

The Opinion

3-2009

The Opinion – Volume 23, March 2009

William Mitchell College of Law

Follow this and additional works at: <https://open.mitchellhamline.edu/the-opinion>

Recommended Citation

William Mitchell College of Law, "The Opinion – Volume 23, March 2009" (2009). *The Opinion*. 193.
<https://open.mitchellhamline.edu/the-opinion/193>

This Book is brought to you for free and open access by Mitchell Hamline Open Access. It has been accepted for inclusion in The Opinion by an authorized administrator of Mitchell Hamline Open Access. For more information, please contact sean.felhofer@mitchellhamline.edu.

THE OPINION

March 2009

SBA candidate platforms inside

CONTRACTS FINAL EXAM

SPRING 2003

YOU HAVE 1 HOUR

TO SPOT 50 ISSUES

AND TYPE 67 PAGES

OR YOUR KITTEN SNUFFS IT

Good luck

**"Just think, in a matter of weeks,
you'll be seeing these again."**

TABLE OF CONTENTS

March Issue 2009

NEWS FEATURES:

04
Mitchell comm revealed

06
Obama foreign policy

08
Campaign ad
- Moen and Klug
- Tim Rivard

HUMOR SECTION: The following articles are
incredibly fictitious...so don't hurt us.

11
Russian Leader Dismisses President Obama

12
National Beat

13
Prof Quotes/Ways law students can save money

14
Law school in a pill

CONTACT INFO:

The Opinion

William Mitchell College of Law
875 Summit Ave
St. Paul, MN 55105

theopinion@wmitchell.edu

www.wmitchell.edu/studentlife/organizations/opinion.asp

Editor in Chief: Mike Vogel
Reporting Editor: Patricia Gabriel
Humor Editor: Jeremy Byellin

CONTRIBUTORS IN THIS ISSUE:

Joao DaFonseca,
Greig Dahlke,
Shmuck MacCallister,
Justin Paul,
Elise Peterson,
Stuart Stendahl

Design Director:
Keng Thao

PLEASE NOTE:

The views expressed in articles and essays do not necessarily reflect the opinions of staff, contributors, editors, or the William Mitchell College of Law.

MITCHELL COMMUNITY REVEALED

By: Joao da Fonseca
and Mike Vogel

Most Mitchell students have been out in the surrounding community, whether it's a jaunt to Billy's, Café Latte, or Axel's Bonfire. Some students even live in the nearby apartments. However, much of the community's rich history, quaint offerings, and overall concerns about property damage sometimes go unnoticed. We sat down with Bob Kaplaun, who has been living in the community since 1982. He shared his insight with us about the community and his experiences.

BOB'S TRANSPORTATION

Kaplaun uses a red tricycle to get around. His good friend Rascal is always with him. One afternoon, a couple weeks ago, Kaplaun's terrier was attacked in the neck by a much bigger dog close by William Mitchell. Kaplaun thought Rascal's days were over when he saw Rascal in the other dog's mouth. The dog owner was not able to keep the dog under control. Rascal, however, proved to be a much stronger dog and survived the attack. As usual, Rascal continues to pull Bob in his tricycle.

A SUPRPRISE HISTORICAL NOTE OF THE GRAND AVENUE SHOPPES

Kaplaun remembers an ice cream shop on Grand Avenue that contained a photo of what was in the ice cream shop's location in the 1930's and 1940's, a Ford Dealership. This isn't the only spot on Grand Avenue to see a change from a car dealership to another establishment over the years. It's hard for The Opinion to neglect reporting that one of the favorite dining locations for Mitchell students, Café Latte, was formerly Studebaker and Oldsmobile dealership until it was sold.

THE FARMER'S MARKET: A GREAT COMMUNITY OFFERING

In the late spring, summer, and into the early fall, Kaplaun recommends stopping by the farmers market for great food and fantastic values. Kaplaun tells us that between April and October, the City runs a farmer's market at the Church Parking lot on Lexington and Summit. He eats lunch there often and reports that the prices are better than what you would find at Whole Food or Mississippi Market.

THE GOVERNOR'S MANSION AND THE RESIDENTS

Kaplaun discussed that the Governor's mansion was donated to the state to be used as a residence for the current governor. However, as Bob noted, our current governor, Tim Pawlenty, has a house south of the neighborhood, and doesn't live in the residence. This is because Tim Pawlenty's wife is a judge and has to live in the county where she works. However, the last Minnesota Governor, Jesse Ventura, did live in the mansion and the presence of family in did not go unnoticed by Kaplaun or the rest of the community.

