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STATEMENT OF POLICY

The William Mitchell Opinion is published by the Student Bar Association of the William Mitchell College of Law for the purpose of educating and informing Mitchell students and alumni of current issues and affairs of law and the law school. In furtherance of that purpose, the Opinion will present the views of any student, faculty member, alumni, or the administration. Because of space limitations in a tabloid newspaper, and because the Opinion strives for factually and accurate and stylistically uniform copy, all contributions are subject to editorial review and possible abridgement, although every effort is made to maintain a writers original style.

The Opinion will endeavor to consider fully and thoughtfully all material to determine its relevance and appropriateness before publication. Such consideration will be made with the assumption that freedom of the press within the law school is no less a fundamental right than outside the law school, and in view of the Opinion's recognized responsibility to the member of the student bar, practicing attorneys, and faculty and administration of the law school. The opinions expressed in this publication are those of its editors and do not reflect the opinions of William Mitchell College of Law, its employees, or Board of Trustees.

AALS to reconsider Mitchell bid

By Katy Perry

On Jan. 4, the executive committee of the Association of American Law Schools (AALS) will meet in San Antonio, Texas. At this meeting, the committee will determine whether they will accept William Mitchell's application for membership.

Membership in the AALS has advantages; for example it facilitates credit transfers between law schools. The University of Minnesota will not accept transfer credits from William Mitchell because it is not a member of AALS. If credits transferred more easily, students from other law schools could take summer courses at Mitchell, generating more income for the school and possibly ensuring the enrollment required for courses to be offered.

AALS membership also carries with it an element of prestige. This could enhance the reputation of the college, which is important in attracting faculty from around the country.

William Mitchell began the application for AALS membership in 1978. That September. an AALS inspection team visited the campus. A month later the team issued a report recommending that the college be accepted for membership.

In November of 1979, the AALS accreditation committee voted not to recommend Mitchell's admission. The committee cited three basic reasons for its conclusion: (a) too great a reliance on part-time faculty ; (b) high student/faculty ratio. and (c) high faculty teaching loads. The committee emphasized that it considered the last of these to be an impediment to faculty scholarship.

The same month the college submitted a detailed report responding to each point raised by the accreditation committee.

In regard to reliance on part-time faculty, the college noted that in 1979 it exceeded the published AALS requirement that 2/3 of the courses be taught by full-time staff. Of particular concern to the committee was the use of part-time staff in teaching the basic courses. For the 1980-81 school year, 52 required credits out of a total of 88 are taught by full-time faculty . Only four sections of two required courses, income tax and evidence, are taught by part-time faculty.

In response to the assertion that the student-faculty ratio is too high, the college responded that at the time of the first committee vote in 1979, the student/faculty ratio was 31.7 to 1. This figure is based on a formula which does not include any the part-time faculty. For the current school year. this figure has improved to 27 to l, including teaching deans and librarians. Both the 1979 and the 1980 numbers are within the published AALS standards.

The accreditation committee also criticized teaching loads shouldered by the professors at Mitchell. Noting its commitment to small class sizes, the college responded that in 1979 the average teaching load was eight hours a week. The published AALS standard is eight scheduled hours per week counting repetitions of class at half value or 10 hours counting repetitions at full value.

Although the college met this requirement in 1979, it has taken steps to reduce that weekly load even more for full-time staff. As of the 1980-81 school year, more than half the full-time-faculty are teaching six semester hours or less, and no non-clinical professors are teaching more than eight hours.

In response to the concern raised by the committee that the teaching load impeded faculty scholarship, the college submitted a list of full-time faculty members and the number of books. articles and other projects they have already published or are currently working on.

On the basis of the-1979 figures, the executive committee, the final decision-making body of AALS, remanded to the accreditation committee for clarification of the basis of its decision.

At the AALS meeting in Phoenix in January of this year a supplementary inspection of the college was ordered. Mitchell representatives who attended were not allowed to make a presentation on behalf of the college.

A supplementary inspection, originally scheduled for the spring of 1980, was postponed by the AALS until September. At that time, Dean Jerome Barron of the George Washington University National Law

Center conducted his inspection and forwarded a report to the AALS recommending admission of WMCL to the organization. A copy of this report was sent to Dean Geoffrey Peters, who responded to it on Oct. 29 clarifying and correcting some of the details of the report.

On Oct. 31, the accreditation committee met to reconsider the application, and once again voted to recommend against membership. Their recommendation included statements asserting that WMCL fails to meet AALS standards.

The committee did not" specify exactly which standards are not met.

In response to this action by the committee, members of the Mitchell faculty and administration prepared a reply objecting to the lack of fairness of the committee action. The reply emphasizes the failure of the accreditation committee to state specifically which AALS standards the college does not meet. Mitchell representatives flew to Key West, Florida Nov. 13 to make the presentation of their reply. At the meeting, the executive committee of AALS decided to defer their final decision until the San Antonio meeting in January.

