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STATEMENT OF POLICY

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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 members 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 opinion of William Mitchell College of Law, its employees, or Board of Trustees.

The Trustees...

Trustees' views on Mitchell issues, priorities

By Steve Patrow; Lea De Souza; Kate Santelmann

The following article was prepared and presented to give the student body information on who the members of the William Mitchell Board of Trustees are and what they believe their duties entail.

Each board member was asked the same series of questions and their comments reflect on some of the basic issues confronting the student body and the administration.

Image

Photograph of Board of Trustees

Photo by Mel Goldberg

President sees students loans and library as goals

Charlton Dietz, 53, has served on the Board of Trustees since 1974; he has been president of the board since 1980.

Dietz, who is the vice president for legal affairs and general counsel for the 3M Corporation, is also the St. Paul United Way director, director of the Ramsey County Historical Society, chairman of the Eastern Heights State Bank, president of the Minnesota Citizens Council on Crime and Justice, and a member of The Fellows of the American Bar Foundation. Dietz is also a member of various state and local community service organizations.

Before graduating from William Mitchell in 1957 Dietz is also a member of various state and local community service organizations.

Before graduating from William Mitchell in 1957, Dietz was graduated from Macalester College and Mankato High School. He has been employed at 3M since 1952.

As President of the Board of Trustees, Charlton Dietz said he believes the job of the board member is to act "as a good steward for the institution.

"We must help the school fulfill its mission," Dietz said. "That mission includes raising money, overseeing operations and acting as public relations advocates for the school."

Dietz said that his job is made easier by the good relationship the board has established with the administration -- a good working relationship which includes cooperation and enthusiasm in making sure the school continues to operate efficiently.

"The board's relationship with the administration is very good," Dietz said "It could be better with the students and faculty, but I think the problem there is that there isn't the work interaction present that we enjoy with the administration."

Dietz said that part of the problem of lack of interaction with the student body and faculty members is that the board's had to focus on the finances of the school instead of the cultivation of closer ties to all levels of the schools participants. He said he hopes the board will be able to remedy the problem with the faculty soon. But that it will be harder to establish a good, continuous working relationship with the students.

"We can do more with the students directly, but they're more transitory than the administration and faculty," Dietz said. "It's harder to establish working relationships with the student because he or she is only here for a few years."

On the question of school improvement and development, Dietz said, "The school needs more of it. Two things are important. Establishing a student loan fund and improving the library. We have started a campaign to obtain funds for the loan program."

Dietz said that the board's priorities on development are constantly changing with the changing needs of the students, faculty and administration. He said the library is a priority but not the main priority right now. However, that seems to be changing, he said.

"Pretty soon the wheels will start turning to improve the library," Dietz said. "We know of the crowded conditions in the library and we also know those conditions in the library and we also know those conditions cannot continue. However, there has been no real study on the subject and there is no proposal before the board on the library."

When asked whether he favored construction of a new library wing or renovation of the present facility, Dietz said it would be very premature to support those alternatives until a study had been done on library improvement.

Dietz said that April ABA and AALS inspections should present no problems for the school.

"We have a very strong program much better than many law schools," Dietz said. "I'm not particularly worried that the inspection team will find any major problems with the college."

William Mitchell will continue its tradition of providing legal education to the working night student in the future, Dietz said. He said his job as a board member is to focus on providing high quality law education in the school at the most economical cost.

[Image](#)

Photograph of Board President Charlton Dietz "We must help the school fulfil its' mission"

[Norton L. Armour](#), 54 has served on the Board of Trustees since 1976. He is the Senior Vice President for Administration and General Counsel for the Minneapolis Star and Tribune Co.

Armour received his L.L.M. (Taxation) from Boston University in 1961. He serves on the Board of Directors for the Minnesota Legal Aid Society, Board of Directors for the Minneapolis Family and Children's Service, is a member of the School Committee for the Minneapolis College of Art and Design.

Armour is married and has three children.

As a member of the William Mitchell Board of Trustees, Armour said he believes his job is to assist the college administration in school operations.

"I also think a major duty for a board member is to lend readership in deciding what the school should be," Armour said. "We have to define the goals of the school and plan for future operations and school needs."

Besides assisting the administration, Armour said the board member is a conduit to hear the good and bad things concerning the college, and to help solve problems as they arise.

"We provide the ears that the administration, faculty and student body can voice their concerns and problems to about the school," he said.

However, Armour said his personal contact with students has been limited to a few calls concerning tuition increases. He said a board member should be available to all persons at the school but that if

students and faculty members can resolve problems through the administration, they should take that route first.

"If I do get a call I ask that person if he or she has gone through the administration first," Armour said. "If that person has tried to resolve the problem with the administration and has failed, then I'll help."

Armour said he considers development and student assistance as high priorities on the board's agenda. He said the school could definitely use an improved library facility, mostly in the areas of seating capacity, work areas and expansion.

"In terms of cost, if it was economically feasible, I would like to see a new library wing built onto the present facility," Armour said. "That would be the most beneficial plan for the students right now."