NORTH OF MITCHELL

Many buildings in the area north of Mitchell have been devoted to low income housing. Additionally, Kaplaun stated that the neighborhood north of Mitchell does have a higher crime rate. He tells The Opinion that the City of St. Paul has been trying to solve the crime rate with more police officers, but that has proven an ineffective means for dealing with the problem. Kaplaun however has faith that the residents themselves can make a difference.

WILLIAM MITCHELL'S AFFECT ON THE COMMUNITY

Kaplaun tells us that since Mitchell came to the neighborhood in the 1970's, their presence has had a positive impact on the neighborhood. He notes however that Mitchell's parking lot may be big enough to minimize the parking problems.

We asked Kaplaun if there were any issues that the Mitchell community should address in our community. He mentioned that Mitchell could take a more active role in banning the drinking outside of bars. Kaplaun noted that outside drinking leads to an increase in vandalism in the neighborhood. Additionally, when people drink they cause property and physical damage to themselves. This forces maintenance employees from the local buildings to clean up the damage. Kaplaun also mentioned that city workers will not step in to help in clean up therefore Mitchell should step in to combat this problem.

We see this community around Mitchell daily. The more we know about its history and neighborhood concerns, the more effective role Mitchell, and its students, can play in the future.

OBAMA'S FOREIGN POLICY:

A CHANGE IN TACTICS AS OPPOSED TO IDEOLOGY

By: Justin Paul

Much of the grassroots support for Barack Obama was predicated on a new foreign policy, and on the ability to restore the United States role as a respected and benevolent leader figure in the world. This proposition was flawed, largely due to the historical amnesia of much of the American electorate when it comes to understanding our history of non-benevolent intervention dating back to the 1890's. George W. Bush, with his sturdy cabal of former trotskysts turned neo-conservative advisors, certainly increased the overall complexity of adventurism. They did this by increasing the sheer troops numbers and the amount of dollars spent, which is the American imperial exception. Yet they did not create the mantle of American double standards, and nor will their ideals leave the field of international relations with their departure.

To be certain Barack Obama is more interested in how Americans are perceived. His decision to speak to Al Arabiya TV, as opposed to the American funded proxy station in Iraq was refreshing. Furthermore, his efforts at curbing the potential provocation of the proposed missile defense shield in Czech Republic and Poland should be applauded. I also credit him with his dispatching of an envoy for recent discussions with Syria. Also, despite Joe Biden's history of hostility towards Slavic leaders with an independent foreign policy—ala Yugoslavia in 1999, I don't believe Russia is the priority. After all NATO may need its help in Afghanistan, which is the new administration's biggest challenge.

The Afghanistan war suffers from a lack of meaning. Obama elevated Iraq War dissenting General Eric Shinseki, for his past bravery in standing up to the Bush Administration concerning the troop numbers in Iraq. It seems he is not interested in inquiring into why 17,000 new troops are needed in Afghanistan, as many Afghan leaders are saying more NATO troops are not the answer, but it is a motivator for more insurgency. The Obama administration slighted the current president Hamid Karzai, by not inviting him to the presidential inauguration. They are frustrated with him in many ways, including his administration's lack of transparency. But this is not a new gripe. Potential challengers like former warlord Agua Sherzai do not favor the United States because they are more democratic, but because they are more compliant with US interests. Obama's recent plan to negotiate with moderate Taliban seems more cynical than genuine, and this was supported by Sherzai. It is easy to see fingerprints of Obama's envoy Richard Holbrooke all over this plan, since he has a record of trying to manipulate Islamic insurgents in Bosnia—and has failed badly. Holbrooke's track record, of creating a UN-NATO dictatorship in Bosnia-Herzegovina, where unaccountable international autocrats can sack party leaders, should be a red flag rather than a credential of merit for his potential to be interested in Afghan people.

Meanwhile the rhetoric towards Pakistan is totally inconsistent. The Pakistani army, which is often slandered as being complicit en

masse with the Taliban, has taken huge losses fighting against them in the tribal areas. This hasn't stopped Obama from demanding the use of more drone attacks against Pakistani fighters. It is precisely these attacks that empower the support base of Pakistani Taliban. Here the administration seems more interested in flexing muscle than in providing a coherent policy. This is all about keeping face, and continued bombing of Pakistan would be as strategically unwise and gratuitous similar to our attacks on Cambodia during the Vietnam War.

