901 et. seq.) was intended to “protect the best interests of Indian children . . . by the establishment of minimum Federal standards for the removal of Indian children from their families.” (25 USC §1902) While ICWA requires the State to meet stringent standards before an American Indian child can be removed from the home, Riemers believes that the lack of enforcement powers is partly to blame for the continued disproportionate removal of American Indian children.

Ralph Overholt, Counsel for the Leech Lake Band of Ojibwe, explained that when an ICWA case is filed, not only must the child’s parents receive notice of the hearing, but the child’s Tribe, also. As a result, ICWA hearings include not only the county attorney, each of the child’s parents with his or her own counsel, the child’s guardian ad litem (and if the child is over age 10, the child’s attorney) but also the child’s Tribe, whose role is to ensure compliance with ICWA and enforce the rights of the Tribe.

The Ain Dah Yung Center hired its first ICWA compliance monitor in 2001. Sadie Hart, the current Indian Child Welfare Compliance Monitor at the Ain Dah Young Center, reported that courts generally have better compliance when monitors are present. While compliance monitors can be viewed as threatening by the court, it is Ms. Hart’s preference to increase ICWA compliance by providing the courts with increased education and assistance.

After the National Council of Juvenile and Family Court Judges’ (NCJFCJ) overview and report on ICWA compliance by the Second Judicial District four years ago, Judge Diamond invited stakeholder groups to advise and assist the court in implementing NCJFCJ’s recommendations. One result is a dedicated ICWA Calendar that was established in 2018.

Mr. Overholt described physical changes to the courtroom for ICWA cases that are intended to create a more culturally relevant experience. The presiding judge does not sit upon the

dais, but joins the parties at a large table. Ms. Hart observed that this simple culturally appropriate sign of respect can result in parents being more willing to accept the court’s recommended requirements, and therefore more likely to be reunited with their child. The ICWA Calendar also incorporates a table housing four sacred medicines—tobacco, sage, sweetgrass, and cedar—for the families’ use, and a traditional star quilt is displayed.

Today Judge Smith is the lead ICWA Calendar judge for Ramsey County. He finds it vital that anyone working on ICWA matters understand the long history of the removal of American Indian children from their homes. “Understanding a little bit of that history helps those of us giving life to the Indian Child Welfare Act the ability to appreciate and embrace the spirit of the law.” Smith values the role of the ICWA monitor. “I’m glad we have someone like Sadie [Hart]. She is at times a resource for me, and I value the input she can provide.”

With the ICWA Calendar now taking place virtually, families do not see the cultural changes in the courtroom. Still, there are benefits to virtual hearings. Mr. Overholt covers ICWA hearings involving children from the Leech Lake Band in all counties located south of St. Cloud. He can now be present at more hearings without hours of travel. Similarly, Ms. Hart observes ICWA hearings in six counties and sometimes only attended hearings in any given county once each month. Now, by attending more hearings, the judges get to know her and the resources she brings. Judge Smith notes that many American Indian families benefit from virtual hearings because they no longer need to miss an entire day’s work—often in hourly jobs with no paid time off—in order to attend a twenty-minute hearing.

Everyone I spoke with agreed that there is still room for improvement in meeting ICWA goals. The creation of the ICWA Calendar, the culturally appropriate changes to the courtroom where ICWA cases are heard, and Judge Smith’s emphasis on complying not only with the letter of ICWA but also its spirit, show that the Ramsey County District Court is taking steps in the right direction.

By: Amy Schroeder Ireland
Estate Planning Attorney, St. Paul

MEMBER NEWS

CBS&H is pleased to announce that attorney **Lucas Wilson** has joined the firm as of July 1st.

Submit your member news to Barrister Editor **Bethany Lenderink** at blenderink@mnbars.org.

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To place an ad, contact **Nicole Altobell** at naltobell@mnbars.org.

JOB SHADOW VOLUNTEERS

The Ramsey County Bar Association job shadow program provides an excellent opportunity for law students to get a firsthand look at what the legal world is really like outside of law school.

The RCBA partners with Mitchell Hamline School of Law to provide law students unique job shadow opportunities.

The 2021 Fall job shadow opportunity will take place from **October 11-15** and can be done either remotely or in-person. Every Mitchell Hamline law student has access to a Zoom account and can work with you on a suitable time to schedule a virtual job shadow. Mitchell Hamline has also informed us that, as they are requiring everyone on campus be vaccinated, you may consider an in-person job shadow if you prefer.

If done remotely, the format will differ but past job shadow volunteers have invited students to observe hearings or client meetings, tour their company or law firm, or just talk about their work over lunch. Lawyers from all size firms or public agencies, prosecutors, public defenders, and corporate counsel are all needed.

To volunteer, please contact **Sabina Zeenat** at szeenat@mnbars.org or 651-789-3752.

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Sabina Zeenat, Placement Director



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Cheryl Dalby, Chief Executive Officer

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