"It is also very important to establish a student fund for financial assistance. The college must do everything it can to ensure that the student can continue to afford to go to law school."

Armour said that although the college suffers from some shortcomings such as library overcrowding, he feels the school will have no problem passing the ABA and AALS inspections in April.

"I never like to be overly optimistic, but I do feel that the way the college has and is being operated and the general improvements made over the last few years are great," Armour said. "I don't see any problem in retaining our accreditation with either the ABA or the AALS."

Armour said that the mission of William Mitchell will not change in the foreseeable future. He said the school has always emphasize excellence in education and will always provide a special service to the community.

"We've always appealed to the working people who want to earn a law degree," Armour said. "This school is an alternative to the regular day schools; we offer an opportunity to those who are qualified to take a law-program but who could not afford it without working. We also want to provide the same service to minorities and a wide cross-section of the community. We have one of the best clinic programs in the country and we will work to ensure that this institution continues to provide excellence in legal education in all areas of law."

Image

Photograph of Norton Armour; "We have to define the goals of the school and plan for future operations and school needs."

Board members positive about Mitchell's future

Lloyd Engelsma, 70, owns and operates Kraus-Anderson Companies, a construction and real estate development company.

Engelsma attended the University of Minnesota and the Minneapolis College of Law before devoting himself full-time to his company's construction business. Presently, Kraus-Anderson operates and manages more than 50 income properties, such as apartment buildings, shopping centers, and office buildings. Kraus-Anderson is ranked among the 400 largest construction companies in the U.S.

Engelsma also has served as the president of the Minneapolis Builders Exchange, chairman of Associated General Contractors, chairman of the Board for Gustavus Adolphus College, and chairman of Goodwill Industries.

Engelsma is married and has five children.

Members of the Board of Trustees should provide William Mitchell with management, operations control and direction. Lloyd Engelsma said he believes that management is the primary duty of a board member.

"We respond to and direct the administration on questions of management," Engelsma said. "We establish the direction for good school operations and make sure those directions are followed."

Engelsma said that there is a hierarchy in the level of school management and that the board's duties are to keep direct contact with the administration. He said he does not think the board should go beyond that relationship.

"I don't think board members should have direct student contact," Engelsma said. "Board members can get to the students through the administration. The administration should be able to provide the average services for students at the school."

Some of the duties the board member has in providing management and direction to the administration is raising funds for tuition and development and helping establish programs to allow students to find work during their education and after education, Engelsma said. He said the maintenance of the school budget and education program is a major concern of the board.

Engelsma said that the establishment of a student fund for loans is very important to this school's education program and the continued success of the college.

"It's definitely a priority (establishing a student loan fund)," Engelsma said. "We have to help the student reach his or her education goals and this fund will be vital to lending that help."

Engelsma also said that the library facility needs improvement, but that he was cautious to say what type of improvement will be made in the near future.

"I think there's a necessity for improvement of the library," Engelsma said. "But we need to study each and every option and evaluate the cost of every option. It's premature to give my opinion on library improvement at this time."

Engelsma said that William Mitchell is the type of law school which provides and will continue to provide special opportunities to students intent on earning a law degree.

Board members should also help to maintain the tradition of keeping and improving its unique law program for law students, Engelsma said.

"I think it (William Mitchell) should be a law school that serves the maximum number of students who qualify and wish to take part in its law program," Engelsma said. "We want to help students pursue their careers, any career they may decide to have when they leave this college."

William Mitchell's success at performing this service to students will continue as long as it works efficiently, Engelsma said.

"I don't think we should rule out change for the school but the present program (night classes, part-time program) has worked very well for the college," Engelsma said. "I don't think there will be any abrupt program change in the near future. The school will continue to provide its specialized services to the student."

Image

Photograph of Lloyd Engelsma: "I think there's a necessity for improvement of the library."

Trustee Emily Seesel is a partner of the St. Paul law firm of Kampf, Orey, Landsman & Seesel. Ms. Seesel received her undergraduate degree from Wellesley College in 1947. She graduated magna cum laude from William Mitchell College of Law in 1976, and was admitted to the bar that same year. In addition to her duties as Trustee Ms. Seesel also serves as the director of the Lowertown Redevelopment Corporation; is past director of the St. Paul United Way (1976-1981); and served as vice-president, and member of the Board of Trustees of the St. Paul Academy and Summit School. Ms. Seesel is married and has three children.

Goals: "To have a balanced budget. That is the ultimate goal of both the Trustees and the Administration. We need to balance it without a negative cash flow and to have emergency funds available in case they're needed. We also need to build a reserve for any major replacement cost which may arise."

On the budget: "A 9.9 percent increase in tuition is really an attempt to cushion a fourth straight major tuition increase, especially for those who have been through the last for years of tuition increases. Although the income is less than it should be to balance, next year we do hope to balance the budget."