Night visitor

There they were, minding their own business—students Lynn Zentner and Mary Stanislav, studying in the state public defenders office at William Mitchell around 9pm the day after Thanksgiving.

Then they heard a voice: “Who’s minding the store around here?”

“It’s Charlie, the guard”, they thought without looking up.

Then the owner of the voice introduced himself. He turned out to be an old grad, one who had achieved a modicum of success in his legal career.

Warren Burger was his name and Chief Justice of the U.S. Supreme Court was his game.

Burger, in his hometown for the Thanksgiving holiday, was visiting his alma mater along with his nephew. Since it was the day after the holiday itself, Burger expected to find classes in session and, perhaps, Dean Geoffrey Peters in his office.

He settled for Zentner and Stanislav. He chatted with them for 20 minutes or so, touching on such topics as his days as a student, and then adjunct-professor at Mitchell, his views on law school faculties, the need for trial advocacy programs and Mitchell’s move to a new building.

Then he was off. But before he lefty the quiet, empty building, Burger delivered a message for Peters:

“Tell him this is a night law school”

Please Mr. Chief Justice, Evening law school.

Image

Black and white, photograph of Warren E. Burger in profile, uncaptioned.

Administration changes spring add-drop policy

By Rich Ruvelson

Two significant changes in administration policy could have a profound effect on students registering for electives Dec. 6.

First, a tentative spring exam schedule will be posed prior to registration, allowing students to take exam scheduling under consideration when selecting their courses.

Second, the two week "drop" period at the beginning of the semester has been eliminated on an experimental basis. Students may still withdraw from a course through the 14th week of classes upon payment of a $5 service charge. Previously, students. were able to drop courses without being charged during the first two weeks of the semester.

According to Associate Dean Melvin Goldberg, the former policy allowing students to drop courses was widely abused. Graduating seniors would sign up for more courses than they actually intended to take during their final one or two semesters or they dropped courses that looked like too much work, and added other courses. Goldberg claims that this practice un necessarily disrupted classes because students wanting to take classes that graduating seniors were dropping often missed the first two weeks of the classes and often were unable to purchase books.

Some Mitchell seniors have traditionally relied on being able to drop courses as a form of insurance because grading from the previous semester is not completed until after registration. Wanting to insure their graduation they have signed up for more credits than are actually necessary. Upon finding out that they have not received failing grades, seniors have dropped the extra courses.

Seniors have also used the add drop system for insurance by dropping classes requiring a great deal of work and taking others not quite so strenuous.

"I am hoping to reduce the number of people dropping or withdrawing from courses during the first two weeks," said Goldberg. He added, "I have no intention of condoning a disruptive practice which tends to make graduating seniors more comfortable at the expense of third year students and faculty."

As evidence of the disruption, both to the classroom and to the school office, caused by senior course dropping, Goldberg released the following figures to the Opinion. This semester a total of 652 drop-add forms were turned in. 263 by 113 fourth year students. Of those students 34 dropped more than 2 credits and 14 reduced their initial credit load.

According to Goldberg, the large number of schedule changes disrupted the normally orderly routine of the school's office for two weeks, as forms were processed and people on waiting lists were informed that classes had openings. Two secretaries did nothing else but this extra work for the entire two week add-drop period. Also, 29 hours of overtime was paid and an undisclosed amount was spent for additional computer time.

"The $5 fee to be charged for withdrawing from a course will only cover half of the cost of processing the withdrawals." said Goldberg. He hopes that the fee will also serve to deter people from withdrawing from courses, as will the "W" that will appear on transcripts.

Prior to instituting this new policy the administration consulted with the SBA Education Committee, which did not disapprove of the plan although some individuals voiced strong objections.

Editorial | Why change policy unilaterally?

The change in registration policy promulgated over the last few months (see news article on page 1) should cause student concern. Although the SBA was consulted on the change, which eliminates the two week “drop" period at the beginning of the semester (on an experimental basis), comments made by students who disagreed with the change were ignored.

Under the new policy students may still withdraw from classes through the first 14 weeks of the semester. A $5 fee will be assessed for each withdrawal and as has always been the case a "W" will appear on transcripts in place of the grade for the course.

There are several problems with this new policy, one of the greatest being the manner in which it was presented to students for their input. Admittedly, a change in registration procedures is a matter of administrative discretion. But that is no excuse for the fact that when students were asked for their opinions they were really only asked to affirm a particular policy that, although not yet set officially, was already determined.

As for the new policy itis designed to be a deterrent, but I doubt that it will serve its purpose. Seniors will still feel the need to carry the insurance which will ensure their timely graduation and a reasonable workload during their last semesters at William Mitchell.

The $5 charge for withdrawal is supposed to cover half of the cost of processing. I'm sure most other students are under the impression, as I am, that administrative costs and other costs incidental to the delivery of our legal education are covered by tuition. Obviously, this is not the case. I hope that this administration will see fit in its first budget to remove the need for this surcharge by submitting a budget which is an accurate reflection of costs to be incurred.