On Iraq too, we are seeing a change of rhetoric. Barack Obama has changed the words from Iraq Residual force to Transitional force. This might sound better on paper, but it still leaves room for up to 50,000 troops to be in Iraq after his proposed 19-month deadline and also for staying on later if conditions on the ground dictate it. This is something of a truism as there will be some anti-American forces that will try to exploit our last days in Iraq. Anti-American forces are an organic force in the opposition of Iraq, and arguing that they must be totally neutralized before we leave has two negative implications. It prevents the Iraqi government from taking full responsibility because they have our presence as a crutch to lean on, and secondly it justifies paternalism on our part by pathologizing any anti-American force as being irrationally motivated.

Lastly there is the question of Iran. Our own intelligence services have concluded that Iran has not been developing a nuclear weapons program since 2003. Obama has surprisingly disavowed this intelligence in mid-February, without any actual explanation. It's timing, not long after the latest Israel-Palestinian fighting, cannot be ignored especially because Israel's military establishment is a client of the US arms industry. Where Obama and Hillary Clinton get into trouble here is if they co-mingle the interests of the United States with those of Israel. Seeing that Israel has a conservative-nationalist government, including Avigdor Lieberman who has threatened a strike on Aswan Dam in Egypt

if they get out of line, fears in Tehran are heightened. There is much room for criticizing Tehran, from their general clerical illiberalism, to their claims on Bahrain's territory, yet the idea that they want to obliterate the United States or even Israel is not rooted in reality. The rhetoric on Iran is so skewed. This is evident in the visceral animosity by some pro-Israel commentators towards Roger Cohen for his noble attempt to cast some shades of nuance and journalistic integrity on the conflict, in his recent piece covering the largely peaceful existence of Iran's own Jewish community. If Obama succumbs to the voices of ignorance that paint Ahmadinejad as a Persian version of Hitler, we are doomed to another imperial adventure in a country that is rightfully hostile to foreign interference.

Barack Obama was a welcome change from George W. Bush, however he offers only a modest paradigm shift from a general imperialist outlook. The fact that Iraq, Iran, and Pakistan are still being sold as binary morality tales between benevolent American interests and Islamic insurgencies show that what change has occurred have been a change of tactics more than a change of ideology.

"The following two pages are advertisements for candidates running for positions with the Student Bar Association. The Opinion prints these advertisements as a service to the students to get the word out about the SBA election running April 1st through 3rd.

These advertisements do not represent all the candidates, just those that chose to advertise with us."

MOEN & KLUG



Student Bar Association



DON'T BLINK

Representing Your Interests Because We Share Your Interests

The student body deserves an executive team that represents its diverse interests. As your candidates for President and Vice President, Kyle Moen and Nick Klug understand your interests because they share your interests. In 2009-2010 Kyle and Nick will aim to address issues that are relevant to the law student experience. Whether they are tackling common concerns – the cost of text books, access to health insurance, networking opportunities, and work-life balance – or addressing your individual issues, these candidates will work with administrators and student leaders to find creative solutions for the challenges we all face as students and future members of the bar. Kyle and Nick plan to prioritize:

1. Access to low-cost health care for students;
2. Address rising text book costs;
3. Promoting unique social events catering to varied interests of student body; and
4. Ensuring fair and responsible allocation and stewardship of every student fee dollar.

By focusing on these core issues as well as responding to the needs of the student body as they arise, Kyle and Nick hope to ensure a productive and fun 2009-2010 academic year. In addition to addressing high-level priorities such as the above, if elected, Kyle and Nick will foster a collaborative environment among the elected SBA representatives in order to draft and execute an annual business plan that includes some of the following initiatives:

1. Building on this year's committee work to implement a central events calendar;
2. Commissioning a study of the impact WMCL's mandatory GPA has on employment decisions so that a credible and competent argument can be made to raise the minimum GPA requirement;
3. Working with Financial Aid to develop a solution to the challenges presented by delayed loan disbursements;
4. Improving access to information by advocating for revisions to student services and SBA website consistent with changes made to home page, alumni webpage, and career services page.
5. Promoting work-life balance (and F-U-N) by sponsoring diverse social events tailored to the varied interests of the student body.
6. Collaborating with student organizations from the other area law schools to promote social and professional networking with our colleagues through intramural athletics, quarterly happy hours, and combined speaker's series.
7. Improving communication with student body through a campus e-newsletter, regular updates to website, and office hours for student representatives.
8. Holding student organization's accountable for efficient use of your student fee dollars by implementing procedures that reward organizations who meet programming commitments.
9. Helping every student save a few \$\$\$ by developing partnerships in the community for discounted prices on goods and services to WMCL students.

