

## Honoring a Life of Serving Others

### A PROFILE OF JUDGE LEO BRISBOIS

By Robert O. Saunooke

The judiciary is at the heart of the perception of justice. A goal of the American Bar Association (ABA) is to eliminate bias and advance diversity. Federal Magistrate Judge Leo Brisbois is a perfect example of the necessity of a diverse bench and highlights the lack of Native American judges within the federal system.

Judge Brisbois is currently one of two Native American judges in the federal judiciary, the other being Judge Diane Humetewa in Arizona. When I spoke with Judge Brisbois and asked him to allow me to interview him and highlight his life, he quickly said, “I am not comfortable with an article about me to begin with. My path has never been about [me], but rather about the institution of law and the impact that I and others have on the institution and how they leave it after they are gone.”

I was not surprised by Judge Brisbois’s response. The Native American culture and community are never about the one and instead focus on the many and how the one fits within the community. This foundation of Native American life is abundantly evident in Judge Brisbois and his service as an attorney and now as a federal magistrate.

Brisbois is a citizen and enrolled member of the Ojibwe Tribe of the White Earth Reservation and grew up in Hibbing, Minnesota. There, his grandparents carved out a difficult living on 180 acres of swampland. He fondly remembers his father telling stories of surviving only because a local town grocer would give Indian families credit to feed themselves. The humanitarian and thoughtful consideration of that grocer was a lesson that Brisbois’s father passed on to him and that guided Brisbois’s path of dedication and service to others later in life. Additionally, Brisbois’s father was one of the first Tribal members to leave the reservation and get an education, which demonstrated to Leo and his siblings what an education could do.

Brisbois’s early life was one of discipline—in bed by 8 p.m. and up by 5 a.m. Early mornings were spent at family breakfast or running five to ten miles before the summer heat set in. Running helped Brisbois and his siblings become known throughout the state and where Brisbois quickly excelled. Often Brisbois would go with his parents to antiwar rallies or work on political or union campaigns. These experiences helped shape Brisbois’s future and instilled in him a work ethic and dedication to serving others.

Brisbois recalled a time toward the end of his high school years when he was approached by a young man who had watched him and others practicing hockey. The young man came up to Brisbois and handed him his hockey stick and said, “Will you autograph this for me?” Looking back, Brisbois has realized that without intentionally trying and without knowing it, at the time he was acting as a role model for someone. That realization continued to shape his decisions for the rest of his life.

Brisbois went on to attend Hamline University, St. Paul, planning to become a teacher and follow in his father’s and grandmother’s footsteps. He continued to pursue his running interest and excelled in track and cross country. Brisbois would regularly bring teammates home and one time brought home a Brazilian student, who helped influence Brisbois’s decision to accept a student teaching assignment in Brazil. While there, he learned Portuguese and completed his teaching program, but by the time he returned home, the plan had changed.



Judge Leo Brisbois takes oath.

Hamline had a relatively new law school, which interested Brisbois. In Brisbois’s words, “Teaching was a choice, not just because of my family but because it reinvested and assisted a community in moving forward. You are a public servant. The next natural area for public service was the law.” However, Hamline’s new law school exposed Brisbois to the idea of pursuing law. After graduating magna cum laude in teaching, he applied and attended Mitchell Hamline School of Law, where he finished 19th in his class, graduating cum laude in 1987.

Continuing his goal of public service, Brisbois joined the U.S. Army and the Judge Advocate General’s (JAG) Corp. He was sworn into the bar, and two days later was on his way to military training, where he served a two-year assignment in Germany. He continued in the military for 12 years, including serving and managing legal affairs during the Bosnian invasion, and received numerous awards and commendations. Of his time in the JAG, Brisbois said, “I came away from that [time] with invaluable experience in diplomacy,

office and court administration, and significant trial practice, which I would not have had if I had joined a private practice after law school.”

Brisbois returned to Minnesota and clerked for the Honorable R.A. Randall of the Minnesota Intermediate Court of Appeal. For the next 18 years, Brisbois worked for the firm of Stich, Angell, Kridler & Dodge, where he built a reputation as a writer of appeals, handling over 50 appeals in state and federal court. In between working for the firm, Brisbois found time to teach as an adjunct professor of legal writing and criminal procedure at Hamline Law School, arbitrator for the American Arbitration Association, conciliation court judge for the Minnesota State Court, assistant staff judge advocate for the U.S. Army Reserves, and president of the Minnesota State Bar Association.

In his spare time, Brisbois could often be found working and assisting various nonprofit organizations, including the American Indian Policy Center, Indian Child Welfare Law Center, and Anishnabe Legal Services and Children’s Theater Company of Minnesota, to name but a few. He was also appointed by the Minnesota Supreme Court to the Minnesota Commission for Judicial Selection, where he made recommendations for judicial appointments and merit review from 2007 to 2010.

Civic responsibility and public service flow through Brisbois’s blood. He leads by example, working and serving in a number of voluntary bar associations. From the Minnesota American Indian Bar and National Native American Bar Association (NNABA), to the Douglas K. Amdahl Inn of Court and ABA, Brisbois is not only a member but also serves in leadership and actively takes the time to help younger attorneys. Within the ABA and its Minority Judicial Clerkship Program, Brisbois has served as chair and, even after completing that position, makes time to come back to the program and spend one-on-one time with Native American law students to encourage them on a path to the judiciary. He understands that diversity in the judiciary and encouraging others are more

than simply a catchphrase and instead require invested personal service.

Because he has been admitted before the U.S. Supreme Court, Minnesota Bar, and the U.S. Army Court of Criminal Appeals and Court of Appeals, I asked Brisbois if he had always wanted to be a judge. “It was not something that I aspired to be. An opportunity for service came up and it was presented to me, and I decided to accept the chance to serve.” Humble words from a man whose life has been an echo of serving others. Judge R.A. Randall compared Brisbois to a young Luke Skywalker when he wandered into the swamp with Yoda. Luke asks Yoda, “What is in the swamp?” and Yoda replies “Only that which you bring.” Brisbois has brought a full life with him to the bench and a Native American perspective that only one other current federal court judge shares.

In considering if there was any advantage or if Brisbois brought anything unique to the bench that came from his Native American heritage and upbringing, he said,

I think it is a cultural respect, honor, and integrity that comes from a Native community. Listening is interwoven in the Native culture and influence[s] all aspect[s] of everyday life. It is a part of you, even when you are not aware of it. A sense of community becomes a part of your day to day as well. It is never about the individual and is instead about the community as a healthy reflection of its members. If someone asks or needs help, you simply do it or give it.

Judge Leo Brisbois clearly understands the impact his role and leadership have in

the Native community. Being one of only two Native American judges in the federal system brings with it a mantle of responsibility of which Brisbois is very much aware. “My jokes seem to be funnier now that I am a federal magistrate, but I get the chance to speak more on topics and issues that are important to the legal profession and Native American community.”

The ABA’s and legal profession’s goal of equality, inclusion, and diversity is not only reflected in Judge Brisbois as a Native American but is also seen in his actions throughout a still very young legal career. Perhaps nothing reflects Brisbois more as a person, attorney, and now judge than when I asked him if anyone inspired or mentored him in his career. He replied,

No one in my family had any advance degree, and no Native role models were around as lawyer or judges at the time. The core group of attorneys who currently are present in Minnesota helped me, as Native American attorneys came much later. Because of the lack of any Native American presence to mentor or help, if I in some small way can be a role model or help someone on that path, then I want to be as involved as much as I possibly can.

It is abundantly clear that Judge Brisbois has been exactly that. ■

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