The ''W'' on the transcripts poses a different type of problem. Prospective employers will receive transcripts from Mitchell students filled with “W's". Without an explanation from the school many prospective employers may presume the worst about a student because they do not know that Mitchell students are unable freely to drop classes during the beginning of a semester.

In short, the $5 charge and "W" on the transcript are penalties unlikely to deter students, particularly seniors from withdrawing from classes. As penalties the new measures will go well beyond penalizing those seeking insurance. They penalize everyone.

Imagine the following scenario. You are a third year student whose registration time falls toward the end of the lottery. By the time you register many of the classes you want to take are closed, so you register for classes that you don't want and put yourself on the waiting lists for the others. During the first two weeks of classes students undeterred by the $5 ana the "W” withdraw from the classes you want and you are taken off the waiting lists and added to the classes. Now, you too must withdraw from classes, the ones you didn’t want, at $5 and a ''W'' per withdrawal

Under this new experimental policy though, you may be one of the lucky ones, because the students withdrawing from classes have 14 weeks to do so but students adding classes have only two weeks.

Incentive for getting out of classes within the first two weeks is now gone and some classroom seats will more than likely be unfilled throughout the entire semester. This is unfair to students wanting to take classes that were booked when they registered. It is also very unsound economics. The solution being promoted is as bad as the problem it is trying to correct. ·

An alternative solution to the problem that the administration perceives in students dropping classes would be to simply have a shortened ' drop" period, perhaps one week. That way, if confusion existed in the office and in the classroom it will only exist for one week and the problems created by elimination of the procedure in its entirety will not be created.

Sometime during the next semester the results of this experimental policy will be evaluated. I hope that when this evaluation takes place the administration will honestly seek student input rather than simply saying “this is the way it is going to be”

Rich Ruvelson

Comic

Black and white, pen and ink illustration of a luxury vehicle (similar to a Roll Royce) with title above image reading “The 1980-1981 Mitchell Mobile only $2288*”. Captioned: *not including dealers prep, carrying charges, withdrawal fees, SBA fees, license and texts”. Illustration by Cosimini

Comic Strip

Title: Loophole

By Hal Malchow

Six panel black and white, pen and ink comic strip.

Panel one: Illustration of a dean, in profile, at podium addressing audience. Instructor is saying: “Examinations are but one month away and as Dean of this faculty I want each of you to know that this year we intend to maintain the same high standards that have always marked the Simon Legree School of Law.”

Panel two: Close-up of the dean looking directly at viewer saying, “During the previous year we broke records for ludicrous workloads, miserly grading and mind scrambling racehorses…not to mention scoring the nation’s highest attrition rate.”

Panel three: The dean, in profile, pounding fist on podium and pointing at the audience saying, “This year will be no different. Any faculty member caught engaging in straight-forward examination, soft-hearted grading, bell curves, bonus points or any form of academic philanthropy will suffer the severest administrative recriminations.”

Panel four: The dean, in profile, thoughtfully consulting his notes saying, “Of course, I’m obligated to inform you that the 14th amendment due process clause guarantees all tenured faculty the right to adequate notice, fair hearing, and one appeal to an impartial tribunal.”

Panel five: The dean, in profile, looking less confident as audience responds with, “Whew!! What a relief”, “You really had us worried Blitzkrieg!”, “I thought he was serious for a minute!”, “Love that due process”, “He, he, he can’t touch me!!”, “Had me going!”

Panel six: The dean looking directly at the reader thinking, “It’s tough to run a law school under the constitution”

Election model explains why Gus lost the presidency

By George McCormick

It's time to face facts. No use waiting for the Electoral College to convene; it's already-clear that The Opinion's presidential candidate, Gus Hall, lost.

What's left is to try to figure out why he lost. In that effort, unfortunately, Hall himself is no help. He never expected to win so he's wasting no time trying to find reasons for his defeat.

Nor can we look for help to the major syndicated columnists. They're all busy saying hopefully that President-elect Reagan will or will not carry out his campaign promises. The ones who are saying he will are those who supported him, and they're congratulating themselves on their foresight and wisdom. The ones who say he won't are those who didn't support him, who are trying to find reasons why he might not be as bad as they'd feared -so that they, too, can then congratulate themselves on their foresight and wisdom.

It would be nice if we could turn for an explanation to a computer model --a scientifically selected set of sample precincts, like the networks have, which would tell us that left-handed steelworkers in Ohio counties whose names begin with vowels decided the election by switching in a bloc to Reagan at 2:14 a.m. on election day.

Nice, yes. Possible, no. The Opinion. unfortunately, is a low budget operation. In fact, it's downright cheap.

We have no sample precincts. We just have sample voters. Two of them.

And we have no computer. We have just a pocket calculator. And it needs a new battery.