Kyle and Nick aren't trying to change the world. They're just trying to make your law school experience a little less stressful. Log on and vote, and when you do, Vote Kyle Moen and Nick Klug for SBA President and Vice President.



TIM RIVARD

For

3L PART TIME REP

Hello, My name is Tim Rivard & I am currently your 2L Part-Time Representative. I am asking you to serve as your 3L Part-Time Representative. I believe our school is a great place to learn & a big part of the reason is because of the great diversity of experience part-time students bring to the classroom. Our school has a long history of serving those who take on the challenge of law school while balancing it with the demands of full-time employment, a family, or both. I want to ensure that William Mitchell continues to serve this dynamic portion of the student body as much as possible. I want to make sure that accommodations are made, & continue to be made, available to those of you who find it challenging to be here during traditional class time hours. If elected, I will do my best to be YOUR voice in the SBA & help YOU in any way that I can. I appreciate your time today. We all know that all time is precious in law school. Thank you again! Don't forget to vote!

The following articles are incredibly fictitious...
so don't hurt us.



RUSSIAN LEADER DISMISSES PRESIDENT OBAMA'S OVERTURES ON BEACH:

Minsk, Belarus – Prime Minister Vladimir Putin surreptitiously denied President Obama's overt advances while on a sweltering Belarus beach last Tuesday.

Onlookers say Putin had been sunning himself and texting messages to his deputy minister (regarding what new techniques they could use to put down the peasant rebellions in north-western Georgia), when he saw the American President coming toward him with his shirt off and a bottle of cold water and massage oil in hand.

To prevent an embarrassing encounter, Putin quickly picked up his trusty graphite fishing pole, and casted his bait and hook into the lake that he recently took back from the proletariat.

Credible sources say Obama "puffed up like trumpeter swan" when passing by the confused Putin – But Putin showed no interest in the buff new president, known for advocating change.

When asked about the encounter later, Putin said there will be no change between them two, unless the American president puts an end to U.S. hostility toward naked Russian Aggression.

"They chant the slogan of change but we haven't seen any," Putin exclaimed, "The only change I've seen is that Obama thinks he can charm his way toward world dominance with good looks and massage oil – now if that would have been Hillary, I would have been all over it..."

NATIONAL BEAT

By: Shmuck Maccallister

LOS ANGELES: Rock band The Fray is reported to be “out of inspiration” for songwriting. Their publicist explained on Friday, “this is clearly connected to the ill-advised fact that they are all now in healthy relationships with good communication.”

NEW YORK: Stocks rallied on Tuesday in connection with Fed Chairman Bernanke’s optimism that the recession may end soon. This optimism is reported to have come from a little green man Bernanke saw in his dreams. Tuesday was an especially good day on Wall Street for the company Little Green Men, “Invading your dreams and telling you to do stuff since 1984.”

WASHINGTON, DC: Congress is “still beaming” after the night of February 24th. House Speaker Nancy Pelosi commented saying “it renewed good spirit in us all.” On February 24th, President Obama addressed Congress as the opening act for The Jonas Brothers.

HOUSTON: A newly-built NASA Satellite crashed back onto the ground minutes after launch on Tuesday. A NASA spokesperson told The Opinion that this is part of NASA’s compliance with new Federal Regulations which puts a 5 year embargo on NASA “launching anything into outer space that is useful, functioning, or in any way aids mankind’s knowledge of Earth, space, or other planets.” The new regulations further stipulate that NASA is to “actively use its funding on non-functioning devices and activities.” On Thursday, NASA announced an event for April which it plans to set fire to a large bag of money.

ST PAUL: In a press conference on Thursday, BAR BRI officials are calling for calm amongst its course students after their reaction to KAPLAN’s negative flyers claiming “Bar Bri doesn’t work” appearing on the William Mitchell campus. The next week, Bar Bri students were seen burning Kaplan books in effigy, chanting “93% THIS!”