On contact with the school: "The Board met one month before the budget was approved in response to objections in previous years of an insufficient amount of time to consider the budget and to deal with an increase in costs. The Board of Trustees is extremely involved in the budgetary process. I attended two long evenings of meetings regarding the budget."

On the library: "The Board hasn't come to grips with this issue. It will be a major fundraising project. Although in the early contemplation stages, one of the things we'll need to consider is that libraries may change forms in the future with the increased use of microfilm."

Leonard J. Keyes, 60, is presently serving as a member of the Board of Trustees of William Mitchell College of Law. Keyes received his B.A. Degree from the University of Minnesota in 1942, graduating Magna Cum Laude, Phi Beta Kappa. He got his J.D. from Harvard Law School in 1948.

Keyes is presently a member of Briggs and Morgan, St. Paul. He is also a member of the Minnesota Supreme Court Advisory Committee on Rules of Civil Procedure, Diplomate on the American Board of Trial Advocates, Treasurer of the Minnesota State Bar Association, member of The Fellows of the American Bar Foundation, and serves on the Advisory Committee of Hamline University Law School, Advanced Legal Education.

Keyes served as a St. Paul Municipal Judge from 1957-61, and as a Ramsey County District Judge from 1961-1970. He resigned from the Bench to reenter private practice in 1970. He was a President of the Ramsey County Bar Association from 1975-76. From 1974-1977 Keyes served as Chairman on the Minnesota Supreme Court Advisory Committee on Uniform Rules of Evidence. In addition, Keyes served as Chairman on the Ad Hoc Committee on Intermediate Appellate Practice from 1979-1980.

Leonard J. Keyes described that his job as a member of the Board of Trustees, "is to exercise my judgement and the overall governance of the school. When I say 'overall' I mean 'overall'; the day-to-day activities have to be left to administration and faculty." Keyes' contact with the administration is limited to Committee meetings. Contact with students and faculty is likewise limited to Board Meetings.

In response to the recent attempt to form a student loan program at William Mitchell, Keyes said that "William Mitchell should have a student loan fund in order to survive because of the drying up of the State and Federal capital."

On the issue of the renovation of the library, Keyes remarked, "We don't have any money for major capital expenditures at this time. If the roof blew off the library tomorrow, we couldn't afford to replace it unless it was covered by insurance."

Keyes had no concerns about the upcoming AALS inspection. He said that "Mitchell is a good school." He then added, "If Mitchell doesn't pass the inspection, shame on AALS."

When asked what direction would he like to see William Mitchell take in the next ten years, Keyes responded by saying that he tipped William Mitchell, "remains as a predominantly night law school for students who want to be lawyers very badly, but need to work. That has been the purpose of William Mitchell, and that function should not be abandoned."

[Marcie Wallace](#) graduated from William Mitchell magna cum laude in 1974. While at Mitchell she was Editor-in-Chief of the Law Review. She served as a law clerk for the Minnesota Supreme Court, and in private practice for eight years, with an emphasis on litigation.

On the creation of a separate student loan fund: "I think it is a great idea. I know what the cutbacks have done to people. A very high percentage of the students rely on loan funds. I also think it's probably easier to raise money for a loan fund, people are more willing to contribute to a loan fund than to an operating fund. Also, the press conference Dian (Eversole) was able to put together was great. There were more people there than at a major news story, it was great!"

On the library: "I hadn't heard any specific proposals on the creation of a new library. I heard generally about moving or building, and as a member of the planning committee I'm sure we'll start to consider some of the proposals. Exactly what needs to be done I don't have very firm information about. We need to do more long range planning, we are preparing some studies for the AALS people. We will prepare a document for them and keep working on it to force the institution to do some long range planning."

On her job as a member of the Board of Trustees: "We set policy rather than handle the day to day running of the school. We listen to what other people have to say, and act as a sounding board for people with proposals."

On the goals of William Mitchell: "To get the college in a position of long-term financial stability. Most private colleges have large endowments, we do not. This leaves us vulnerable to lots of things: declining enrollment; inflation; the roof caving in."

Images

Photograph of Leonard J. Keyes

Photo by Phil Goldman

Photograph of Marcia Wallace

Editorial

State ERA Important for Equality

Commentary by Kate Santelmann

"Equality of rights under the law shall not be abridged or denied by the state of Minnesota or any of its political subdivisions on account of sex."

These words were enough to cause the battle lines to form once again. On February 28, Phyllis Schlafly brought her forces to bear upon the Minnesota State Senate, and spoke out again an Equal Rights Amendment to the state constitution.

Voicing the emotional rhetoric of her campaign against a national ERA, Schlafly warned listeners that a state ERA could lead to state funded abortions and marriage between homosexuals. Both are not more or less likely to occur with the passage of an ERA.

In *Frontiero v. Richardson*, 411 U.S. 677 (1973), and the line of cases which followed, the Supreme Court declared that until such time as the ERA is passed sex will be treated not as a suspect class but as a "near" suspect class. More permanent than a mere statute, a constitutional amendment would place sexism on par with racism, and give courts the legal standard of review used in race discrimination cases.