Still, one makes do with what one has. So we interviewed our sample voters -one of them an old-line leftist in New York, who thinks that everything's going to be all right once Trotsky gets his act together (his friends haven't had the heart to tell him what happened to Trotsky); the other, an ex-Wobbly up on the Iron Range (who was damned hard to interview, seeing that he speaks only Finnish).

The old-line leftist didn't vote because he figured that, comes the Revolution, the government is going to change anyway, so why bother. The ex-Wobbly didn't vote because he went hunting.

Using our pocket calculator (before the battery went dead), we figured that there are probably quite a few other voters like those in our sample. And they didn't vote either. Thus, Hall lost.

Wonderful, isn't it, the way creative social-science techniques can make everything clear?

Image

Black and white pen and ink illustration of the U.S. Constitution.

''Macho Theory" hurts students

By Tom Fones

Vince Lombardi would have loved law school. So would General Patton and probably the Marquis de Sade. The trouble is, many of the people who would make the best lawyers are not football coaches, don't fantasize about invading Europe and don't have an inordinate love for leather.

During law school many people suffer with emotional problems, physical illnesses and the breakup of marriages and other significant relationships. These are facts. The question is, what causes all of these problems?

Certainly, some of them are caused simply by changed circumstances and by an increased activity level. But a great many of these problems are caused, either directly or indirectly, by what can be described as the Macho Theory of Law School. The Macho Theory has two basic principles: One: Whatever hurts or makes you nervous is good for you. Two: Success is something you will not achieve unless you sacrifice individuality and compromise moral values.

Let's explore the effects these two principles have on the law student and thereby how destructive the Macho theory can be when a person becomes infected with it.

In most phases of life, it is considered wrong to inflict needless stress, humiliation and pain on individuals. We are essentially social creatures, who are taught from an early age to respect others and to expect such respect from them in turn. However, once we get to law school this whole concept goes out the window.

In the Alice-in-Wonderland World of law school, it is considered helpful to put a student under needless pressure and to humiliate the student for no other reason than to make him or her "think like a lawyer." How many of us have watched a professor ask a barrage of questions which obviously have no other purpose than to intimidate a student? One problem with this approach is that people aren't built to handle this kind of pressure. All of those people who subscribe to the Macho Theory should think of the effect this bizarre life-style has on others. I think that law students who have their physical or emotional health or their marriages destroyed would not be completely unjustified in sending a bill to the professor, judge or senior partner responsible.

Another problem is that hazing is unnecessary and may not produce good lawyers at all. I would argue that instead of encouraging good lawyers who are also good people with a sense of perspective, we are encouraging over-aggressive, one-dimensional martinets. Luckily, some people will retain their values despite encouragement to the contrary.

In the final analysis, however, it is not the judges, professors or senior partners who are responsible for the damage done. It is we, the Alices in this Wonderland, who are responsible because we allow this system to operate. We do not have the courage and self-confidence to stand up to that professor, judge or senior partner and say, "No I will not lead an inhuman life. I will work hard and I will love the law, but

I will not sacrifice everything that I am to the altar of this law school." If all of us, or even a substantial minority of us would say this, it might change the whole system.

By this time, most of you are probably saying to yourselves, "Yes, what he says may be true at Harvard or Stanford, but this is William Mitchell. We're not that crazy here." And, of course, you're right. Mitchell is a fairly low-key law school compared to many others, but that does not mean that the Macho Theory is completely discredited here. It just means that an individual has a better chance of avoiding the effects of this disease, and that we should work that much harder to keep things from becoming "crazy" and to eliminate the "craziness" that does exist.

Letter to the Editor

Taking into account the high level of intelligence obviously possessed by the student body at William Mitchell, is there any reason why we can't be provided with more information concerning grades on the grade reports for each class and the yearly transcripts?

We now have access to two main sources of communication on grades: the grade report at the end of each class (telling us how many students were registered in that class and our own score), and the yearly transcript (received in August, reporting the grade for each class completed, an over-all average grade, and two class ranks based on that grade average (one rank from the courses completed daring the past year and the other rank from a comparison of students having earned a similar number of credits)).

It would be very helpful also to know the range (the highest and lowest grade, or grade average) the mean (average grade given for each class), the mode (the "middle" grade or grade average) and the standard deviation (describing the dispersion of the grades or grade averages on the grade reports and on the yearly transcript.

With this information, we would know just how much of a change in class rank would result from a slight change in the over-all grade average. More importantly, employers would know more about how William Mitchell applicants stand in relation to each other.

This kind of information is rather basic and computer packages exist that would easily add it to these documents. Usually, the cost for this is small, so I do not see any reason for this information to be withheld. In addition, some of this information is available to students upon request.

Therefore, I would hope to see the reporting of the statistical analysis of individual course grades. and the overall grade averages as a standard part of the grade reports and the yearly transcripts.