CLEVELAND: The single person not ready for the digital switch was identified this week. John Davis, 67, was reported to own a black and white “rabbit ears” television without a converter box. The US House of Representatives voted to send Davis a 50 inch HDTV. MN Rep. Betty McCollum commented saying: “Congress cannot neglect the important ‘People Living Under a Rock’ vote.”

VANCOUVER, WA: A Federal Judge for the District of Washington State has granted Rule 23 Class Action status to a suit brought by the ACLU on behalf of Mt. St. Helens and “Active and Dormant Volcanoes Across America.” The suit alleges that the US government is and will continue to spend 140 million on what is being considered by the ACLU to be “an egregious invasion of privacy.” The ACLU’s star witness is reported to be Louisiana Governor Bobby Jindal, who commented yesterday saying, “The US government is wastefully spending millions of dollars monitoring volcanoes in the United States without so much as a warrant.” The ACLU, in a press release, cited Jindal’s long qualifications including being governor of a state devoid of volcanoes, making him “more qualified to judge volcano survey policy and funding than residents and officials of nearby towns in the shadow of Mt. St. Helens or the US Geological Survey.” Attorneys for the US Geological Survey commented saying “everything seems to look bleak. We tried to subpoena victims of the Pompeii eruption, but no luck.”

PROF'S SAY THE DARNDEST THINGS

As boring as many of them are, law professors are still capable of giving witty zingers. We've collected and printed many of them here. If you have any fun quotes, quips, sayings, or verbalizations from your Mitchell professors, send them to us. We could print the quotes, and then take credit for finding them.

"God knows I like high-quality panty-hose!"

"Its always nice when it's a 5-4 vote saying a statute is clear."

Teacher: ...That's just me being a jerk.

Student: Its okay, I'm used to it.

Teacher: I guess I lobbed that one over the plate. I'm crying on the inside.

"You've read the cases, so I'm going to talk about them as if you have read them. If you haven't read them, then you don't know whether or not I've read the cases. See how much power that gives me?"

"If this were a class that would explain everything it would be called 'theology'"

(About *Norwood v. Harrison*) "This case involves an oxymoron: Education in Mississippi"

"How can anyone forget something from Evidence, the most sacred of all doctrine in Law School."

"We live in an Oprah-esque world."

"That's just my personal belief. Of course, it's absolutely right."

"You guys pay a lot of money to be here... and I thank you for the lifestyle you've afforded me."

(On the Socratic method) "To hell with Socrates...he's dead."

(Talking about selling things on eBay) "That's my pension plan in light of the stock market."

LAW SCHOOL IN A

By Stuart Stendahl

PILL

Having trouble selecting which study aid to help you study for so-and-so's "notorious" Contracts final? Is memorizing the exact language of the Restatement (2nd) of Contracts incompatible with your budding neural network?

If so, don't worry, you're like most law students... and Westlaw Pharmaceutical has something for you... The leaders in legal research and education recently entered the Law School Study Aid market by introducing a new product: Law School In a Pill.

Motivated to make a study aid as fast-acting and easy to use as Aspen's popular Law in a Flash, Crunchtime and Gilbert's, the Pill has guaranteed better test results, or your money back. Westlaw Pharmaceutical has combined the essence of every case known to mankind in one easy-to-swallow pill with certain hard-to-find Supreme Court Factors such as: The Truth from Scalia; Berger's Biases; B.S. from Brennan; Clarence Thomas' Silence – need we say more?

Law School in a Pill has been shown to provide consistent stimulation of inert legal reasoning areas in the brain near the Corpus Colostrum. It has also been proven to provide the mind-reading capabilities necessary to perform well on professors' insane issue-spotting exams.

All it takes is one daily dose over the semester and no longer will you have to download exams from the exam archive at the library... No longer will you have to record lectures, only to discard them after realizing it would be a waste of time to listen to them... No longer will you have to do anything -- Law School in a Pill will do it all!

Samples are free for 1L's, and offered at a reduced rate for other law students who swear-off using Lexis-Nexis ever again.

*Commonally reported side effects include, but are not limited to: Dry Mouth, Decreased Libido, Contradiction, Confusion, Envy, Night Sweats, Put-Downs from Professors, Poverty, and Stuttering.

WANT MORE FUNNY,
CHECK OUT OUR
SPRING ALL HUMOR
EDITION,
ONLINE NOW AT:

www.wmitchell.edu/studentlife/organizations/opinion.asp