In a recent visit to the Twin Cities, feminist leader Sonia Johnson voiced her opinion that state ERA's may require a political effort which could better be used elsewhere. In this statement Ms. Johnson ignores the legal ramifications of a state ERA stated above, and even more importantly ignores the ideological ramifications.

Ideologically a state ERA would demonstrate to all that Minnesotans believe that equality of the sexes is important to the state and to the country.

We do not contend that any ERA will supplant sexism with total equality, but it will foster an atmosphere in which, both legally and ideologically, sexism cannot thrive.

[Parking permit penalizes parker](#)

Recently I was told that, being a voting member of the Student Bar Association, I have the privilege of using a William Mitchell parking permit. The first week I made use of it to a great extent, since I am a night student and not too thrilled about walking (or running) 5 blocks alone in the middle of the night.

But then I got caught. I got a \$10 ticket from the City of St. Paul for parking on the street for the wrong kind or permit. You have to have a resident's permit to park on the street.

Then I tried the Mitchell parking lot. But I parked there at the wrong time. The permit, I'm told is only good for parking in the Mitchell lot after 5:15. That's great if I want to jog out during my 10 minute break to retrieve my auto from a half a mile away.

And the ticket was a whopping \$25 which according to Mike Carlson helps to pay the expense of calling up the Transportation Department to find out who owns the "illegally" parked vehicles. But they didn't have to. My permit was sitting on my dashboard.

That was an expensive week. I think I'll put on my Adidas. -J.A.

[Image](#)

Photograph of 1 hour parking sign.

Photo by Jeanne Anderson

[New dean joins top-heavy admin.](#)

It seems ironic that Mitchell is hiring yet another dean in the face of a 10% tuition increase for students, a reduction in full-time faculty and in faculty benefits.

How many deans does Mitchell need? For students, this will mean just one more layer of red tape at a time when its already impossible to get a straight answer from any dean.

It hasn't gone unnoticed that the college has declined to hire a new Child Care Director and the program is entirely cut out of the operating budget. And what about our development director?

[Image](#)

Cartoon of four men in a bathtub, representing William Mitchell's four deans. To the right, it reads "Rub a dub dub four deans in a tub? To the left, a frog says "Another Dean, Another Dollar!"

By Lala

[Top of the News](#)

[ABA, AALs to inspect Mitchell in April](#)

By Steve Patrow

William Mitchell will be inspected by a team from the American Bar Association and the American Association of Law Schools from April 13-16. These inspections are held every seven years by each of the organizations to ensure law schools are complying with those organization's standards. If the school which is inspected is not within those standards, it could lose its accreditation.

Associate Dean Melvin Goldberg, in charge of planning for the inspection, said that the college should have no problem passing the inspection and satisfying the standards of both the ABA and AALS.

"We're doing a fair amount of preparation, sending them [the ABA and the AALS] materials such as our catalog, and long range planning reports," Goldberg said. "I don't think we lack in meeting or are in violation of any standards."

Goldberg said the inspection team meets with the administration, faculty members, student organizations and students, along with members of the bench and bar in the community. He said the team tries to get reactions concerning the college from every possible source.

One area that has been closely looked at by the administration in preparing for the inspection is the library.

"We feel the library must be improved to insure the college is within the standards," Goldberg said. "We want to improve library seating capacity and we have already made some progress in this area. We've added conference rooms and have done some renovation to make it more convenient."

Goldberg said the inspection should be the easiest the college has gone through. He said the college has been inspected by the AALS for the last three years; last year the college was accredited by the AALS.

"In some respects the AALS standards are more stringent," Goldberg said. "However, the ABA accreditation is the critical thing to have to be able to take the bar exam."

Goldberg said the college has several strong areas in academics and faculty recruitment. He said the legal writing already been praised by the ABA and that faculty scholarship has also improved over the last few years. The diversity of the student body is also a plus for the college, Goldberg said, and the administration is now in the process of interviewing candidates for faculty positions to lessen the disparity in the student-faculty ratio.

Kathy Grove, assistant to the consultant on legal education to the ABA, said the inspection process and certification of accreditation could take from three months to a year. She said the inspection team reports to the Legal Education Committee for the ABA. From there, the recommendation goes to the Council of the Section of Legal Education and Admissions to the Bar, which in turn passes the recommendation to the house delegates of the ABA who make the final determination on accreditation.

"The inspection team is essentially a fact-finding body," Grove said. "Team members make no recommendation; they just report on the school's curriculum budget, planning and anything the ABA standards control."

Grove said the team is usually made up of a chairman who has conducted several inspections and is usually a law school dean or professor, a practicing attorney or judge, a law librarian, and a law school faculty member.

There are 172 ABA accredited schools in the U.S., but only 40 of those have been accredited in the last 30 years, Grove said.

Kirkpatrick speech draws hecklers

By Kate Santelmann

"Jeane Kirkpatrick you can't hide, We find you guilty of genocide!"