Wendy Arcand

[Untitled Memorial on the Passing of John Burke]

It is with great sadness that the William Mitchell community learned of the death of John Burke. In 1922 John Burke graduated cum laude from St. Paul College of Law. It was the beginning of an illustrious law career that eventually led Mr. Burke into the pages of "Who’s Who" and onto the Mitchell Board of Trustees.

During the course of Mr. Burke's career he practiced as a title attorney for the Federal Land Bank in St. Paul, was chief counsel for Minnesota Federal Savings & Loan Association until his retirement in 1974, taught at William Mitchell for 12 year and has represented Minnesota as a state delegate of the American Bar Association for 20 years.

Burke often boasted that in William Mitchell "we have one of the greatest law schools in the nation." If that is so, it is due in large part to the care and hard work of people like John Burke.

Image

Uncaptioned, black and white informal portrait, presumably of John Burke.

Legal writing: Improved, still controversial

BY Chuck Friedman

Legal Writing is one of those “required" courses. No one seems to like it... much. Yet, this year there seems to be a greater tolerance for it than has previously existed.

That tolerance may be attributed to a number of factors. While all four sections of the course were previously administered by one professor, the workload is now shared by two, so students have greater access to help on campus. In addition, efforts have been made to bring adjunct professors within certain broad grading guidelines. Furthermore, the course itself has undergone revision.

All of this came about when a student committee last year vocalized their complaints about a program which they perceived as inequitable. According to Jane Welch, a committee representative, the most common complaint was discrepancy among small-group instructors in terms of work required and grading standards used.

Despite changes, complaints about the program continue. ''We are not given enough direction.” "It requires top much time." "There is no consistency from one instructor to another." It makes one question why an instructor would undertake the task of trying to teach the course. In fact, at William Mitchell there have been seven instructors administering the program over the past 11 years.

"The burnout rate for legal writing instructors is high," said Professor Christina Kunz, one of two administrators of the present program-at William Mitchell. She attributes the high turnover in many schools to a lack of adequate funding, a poor student-teacher ratio and a subjective grading approach, which often leads to student hostility towards the program.

Professor Carol Florin, librarian and research instructor, has seen legal writing instructors come and go over the past 11 years. According to her, the best writing instructors have to be good administrators. The program involves some 20 adjunct professors, each of whom has an individual approach to teaching legal writing. "It is a difficult job trying to coordinate all of them," said Florin.

While Professor Kevin Millard, the other program administrator, views this diversity as a positive factor, he recognizes the discrepancies it can cause. "There will always be complaints in a program like this," he said. "We simply try to keep them to a minimum."

Investigating Complaints

If there are complaints about an adjunct, the instructors claim they will investigate and try to reduce the conflict. Gayle Hendley, a first-year student, acknowledges that, in her case, the promise has been kept. Said Hendley, "My confidence was shaken when I got back the closed memorandum assignment. I set up appointments with Professor Millard and my adjunct. In fairness, I would say both were responsive to my concerns.

Unless there are significant discrepancies in grading, neither Kunz nor Millard are apt to question differences between adjuncts. General grading standards were established at the beginning of the course. Adjuncts were told to evaluate papers on the basis of mechanics, proper citation. style, and the spotting of issues. ''Beyond that, it would be impractical to suggest that everyone follow the same criteria for evaluation,'' said Kunz.

Still, the complaints continue. "I find it difficult to believe that there can be nearly all B's in one group, while there are generally C's and D's in another group," said first-year student Lynn Larson.

The B grades on the first assignment, according to Kunz, are the exception rather than the rule. Her own grades were mostly low to middle C's. "That is because most first-year students lack solid writing skills when they begin law school," she said. This she attributes to a deemphasis placed on writing in high school and college. Since the median grade for first-year law students is 76 and 77, Kunz believes that the C grades are justifiable. In addition, said Kunz, grades generally improve by the end of the year when significant progress has been made.

To some students, the grade is of less concern than is understanding the importance of the various criteria. According to first year student Donna Piazza, some adjuncts seem to stress the importance of mechanics to the near exclusion of content, while others take the opposite approach. Both Kunz and Millard said that the two cannot be separated. “You can't divorce analysis from the mechanics," said Kunz. Piazza agrees with that philosophy: but then questions the validity of ignoring one aspect while heavily evaluating the other.

Hendley suggested apportioning point totals to each of the various criteria so that specific weaknesses could be improved. Kunz said that she used such a system when teaching at Indiana University. In her opinion, it makes the grading process “too mechanical" because it is difficult to separate content, style, and mechanics.

Program revised

Under Kunz and Millard, the Legal Writing program underwent revision this year. The number of assignments increased, while a second draft was limited to only the first graded assignment. That assignment was labeled a “closed" memorandum. Students were given a problem and a set of three cases to apply to the facts. The research step was omitted to allow students to concentrate on their writing. The next assignment, the "open" memorandum, incorporated both writing and research.

