

March 2021 Volume 33 Issue 2

The International Barristers' Cup *From RCBA President Susan Buckley*

The COVID-19 pandemic has resulted in the cancellation of time-honored RCBA events such as the annual Judges' Dinner, Golf Tournament, and our Bench and Bar Benefit. Included in this list is The International Barristers' Cup (hereinafter "the Cup"), the "longest continuously held international lawyer hockey tournament in the world. The fine print probably notes it being the only international lawyer hockey tournament in the world, but that is beside the point."ⁱ Legend has it that, in 1990, the Honorable Doug Shaw (ret.) of Thunder Bay, Ontario placed an ad in the Hennepin County Bar Association newsletter, looking for local lawyer hockey players to participate in a game with the Thunder Bay lawyers' team.ⁱⁱ According to HCBA Captain Craig Greenberg, the Thunder Bay team was "looking for an excuse to escape the constant polar vortex up there and visit the tropical destination known as the Twin Cities, play hockey, and maybe get one or two CLE credits."ⁱⁱⁱ

For the first few years, a combined team of Twin Cities attorneys played against Thunder Bay, but as word spread about the tournament, about 40 more attorneys wanted to participate.^{iv} Two teams became four teams, ushering in the "Expansion Era;"^v the Twin Cities team separated into teams from the Hennepin and Ramsey

Bars, and the Duluth/Iron Range Bar team joined the Cup. Since then, these 4 teams—Hennepin County, Thunder Bay, Ramsey County, and Duluth/Iron Range, have taken turns hosting the event.

When I sought commentary from attorney participants, all spoke highly of the tournaments hosted by the Thunder Bay team. Those Thunder Bay trips are legendary. For instance, in the first year the "missing pants incident," when, at the end of the game, the Twin Cities team discovered that everyone's pants were missing. Thunder Bay Captain Shaw was so apologetic that he called the owner of a men's clothing store to open the store—on a Saturday evening—to find replacement pants for all of the players!^{vi}

Thunder Bay hospitality continued throughout the years. Past MSBA/RCBA President Paul Godfrey mentioned that on one trip to Thunder Bay when it was -25* the entire weekend, their shuttle driver dropped them off and picked them up door to door, nearly touching the doors of their hotel, restaurant, and arena so that they were never exposed to the elements for more than 30 seconds. Throughout the years, the Thunder Bay team reserved entire restaurants for post-tournament banquets, and gave



Captains Chris Messerly and Hon. Doug Shaw.



Gifts given at the tournaments.

Continues on pg. 2

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lavish gifts of clothing, Cuban cigars, wool/leather ‘letter’ jackets, and sweatshirts, all emblazoned with the Barristers’ Cup logo. Reflecting on these trips Tom Donohue said, “those nearly 35 years only could have happened with the likes of our captain Chris Messerly and Thunder Bay’s captain Hon. Doug Shaw.”

Several players I interviewed mentioned one mishap in Thunder Bay which I had (understandably!) forgotten about. The late Paul Heckt, the Barrister Cup scribe, reported on the March 2, 1996 tournament in the July 18, 1996 edition of *Let’s Play Hockey*:

With two minutes left in the third period, the score still tied, and momentum on their side, it looked like RCBA’s losing ways were finally over. Tragically, that’s when RCBA goalie John “The Puck Stops Here” Buckley took it in the chin, both figuratively and literally. A vicious wrist shot caught him underneath the facemask, knocked him flat and left him with a 3-inch gash. Because the rink had just opened the previous week, there was no first aid kit available. Improvising, Chris Messerly hurriedly applied adhesive tape and Breathe Right Nasal Strips to Buckley’s profusely bleeding chin. At that point, Messerly looked up to see Buckley’s wife Susan and five-year-old daughter Molly running out onto the ice.

“Wouldn’t you know it,” thought Messerly. “The one guy who brought his wife and kids on the trip is bleeding all over the ice.” As it turned out, Messerly’s fear of having to calm down Buckley’s enraged wife was misplaced. Instead of tending to her wounded husband, John’s attorney wife headed straight for the referee and demanded that he call a 5-minute major for drawing blood. The ref declined, explaining that in Canada, you need to see decapitation before a major penalty can be assessed.... For obvious reasons, and to avoid a lawsuit, Ramsey awarded their MVP to John “The Puck Stops Here” Buckley.^{vii}

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The 2011 RCBA Hockey Team

For RCBA team members, the most significant memories involve tournaments with the late Second Judicial District Judge Michael Fetsch.^{viii} According to Chris Messerly,

Judge Fetsch “was the embodiment of the Barristers’ Cup... the Cup was more about camaraderie rather than who actually takes the Cup home.” Paul Godfrey noted that even when Judge Fetsch was having health issues and could not play, those issues did not prevent him from supporting the team. Godfrey believes that Judge Fetsch is the only team member on the injured reserve list to make the trip to Thunder Bay. As a tribute to his contributions and memory, team captains inducted Judge Fetsch (posthumously) into the International Barristers’ Cup Hall of Fame.