Jeane Kirkpatrick, U.S. ambassador to the United Nations, faced demonstrators and hecklers in her March 2 speech at the University of Minnesota. Outside Northrup Auditorium hundreds of angry demonstrators protested U.S. involvement in El Salvador. Inside, hecklers shouted angry epithets, frequently preventing Kirkpatrick from speaking.

Kirkpatrick was to speak on the topic "Has the United Nations outlived its usefulness?" as part of a lecture series sponsored by the Hubert H. Humphrey Institute for Public affairs. For the most part she stayed with the chosen topic. With the secret service lining both sides of the stage, Kirkpatrick spoke about the strengths and weaknesses of the United Nations. One weakness, she observed, is the U.N.'s inability to settle disputes peacefully. "There are general rules which you must recognize – a good many nations seem to prefer some good to peace... and a good many nations, when they have a reasonable chance of winning prefer no action on the part of the Security Council. For example, Argentina brought the Falklands issue to the Security Council only when they were losing."

Kirkpatrick's explanation of the workings of the U.N. was often drowned out by shouts of "liar" "murderer," "fascist pig," and "nazi." At one point during the 45-minute speech bright red flags with swastikas were hung from the balcony, one bearing the epithet "Go Home You Neo-Nazi." Although obviously annoyed, Kirkpatrick ignored the jeers and continued her speech.

Only during the question and answer session did Kirkpatrick address the issue of American involvement in El Salvador. "Political violence is never justifiable, just as coercive behavior in a hall like this is never justifiable. But the fact is that guerilla war is raging in El Salvador and all kinds of people have been killed, civilian as well as soldiers," she said. "I don't believe it is moral or is in the United States' interests to simply stop supplying arms when large quantities of sophisticated weapons are being supplied by Marxist guerillas in Cuba and the Soviet Union."

The demonstration at the University of Minnesota marks the second time in recent weeks that Kirkpatrick has been the target of campus protests of the Reagan administration's policies in El Salvador. In February, at the University of California-Berkeley, she cancelled a lecture series after being shouted down at her first speech. Kirkpatrick also cancelled plans to speak at the commencement at Smith College in Massachusetts when college officials said they would be unable to prevent disruption by protestors.

Although Kirkpatrick refused to meet with reporters, she did discuss the administration's policy on El Salvador in an appearance on the KTCA-TV program "Minnesota Issues." On the program, which aired March 6, Kirkpatrick observed that El Salvador was nothing like Vietnam. "Unlike Southeast Asia, it's literally on our border. It's in the middle of a culturally homogenous region, a revolution there could become a sweeping phenomenon without frontiers," she said.

"Nobody in our government, even in a remote way, is considering sending United States combat forces to the scene. America's Vietnam hangover has left too many people convinced that the United States should not exert its power in other countries, for any reason," she said. "Just because Vietnam turned out badly, by any standard, that means that we can never use American power again successfully," said Kirkpatrick.

Kirkpatrick was accompanied to the Twin Cities by her husband Evron, a former instructor of political science at the University of Minnesota. Evron Kirkpatrick worked on Humphrey's unsuccessful campaign for mayor of Minneapolis in 1943, however both he and his wife moved to the political right of the late senator many years before Humphrey's death.

Image

Photograph of students protesting Kirkpatrick's stand on El Salvador.

Photo by Jeanne Anderson

Letters

To the Editor:

As a graduating senior, I feel compelled to comment on a practice of this school that has irritated me for the past four years. Why does it take up to two months for some teachers to grade our exams? More importantly, why does the school allow the teachers such an exorbitant length of time to grade the exams?

Last semester, William Mitchell students began the testing period during the second week of December. Grades are not due until approximately the second week of February. This allows some teachers two full months to grade exams. In the past, many teachers have even failed to meet the school's overly generous deadline. Most irritating are those teachers who insist on class preparation but find ways to procrastinate the grading of exams.

Graduating seniors like me, find themselves in an uncomfortable position. I took five classes last semester. As of February 8, I had not received grades in any of my classes. If by some chance, I fail one of my courses from last semester, it is too late for me to add another class this semester.

is long overdue. We need teachers who are conscientious enough to grade the exams sooner or a school administration that will set a reasonable deadline which will effectively end teacher procrastination. Better yet, how about a little of both?

As a student, it is difficult enough to take exams. Why make it harder yet by forcing us to wait so long for our results? -Exam #007.

To the Editor:

The tobacco smoke at William Mitchell has once again gotten out of control. It's in the hallways, the classrooms, the stairwells, the elevator, the restrooms. What has happened to compliance with the spirit and letter of the Minnesota Clean Indoor Air Act?

Air filters were installed in the lounge in 1980. How often are the filters changed? What good are they if smokers violate the "no smoking" posted areas?

Smoke bothers more than just people with asthma or allergies. It bothers just about everyone who doesn't smoke.

Law school is difficult enough without our health suffering from smoke being forced down our lungs and noses.