“The closed memorandum reduced the tension created by last year's first assignment," said Todd Duffy. "We weren't just thrown into the library." Duffy was, for personal reasons, unable to complete his first-year program last year. He was in the Legal Writing class long enough to compare the two and sees an “improvement" over the previous program.

According to Professor Kunz, the abolishment of the second draft on subsequent assignments came about because, for many students, the purpose is lost. “They try to maximize their grade while minimizing their effort by making only the grammatical correction, while ignoring substantive changes." Kunz said. The time otherwise devoted to second drafts will be spent on other types of assignments.

One of these, in addition to the closed memorandum, is the client letter, which will be written in January. Kunz said there is a justifiable shift in the profession to couching legal terms in language that can be understood by clients. According to her this enhances the trust placed in a lawyer. The letter will measure the student's ability to communicate effectively his legal understanding of a client's case.

In addition to these changes, the weight given to the writing portion of the course has changed slightly. Whereas last year writing constituted two-thirds of the total grade, this year it makes up three-fourths of the two-credit course.

Increasing requirements

One thing both the research and the writing instructors agree on is that more writing should be required of students. "Ideally,” said Florin, “second-year instructors should design written assignments that require research in the substantive area of law that is covered." She said that it is not uncommon to hear a fourth-year student express fear about his or her first clerking job which requires extensive writing.

Kunz acknowledges the problem, but, like Florin, she does not believe that writing will be significantly incorporated into the second-year substantive courses. She sees a possible alternative in carrying over Legal Writing to the second year. In fact. until 1974-1975, Legal Writing was taught to third-year students. Kunz-pointed out that the ABA Cramton Report recommends offering writing courses in every year.

Despite some of the complaints heard about Legal Writing, many students said the course is valuable and the problems with evaluations are "inherent." "It is important that I graduate from here knowing what there is to know about legal writing," said Hendley. "I just wish it could be more of a learning experience and not so threatening.'

Images

Four informal snapshots of various students studying, respectively captioned: Kathy Curran, Missy Olson, Chuck Seykora and Barry Davval

Pages

Moot Court teams gain in competition

Susan Bergin, Paul Begich and Kathryn Shaw won the fall Moot Court Competition at William Mitchell in November after final oral arguments against the second place team of Stephen Andersen, John Hoffman and Joel Brodd.

Paul Begich was named best oralist in the competition. Earlier the winning team had received the Dean Bruce and Virginia Burton $500 scholarship for the best brief, giving Bergin, Begich and Shaw a clean sweep of this fall's competition.

Judges for the final competition were Supreme Court Justice·· James Otis, Federal District Court Judges Harry McLaughlin and Robert Renner, attorneys Patricia Maloney and Mary Bolkcom and Prof. Michael Steenson.

Over 50 students representing 22 teams took part in the fall competition, making this the largest competition in school history. (Completion of one semester of moot-court competition ana one semester of client-counseling competition, or two semesters of moot-court competition fulfill the long-paper requirement.)

School winners of the spring competition will be eligible to be on the two William Mitchell regional moot-court teams, which argue the national problem each November against other regional schools. This year the regional competition was held at the University of Iowa. Two teams, consisting of Donna Blazevic, Tim Hassett, Patricia Hinojosa, Lane Phillips and Joe Pingatore, competed in Iowa City. Teams from the University of Minnesota, the University of Iowa, the University of North Dakota and Drake University were semi-finalists in that competition.

Image

Black and white photograph of man speaking at lectern; captioned Paul Begich.

Image

Black and white photograph of five people seated at a table listening to deliberations. Captioned: Patricia Maloney, Justice James Otis, Judge Harry· McLaughlin, Mary. Bolkon, and Judge Robert Renner presiding at Moot court arguments.

Bar Exams Come Under Constitutional Challenges

Reprinted with permission from the National Law Journal

Recent complaints about the difficulty of some state bar exams have been joined by claims that the exams themselves are unconstitutional.

Suits in Colorado, Delaware, Georgia and Indiana have proven unsuccessful, however, at shaking the exam requirement or prompting noticeable changes in the structure of the tests.

In Denver, 29-year-old law graduate Glen F. Younger received a favorable if short-lived ruling from U.S. District Court on his claim that the state's refusal to let him take the exam a fourth time violates the

equal protection and due process clauses. Judge Richard P. Matsch agreed that the state's Civil Procedure Rule 214, which disallows retaking the exam after a third failure, arbitrarily denied the applicant the right to practice the profession of his choice.

Judge Matsch said the rule set up an irrebuttable presumption that persons passing the bar after a third try would not be as competent as those passing sooner. ''The number of times the test was taken before a passing score was achieved is irrelevant,'' he said.

On appeal, however, Younger's victory was overturned. The 10th Circuit said states have a legitimate concern about failures, and that the limitation rule reflected a "rational policy adopted in the exercise of the state's recognized authority to assure a competent bar."