As of this writing, no date has been set for the Barristers’ Cup 30th Anniversary tournament, which will be held in Thunder Bay. If you would like more information, especially to know once the Cup is scheduled, contact RCBA Co-Captains Dan Gallatin (dan@gallatin-law.com) or Alex Rogosheske (alex.rogosheske@rogo-law.com).



Marilyn Fetsch accepts the posthumous Hall of Fame award for the Hon. Mike Fetsch.

ⁱ*Duluth News Tribune, April 10, 2010.*

ⁱⁱ*Many thanks to past RCBA Captain Chris Messerly, RCBA team members John Buckley, Tom Donohue, and Paul Godfrey, HCBA Captain Craig Greenberg, and current RCBA Co-Captain Alex Rogosheske, for articles, photos, and historical commentary.*

ⁱⁱⁱ*Craig Greenberg*

^{iv}*Chris Messerly*

^v*Greenberg*

^{vi}*Messerly, Greenberg*

^{vii}*Paul Heckt interviewed players in their respective locker rooms and wrote a number of articles about the Cup for Let's Play Hockey. To honor his memory after he passed away, Barrister Cup team captains present a “Hecktor award” annually for the most press worthy event at the tournament.*

^{viii}*Tom Donohue*



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Lessons from Legal Clinics: *Volunteering Builds Skills and Serves the Community*

“I’ve never been to court before.”

This is a common refrain from the individuals I’ve had the pleasure of assisting while volunteering at the Ramsey County Housing and Conciliation Court Clinic during the past seven years.

Every Tuesday afternoon from 1 pm to 4 pm, Ramsey County residents have the opportunity to head up to the law library located on the 18th floor of the courthouse in St. Paul and ask a volunteer attorney questions relating to their housing or small claims cases. Each person is allotted up to half-an-hour of attorney time, but most people need less than that, and it’s not uncommon to talk to 8-10 individuals during a typical three-hour shift.

The most common questions relate to housing issues, and I learned early to grab a copy of the volume of Minnesota Statutes containing Chapter 504B at the beginning of each session. The questions are most often in the nature of recovering a security deposit or expunging an eviction.

At the start of some meetings, I’ll ask the person if they’re a landlord or a tenant, and once in a while I’ll be met with a confused expression along with a halting response of “well, not really either...” This inevitably turns out to be a situation where some kind-hearted soul allowed a relative to crash on their couch for a few weeks, which somehow turned into a few months, and now they don’t know how to get that person to leave. I have to gently explain that, legally speaking, they are a landlord and have to go through the same procedure as a property management company in order to be rid of the unwanted house guest. “Whatever you do, do NOT change the locks,” I warn before they leave.

While housing is the most common, it doesn’t quite represent a majority of the things I’m asked about at the clinic. Other questions include how to recover wages from a former employer (“deliver a letter demanding payment within 24 hours”), the best way to deal with a credit card lawsuit (“call the attorney’s office and work out a payment

arrangement before going to court”), and the procedure for recovering a pet from an ex-partner (“have you ever heard the word ‘replevin?’”).

I think it’s important for us to volunteer and give our time back for its own sake, but if I’m being honest, participating in the clinic has made me a better lawyer. We’re all used to deadlines, but helping someone solve a problem in half an hour or less is uniquely difficult. My quick research skills have become well developed. I’ve done rapid dives into

areas of law I don’t usually touch (civil forfeiture is weird). And my active listening skills are far superior than they would be otherwise if I weren’t forced to get to the essence of someone’s legal issue within five minutes several times on the fourth Tuesday of every month.