If voluntary compliance won't work, perhaps it is time to take more drastic enforcement measures such as fining individuals who are breaking the rules by smoking or lighting up in posted areas? - Lynn Lammer

[Images](#)

Photograph of ungraded exams

Photo by Phil Goldman

Photograph of Cigarette in ashtray

Photo by Steve Patrow

[CLE brings students, lawyers together](#)

By Lea De Souza

Minnesota Continuing Legal Education (C.L.E.) operates as an independent division of the Minnesota State Bar Association. Frank Harris, Director of Minnesota C.L.E., defined the purpose of the program as "providing an opportunity for lawyers within this jurisdiction to remain current" and "setting a minimum standard" as a guide for practicing lawyers.

Minnesota C.L.E. is funded strictly from tuition of the programs and sales of its publications. It receives no other income from the Bar Association, and conversely, no other divisions of the Bar receive any of the funds generated by C.L.E. The tuition for a one day course is \$80, however law students may attend free - on a space available basis - and are given reduced rates for written materials. The average attendance per program is 120, although those programs dealing with more specialized subjects generally draw a smaller crowd.

Practicing attorneys have to fulfill a requirement of 45 credits every three years. (One third of the Bar reports each year.) Credits are based on the number of hours spent in actual class time, converting the 45 credit requirement into 45 hour of actual class attendance. A one day course is usually between five to six and a half hours.

The majority of the C.L.E. programs are presented within the Twin City area, however many are offered throughout the State. In 1983, 125 seminars will be presented, 80 of them for the first time. Primarily expert private practitioners present the pro-grams, the majority from Minnesota.

The programs produced by Minnesota C.L.E. gives lawyers the opportunity to get together systematically and discuss current issues. The intent, as Harris put it, is "not to make experts, but to provide information so that there is some minimum level – to make people aware of the changes in their area."

The seminars occasionally offered by William Mitchell are not done so through C.L.E. Mitchell, as a sponsor, has to meet criteria established by Court rules; in order to have a seminar apply toward the credit requirement, each individual course has to be accredited. Although William Mitchell and other groups occasionally sponsor such programs, Minnesota C.L.E. is the largest organization that does so in this state.

Image

Photograph of Frank Harris, Director of Minnesota CLE

Photo by Phil Goldman

[Experts comment on 'good faith' test](#)

By Jeanne Anderson

Within the next four months the Supreme Court is expected to decide whether to relax its 69 year old exclusionary rule - the rule barring use of illegally seized evidence from criminal trials.

The case involves a warrant obtained on the basis of an anonymous tip, a letter telling police in Bloomington, Illinois, that a couple was near completion of a large narcotics deal in Florida. The warrant was ruled invalid by the Illinois Supreme Court, so that evidence of 350 pounds of marijuana found in the defendants' car could not be used at trial.

Originally argued before the Court last October, the justices rescheduled a second argument early this month, according to a report by the New York Times. The focus of the second argument was on the renewed debate of whether the exclusionary rule should be modified by permitting the use of evidence illegally obtained but in the "reasonable" or "good faith" belief by the police officer or other law enforcement agents that the search was constitutional.

The Opinion recently spoke with several members of the community who agreed to state their views on the possible modification of the exclusionary rule. These are their views:

[Bill Falvey, Chief Ramsey County Public Defender:](#)

"I think the proposal to essentially do away with the Fourth Amendment is absolutely shocking. What other sensible sanction for these constitutional violations is there? This sort of thing doesn't lend itself to civil suits, or administrative discipline. How do you test good faith? It lends itself to self-serving testimony by police. I can't think of a better way to safeguard the right to be free from unwarranted police intrusion than by keeping the exclusionary rule. The number of cases lost on technical reasons for tainted evidence is miniscule on a day to day basis. The public just hears about the glamorous cases. The only remedy to police violating the Constitution is to keep the exclusionary rule and to say, 'Mr. Policeman, if you misbehave, we can't use the evidence you found,'"

[Jerry Kittridge, executive director of the Minnesota Police and Peace Officers Association:](#)

"From the police perspective the rule as it is now excludes evidence on very, very technical grounds. The classic case was where a sheriff came onto someone's property to answer a call. He blundered into a box containing a dead body full of bullets. The wife of the dead man had a gun and admitted she killed him. They couldn't use the body in evidence because the court said the sheriff should've had a warrant.

"We would never condone the type of blatant wrong done to Dolly Mapp. But the aftermath of that case (Mapp v. Ohio) really hurt us.

"We support the test of reasonableness, what a reasonable and prudent person would believe was Constitutional, especially where police inadvertently come across vital evidence.

"I hope the police have come a long way since the 1960s. Police weren't prepared for Mapp and neither were the courts. But police in 22 years have professionalized considerably.

"As long as you are dealing with human beings they will make some mistakes. But we have rules and procedures and our actions are open to public scrutiny, so we're in good shape."