In Georgia, the 5th Circuit handed down a similar ruling when an unsuccessful bar applicant alleged that the Georgia education system failed to prepare him to pass the exam (Davidson v. State of Georgia, 79-3982). Judge Orinda D. Evans said "Georgia has a legitimate and substantial interest in excluding from practice… those persons who do not meet its standards of minimal competence." The judge also said the Georgia exam "tests skills and knowledge which have logical and apparent relationship to those necessary to the practice of law."

Though similar appeals from Delaware and Indiana rulings have been unsuccessful.

Younger is reportedly preparing a petition for certiorari from the U.S. Supreme Court.

More than half the states have limitations on the number of times applicants can take the exam.

New law will have impact on student loan program

In early October of this year, President Carter signed into law the Higher Education Act of 1980. This law has significant impact on the loan program that is available to students attending post-secondary institutions.

The following are the major provisions of the act as they apply to the Guaranteed Student Loan Program:

1. The interest rate on all Guaranteed Student Loans (GSL or FISL) is increased from 7 percent to 9 percent for all new borrowers.

2. Aggregate loan maximums are increased to $25,000 for graduate-school borrowers. However this $25,000 includes in its total any amount borrowed as an undergraduate. The annual maximum remains at $5,000 for graduate borrowers.

3. A parent loan program has been established for the parents of dependent students. Under this program, parents could borrow up to $3000 a year and $15,000 for any one student. Repayment begins within 60 days at an interest rate of 9 percent.

4. The grace period before repayment on student loans is shortened to six months for new borrowers. The old period was nine to twelve months.

"New borrowers" is defined as any student who has not yet borrowed under the GSL program prior to the academic period beginning Jan. 1, 1981 or any student with no outstanding loan balance on prior FISL or GSL loans. This means that loans applied for after Jan. 1, 1981, but which cover the academic year period of Aug. 1980 to May 1981, will fall under the terms of the old program at the interest rate of 7 percent. Loans applied for after Jan. 1, 1981 that cover the academic period after Jan. 1, 1981, will fall under the terms of the new program, at an interest rate of 9 percent.

The increase in the aggregate maximum is aimed primarily at people who intend to enroll in post-secondary institutions in the future. The $25;000 aggregate will allow a student to borrow $15,000 or less as an undergraduate and still be allowed to borrow $10,000 or more if he or she wishes to enroll in a graduate program. However, tile increase is helpful to students now in attendance who have reached the old limit of $15,000 and still have one semester or more of schooling left.

The finer details of the program have not been worked out by the institutions that administer the loans. These details will be clarified as they become available. For further information and an explanation of the new program, feel free to inquire at the Financial Aid Office in Room 108-B.

Image

Black and white photograph of a crowded classroom

SBA creates committee to study parking

A nine-member Parking Committee has been formed by the Student Bar Association following the recently enacted St. Paul parking ordinance.

At its regular meeting Nov. 11, the SBA Board of Governors affirmed the appointment by SBA President Dennis Brown of six students, and it elected three of its members to serve on the committee. The committee members are Mark Anderson, Casey Christian, Laurie Froiland, Karen Haugen, Tim Keane, Bill Kuharik, Doris McKipnis, Rich Ruvelson and Janet Peyton Schafer.

The board directed the committee to address any and all problems arising from the parking situation in and around Mitchell. Without limiting the scope of factors to be considered, the board emphasized that the committee should look at the direction Mitchell should take in adjusting to the ordinance, whether car-pooling should be encouraged and priority preferences for permits in the school parking lot.

In its charge to the committee, the board emphasized that the committee must insure that students have ready access to its members, that student input will be received and considered and that students have access to the materials and other information on which the committee is considering and basing its decisions. The committee is to report its findings and recommendations to the SBA board no later than its February meeting.

The Parking Committee met Nov. 18 to establish the foundation for its work. Persons interested in the parking issue are encouraged to talk with members of the Parking Committee and to watch the Docket for announcements of committee meetings.

Image

Black and white photograph of long lines of cars parked on the street with “No Parling 2pm-8pm except by permit” sign in foreground.

Seminar for lawyers, journalists to focus on media -liability

"News Media and the Law: A Puzzle !or Both Professions" is the title of a seminar to be held Dec. 6, from 8:30 a.m. 4 p.m. Lawyers Judges and journalists will meet at the Holiday Inn Downtown in Minneapolis.

Professor Michael Steenson will moderate a debate, "Tort Liability of the Media: What are the Limits?" Arguing the plaintiffs position will be Marvin E. Lewis. Lewis, a former president of the American Trial Lawyers Association, represents the plaintiff in the "rape by the coke bottle - imitation" case against NBC. Arguing for the defense will be David Donnely, former president or the Minnesota State Bar Association, who represents several news media outlets in Minnesota.

At lunch, U.S. District Court Judge Miles Lord will speak on "Media Watching from the Bench." A panel discussion on the ethics of lawyers and journalists rounds out the program.

A $30 registration fee will be charged to students registering at the door.