When I first started volunteering, I wasn’t totally sure how much of an impact I was making or whether people were taking the advice I offered. But then I had a session where a landlord came in who was frustrated because his former tenant had just been awarded a judgment

against him in conciliation court for failing to return the tenant’s security deposit on time. The amount was pretty large, and the landlord was worried about being able to pay. I told him that I didn’t think an appeal would be successful, but that he should consider mailing his tenant a check for less than the full balance and to include a restrictive endorsement that it was “payment in full.”

The next week, I was filling in for a different attorney at the clinic when a younger man came in wondering what he should do with the check his former landlord sent him for less than the amount of the judgment he’d been awarded. I quickly explained to the former tenant that I had a conflict, and he would need to talk to the other attorney present that day. However, after that incident, I had little doubt that the people I was trying to help were finding value in the counsel I offered.

I think it's important for us to volunteer and give our time back for its own sake, but if I'm being honest, participating in the clinic has made me a better lawyer.

By: Ryan Peterson | Peterson Legal, PLLC

Looking for Pro Bono Opportunities in Ramsey County?

There are many choices for lawyers in Ramsey County to offer pro bono legal services. On page 4, Ryan Peterson shares his experience with the Ramsey County Law Library Clinic, and the RCBA New Lawyers are spotlighting opportunities through Southern Minnesota Regional Legal Services (SMRLS) with their upcoming March events.

Find other opportunities in the Pro Bono Organization Directory at ProJusticeMN.org listing 18 different choices for you to do pro bono work in Ramsey County alone. Learn more about pro bono service in Minnesota at the MSBA web site, including the limited online-only commitment with the Minnesota Legal Advice Online service or Wills for Heroes, assisting police officers, firefighters, and EMTs in preparing planning documents to protect themselves and their families.

Organizations have adapted to help lawyers provide remote services during the pandemic. They also provide training, resources and mentorship to support lawyers doing pro bono service in an area of law they are less familiar with. And you can claim 1 hour of standard CLE credit for every 6 hours of pro bono legal representation you provide through approved legal services providers. For details, see www.cle.mn.gov/lawyers/pro-bono-representation

Reach out to Sherri Knuth, MSBA Access to Justice Director, if you have questions about pro bono services in Minnesota. sknuth@mnbars.org or 612-278-6330.

Volunteer with the RCBA New Lawyers Section

Join the RCBA New Lawyers for their annual volunteer event. This year we are switching to a volunteer event more related to the legal community, providing pro bono legal advice to low income clients seeking eviction expungements.

You must attend the training to participate in the clinic. Clients will represent themselves in court.

This program is hosted in conjunction with Southern Minnesota Regional Legal Services (SMRLS).

March 11, 2021 Pro Bono Eviction Expungement Training

5:00 to 6:00 p.m.
1.0 standard CLE credit

Learn the basics of eviction expungements with SMRLS attorneys Manaire Vaughn and Darbie Smith.

March 18, 2021 Pro Bono Eviction Expungement Clinic

1:00 to 3:00 p.m.

Assist individuals with their eviction expungement case preparation.

MARCH EVENTS

SUNDAY	MONDAY	TUESDAY	WEDNESDAY
	1	2	3
7	8	9	10
Daylight Savings Start 14	15	Real Estate Section CLE 16	Board of Directors Meeting 17
21	22	A New Day for Immigration CLE Diversity Committee Meeting 23	Family Law Section CLE 24
28	29	RCBF Golf Tournament Committee Meeting 30	31

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

RCBA programming is currently being offered via remote participation unless otherwise noted.

For the most updated event information, please visit our website: www.ramseybar.org

THURSDAY

FRIDAY

SATURDAY

4

5

6

Executive Committee Meeting

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

SAVE THE DATE

*2021 RCBA Memorial
May 7, 2021*

*Member Appreciation Day
May 12, 2021*

*2021 RCBF Charity Golf Classic
August 2, 2021
Keller Golf Course*

*Trusts & Estates
Section CLE*

11

12

13

*New Lawyers Pro Bono
Expungement Training*

*New Lawyers Pro Bono
Expungement Clinic*

18

19

20

*Solo/Small Firm
Section CLE*

25

26

27

*Law and Lit. Trial
Trilogy | Trial Act III*

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JANUARY/FEBRUARY 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.

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March 11 | Trusts & Estates Section: Passing the Torch - Estate Planning Considerations for the Small Business Owner

Presenter: Ryan Damhof | Damhof Law Office LLC

Examine the tools available to the estate planning attorney when working with a small business owner.