Prof. Maynard Pirsig:

"This raises the question of how to prove bad faith. The police will always claim they got the evidence in good faith. This change really will eliminate the exclusionary rule, so if you believe in the Constitution, in the right against self-incrimination and the right to be free from unlawful searches and seizures, then you want to keep the rule.

"People who say that rule only protects criminals' rights are overlooking the reason for the rule. The Constitutional provision protects all of us, protects our rights to be left alone unless there are reasonable grounds to do otherwise. The only way to enforce it is not to use evidence illegally found.

"Suppose a guy is innocent. If police break down his door in 'good faith' and rifle through his house, they will have found no evidence and yet his rights are substantially violated.

"The crime problem wouldn't be affected one iota by changing the rule."

Rick Jackson, Brooklyn Park police officer and second year student at William Mitchell:

"If I see something where I'm legally allowed to be; then the evidence is in plain sight. If I get an anonymous tip, I'm obligated to check it out. I'm obligated to respond to every call I get, but I can't envision prying open someone's trunk on the basis of an unsubstantiated anonymous tip, first of all because of all the crazies out there, and also because I have respect for people's rights. But it just doesn't happen that often. Most times these things are sent to investigators.

"My intuitive sense of justice is that the rule should allow evidence obtained to be admissible if it was a good faith mistake, because if it is in fact a true good faith mistake, the rule irrevocably excluding evidence seems too steep.

"You can't reward police ignorance or mistakes, and it's dangerous to use ends to justify means, but you can't expect police to ride around with the Supreme Court Reporter in the back seat. Police make split-second decisions which are later decided by courts who take two to three years to decide whether they did the right thing.

"You have to remember that there are strong reinforcements for police not to do the wrong thing. You don't want to stand up in court and be told that you purposely violated someone's rights or that you're too dumb to know what they are, that you're doing your job wrong.

"I have to live with myself and I'm not going to lie on the stand or alter the facts just to pat some guy away. For one thing the judge could get me on perjury. If we don't operate under the rules as police, how can we expect other people to?"

"There has to be protection for the public from people who are unscrupulous on both sides of the law."

C. Paul Jones, State Public Defender:

"Basically the Court is going to remove enforcement, as a practical matter, by using the term 'reasonable' instead of applying the Constitution. There's no magic in the exclusionary rule. It's a rule to prevent the government from violating the law. There is no other alternative unless we automatically make them pay every time they violate the Constitution. Or do we just let them break the Constitution

and go on their merry way? Suits against the police have been somewhat successful but police officers are not rich, so the government should have to pay so that police aren't judgement-proof. But so far no legislative body has come up with this solution.

"Most officers do observe the law, at least in this geographical area, so we're talking about just a few who want to break the law so they can get a criminal put away. That's the real danger. They forget that when they violate the Constitution they're criminals themselves.

Bob Adams, law clerk for the Ramsey County Public Defender's office, former "Brooklyn Park Police officer and 1982 graduate of William Mitchell:

"The 'reasonableness' test sounds pretty nebulous. I just don't see how it could be implemented. Some police would dump the Miranda requirement and claim good faith."

"From a police perspective its frustrating. Once I was questioning a guy who dropped a gun as he walked away. But the feds wouldn't charge him. They said it was an improper arrest. It was an excuse because it makes for more work for those authorities. I'm most annoyed when prosecutors use the exclusionary rule to lighten their work load. They want the perfect case.

"But if the rule is changed there will be lots of litigation, appeals, confusion. I think the average citizen doesn't want any evidence suppressed if its true and indicates guilt and many people feel that the police are handcuffed. But my personal view is that the exclusionary rule is the only way to preserve the average persons' freedom.

"Police are interested in making arrests and are not too sympathetic with the rights of criminals. There is a competitiveness to make arrests and that is the satisfaction of the job. Some police will take things as far as they can and justify it on the moral basis of protecting people against crime."

Images

Photograph of Prof. Maynard Pirsig

Photo by Phil Goldman

Photograph of Second year student Rick Jackson.

[Mitchell students to organize MBA chapter](#)

When students register for classes at William Mitchell, some choose to pay a little extra to join an organization and mark an appropriate box on the registration form. One of those boxes allows the student to join the Minnesota State Bar Association. But many of the 377 students who did mark that box this year thought that by joining the MBA they were merely entitled to periodic editions of "Bench and Bar" in the mailbox. However, several students and a faculty member at Mitchell hope to make that marked box mean more than a magazine subscription.

Tsippi Wray and several other first year students are involved in establishing an active William Mitchell Student Division of the Minnesota Bar Association.

"We want to help students who are in law school to become active in the community," Wray said. "We want to link students to the Minnesota Bar Association, professionals (attorneys and judges) and the local community."

Wray said one of the programs the organization hopes to provide to students is a student-attorney counseling service. Students would meet with practicing attorneys and judges to discuss legal problems, ethical problems and professional responsibility. But that is just one of many proposed programs the student division hopes to establish, she said.