The program is being sponsored the Minnesota Chapter of the Society of Professional Journalists, the Minnesota Trial Lawyers Association, the University of Minnesota School of Journalism and the Supreme Court of Minnesota Information Office.

(Editor’s note: The February issue of the Opinion will feature the debate between Lewis and Donnelly.)

Fall Football

Football season is over, and the names of the championship teams are history. Witnesses to the final round of the playoffs saw four fine teams battle for their respective championship titles in Leagues A and B.

In League A, JLO emerged the victor. League B produced WMO as its champion.

JLO was League A's powerhouse. After finishing the regular season undefeated, JLO continued its unblemished record with a victory in the finals. The final game of the season pitted JLO against an excellent team, the Weekend Athletes, who had finished the regular season with only one loss. For those who played in and followed the league, this was an exciting match. But when it was all over JLO walked away with a commanding 22 to 12 win in League A.

While JLO may have been a sure bet in league A, WMO was an obvious underdog going into the League B playoffs, with only one victory in regular season play. Its opponent, Double Refusal, had finished its season at the top of League B, then WMO won its first two playoff games with large margins. Despite their regular season record, team members were confident of a win in the finals.

The stage was set for the Cinderella story of the football season: one-win WMO against league-leading Double Refusal. The first half ended scoreless each team undoubtedly affected by a stiff wind. In the second half, h0wever, WMO managed to put 18 points on the board. Tile. final score was 18 to O, making WMO League B champion for the 1980 season.

SBA names new board

An Intramural Sports Board designed to coordinate and develop intramural sports at William Mitchell was established by the Student Bar Association at a meeting in November.

Funds raised from new and existing intramural sports will be used and distributed by the board to prevent excesses raised from intramural sports from being used to subsidize non-sports activities. (Each sport currently raises funds through user fees.) The SBA will be called upon to supplement the funding when necessary.

The chairperson of the new board is Mansco Perry. Other members are Jim Krave, Mike Stanch, Shawn Bartsch, Dennis Atchison and Mark Duval. The board welcomes any suggestions students may have regarding sports programming.

Canadian record stirs up nostalgia

By George McCormick

The 1960s are alive and well and living in Canada.

That became apparent as I went through a stack of review copies of recent records from RCA. In the midst of a collection of repackaged offerings by established names and surly sounding punk rock by surly looking Britishers, was a record from Toronto --Bruce Cockburn's "Humans" (Millennium Records BXLl-7752).

The cover alone was enough to bring on a severe nostalgia attack. It showed a very earnest looking young man -in round, wire-rimmed glasses, yet. He looked nice: the kind of person your mother would like to see dating your kid sister. Oh sure, he was wearing a black leather jacket in the photo on the back of the album, but you knew right away that he really didn't mean anything by it. Besides, he was also holding an acoustic guitar, so you knew that he was all right.

The music bore out that impression. Mostly acoustic, very pleasant, no hard edges, it wasn't really derivative of anyone or anything else in particular, but it sounded -- well, familiar.

And the lyrics (all by Cock burn): not for years have I heard such a concentrated dose of social relevance, introspection and wryness. And they're clever-poetic, in fact, in places.

About half way through the first side I had a sudden conviction that Cockburn just has to have a "save the whales" sticker on the back bumper of his VW microbus (and when he's a few years older he'll have one on his Volvo).

Then, three-quarters of the way through, I recognized why the whole thing sounded as familiar as it did. Bruce Cockburn was Bob Dylan grown young again - but a Bob Dylan who had lost his nasality and learned to enunciate.

To say that is not to disparage Cockburn or his record. Quite on the contrary. Canada, the country that gave the world Joe Clark (albeit briefly) also often gives the world a simplicity - even an innocence -- that more jaded places, like Robbinsdale, have lost. It did that in giving us Cockburn. The spirit of Cockburn's album makes it worth while.

And so does the music. It's far from trendy, but it's very nice listening.

Law Spouses plan bazaar

A cookie exchange, a holiday bazaar and a bake sale, all sponsored by the William Mitchell Law Spouses, are coming up in December.

The cookie exchange was on the agenda at the Dec. 3 meeting of the Law Spouses.

Dec. 6 is the date for a holiday bazaar, where Christmas ornaments, gifts and other items will be on sale. The bazaar, located in the lower level of the Learning Center, will open at 1 p.m., and all items not sold by 2 p.m. will be auctioned off at that time. (Anyone with items to donate can call Mary at 920-2777 or bring them to the bazaar by noon Dec. 6.)

A bake sale for all students will be held Dec. 13 in the lounge from 9 a.m. to 1 p.m. Coffee will be sold for 10 cents a cup, and all baked goods will be in individual portions.

Law Spouses are also planning a trip to Duluth for a tour of the Congdon mansion the weekend of Jan. 17. (Happenings books have half-price coupons for some of the Duluth hotels.) Those interested should

come to the December meeting, or call Mary at 920-2777 no later than Dec. 3 so that the necessary reservations can be made.

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