March 11 | New Lawyers Section: Pro Bono Eviction Expungement Training

Presenters: Manaire Vaughn | SMRLS; Darbie Smith | SMRLS

Learn the basics of eviction expungements so you are ready to provide advice to clients at the clinic on March 18. You must attend this training to participate in the clinic.

Time: 5:00 to 6:00 p.m.

Cost: FREE for all attendees

March 16 | Real Estate Section: Easements 101

Presenter: Chad E. Novak | Alliant National Title Insurance Company

Basics about easements: What are they? How do they work? Best practices, tips, and tricks.

March 18 | New Lawyers Section: Pro Bono Eviction Expungement Clinic

Provide pro bono legal advice to low income clients seeking eviction expungements. Assist individuals with case preparation, including preparing the petition and discussing the process. Clients will represent themselves in court. You must attend the training on March 11 to participate in the clinic.

Time: 1:00 to 3:00 p.m.

Cost: FREE for all attendees

Credit: A lawyer may claim 1 hour of standard CLE credit for every 6 hours of pro bono legal representation that the lawyer provides through approved legal service providers.

March 23 | A New Day for Immigration

Presenter: Veena Iyer | Immigrant Law Center of Minnesota

The Biden administration issued a flurry of executive orders rescinding numerous Trump-era policies and announced a legislative proposal to create a pathway to citizenship for millions of undocumented Americans. Discuss what's changed and what we anticipate changing in immigration law and policy.

Cost: \$10 RCBA, MSBA, and HCBA members; \$25 non-members

Co-sponsored by the MSBA Immigration Law Section

March 24 | Family Law Section: The Risks and Dangers of Social Media

Presenter: Steven Bradley | OurFamilyWizard

A deep dive into how social media is used to harass, monitor, and threaten survivors. Explore smart phone technology, location apps, and both ubiquitous and niche social networking sites.

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March 25 | Solo/Small Firm Section: Easy Time Billing and Accounting Options

Presenter: Jeff Schoenberger | Affinity Consulting

Demonstrate how to navigate the features in several time, billing & accounting programs—giving legal professionals a jump start on the research they should be doing before picking a product for their firm.

Time: 8:30 to 10:00 a.m.

Credit: 1.5 standard credits applied for

March 25 | Law and Literature Trial Trilogy | Trial Act III - "Twelve Angry Men"

Panelist: David Schultz | Hamline University

The third and final CLE of the law and literature program will discuss Reginald Rose's play, "Twelve Angry Men." The play will be sent in advance and must be read before the program.

Cost: \$10 RCBA, MSBA, and HCBA members; \$30 non-members

Credit: 1.0 Elimination of Bias Credit approved

Literature and the Law

Q&A Session with Professor David Schultz

What are some examples of lessons for lawyers from literature?

One can learn a lot from reading works of literature. Great writers can illuminate the struggles we often face, including choices or problems attorneys confront. I have been teaching law and literature classes for more than 20 years. I am always amazed at insights found in novels, plays, or short stories. I love to read and found that many attorneys share this passion and really get into the plots and characters of some plays or works of literature. It is an engaging and fun way to earn CLE credit.

One learns about confronting race and bias, such as by examining the choices made by Atticus Finch in *To Kill a Mockingbird*. But the stories are not always about lawyers. *A Man for All Seasons*, *A Jury of Her Peers*, or even works of non-fiction such as *Dead Man Walking* describe or examine the biases or flaws of personalities and we get to learn from them. Looking at these characters makes one look into our own souls to ask what would we have done.

What recent legally related works of literature do you recommend lawyers read?

John Grisham's recent *A Time for Mercy* is terrific. From a couple of years ago, Robin James' *Burden of Truth* is good.

What thoughts do you have about the value of law and literature discussions?

We get to read, talk, and engage one another. It is a wonderful alternative to the passive CLE where we sit and listen. Time flies and we get to build some community with other attorneys. What

it reminds me of is when I used to go to movies with friends and afterwards go out for coffee and dissect the plot and meaning of the film and try to figure out what the writer intended or what the symbols meant or why the characters did what they did. The same happens with these CLEs.

Is there a story you really want to do a CLE for but have not done so yet? Yes. Someday I want to do *Angels in America*, both parts. It would be a lot of reading but there is a ton there to dissect. Post George Floyd there is a need to engage our prejudices and beliefs and law and literature allows us to do that in a non-threatening way.

Don't miss Professor Schultz's CLE on March 25, discussing Reginald Rose's "Twelve Angry Men."

Details above.



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