"The most exciting thing we're trying to get going is to get students to work on committees and sections of the MBA," Wray said. "I don't know exactly how it will work, but we would like to see it evolve into a kind of internship. We have to wait and see how the bar committees respond to letters we sent to them concerning the proposed program."

Wray said the enthusiasm for establishing a working student division has been good among both evening and day students, although the program is in a forming stage and has no concrete organization and no funding. "Right now we aren't certified as a group," Wray said. "We will try to go through the certification process so we can get money from the Student Bar Association. We will also try to get money from the Minnesota State Bar."

Associate Dean Melvin Goldberg has given the group permission to form a recognized group and Wray said everyone who has heard of the idea has been "very interested."

The idea for starting an active organization began with Prof. Paul Marino. Marino, who teaches a course on professional responsibility, said the organization will help students learn aspects of professional responsibility and other related issues that cannot be learned in the classroom.

"We want to try to get students to realize they're part of something more than just the torment of law school," Marino said. "When they enter law school, they enter the profession then, not when they graduate. This organization will give the student a chance to experience the profession, establish standards of excellence and develop a commitment to community service."

Marino, who is the membership chairman of the MBA, said the student division concept is unique to William Mitchell of the three law schools in the area; he said he hopes the other schools will follow Mitchell's lead in providing similar organizations for their students.

"The more I think of it, the more I wonder why the law schools haven't done this before," Marino said. "This student division will help prepare the student during his or her education to show that there is life after law school. Students will be able to talk to lawyers who were in their position not too long ago."

Marino said the organization is just in its embryonic stage now but he thinks the program will be noticeable by the start of the school year. He said there is a great potential for students to engage in more practical applications of legal principles than in the classroom.

"There are so many things this organization could accomplish," Marino said. "It will establish student contact with people in the community, laypersons and attorneys. Students will get to know what lawyers actually do; they can also get involved in the MBA - it's not a monolithic thing that can't be influenced. Students could become a potent force within that organization."

Wray said that the organization has made some plans for offering programs to the student body. "We have an attorney coming in who argued a case before the U.S. Supreme Court," Wray said. "The case dealt with surveillance and the lecture she will give is called 'Anatomy of the Bug'."

Both Wray and Marino said they think the organization will give students something to rely on to help them fully develop a rounded legal education. They also said they want to establish services tied to the

organization which would include insurance coverage, credit union programs, opportunities for public service, and earning academic credits for serving on MBA committees.

If the program succeeds and the Student Division of the MBA is established, students who mark the box on the registration form will have more to look forward to than an edition of "Bench and Bar" in the mailbox.

Image

First year student Tsippi Wray is actively involved in establishing the MBA chapter.

Photo by Steve Patrow

Legal Aid survives funding cuts

Jeanne Anderson

Faced with a 25 percent cut in federal aid from 1981 to 1982 the Legal Aid Society of Minneapolis has had to turn substantial numbers of people away, according to Jerry Lane, director since 1970.

The Legal Aid Society is one of three Minnesota non-profit corporations which receives funds for delivering legal services to poor people from the Legal Services Corporation, a national public corporation set up by Congress. The two other corporations are located in St. Cloud and Wilmar, part of the Mid Minnesota Legal Assistance Corporation of which Lane is also the executive director.

Funding is a major concern to Lane, who said that the Society has had to reduce the size of their staff by about ten in the last two years. "Luckily we've been able to do this through attrition," Lane said, "but the real problem is that with our staff already working to capacity we've got more people trying to come in to use our services with less staff to assist them. We've had to turn people away."

Lane said that funds come from a variety of sources, the Legal Service Corporation funding being the largest source, funds from the United Way the next major source. The Society also gets money from revenue sharing with the City of Minneapolis, funds from Hennepin County and money from a \$10 state surcharge on civil filing fees earmarked for services for poor people. Legal Aid receives federal funds for working with the developmentally disabled and money for senior citizens funded through the Older Americans Act. The McKnight Foundation donated money to Legal Aid to help the mentally retarded.

But the money is not filling the gap left by the Reagan administrations' \$30,000 cut, Lane said. "The federal cut of 25 percent in 1982 has been stayed for 1983. We will ask for restoration of these funds for 1984 but with this administration I just don't think it will happen. I think we're stuck with the funding cut. Every year funding gets tighter especially if you consider inflation. People in government keep saying we've got to look to private sources for funding. But we've tapped all those resources already. Its unrealistic to say that private sources will bridge the gap."

Lane said that more people are seeking help from Legal Aid, in part because the Reagan administrations' cuts in the welfare area have generated more work on welfare eligibility questions. "And there are the general hard times problems with unemployment; unfortunately we've seen an increase in spouse and child abuse with the stress of unemployment."

Eligibility for Legal Aid's services is set by federal regulations for most public benefits programs, tied to a ratio of income to family size. The Society uses an income factor 125 percent of the federal poverty guidelines, "but we can consider emergencies," Lane said.

Lane said that both the state and the Hennepin County Bar Associations have been extremely supportive of helping Legal Aid look for funding. Members of the Minnesota State Bar Association met with some of the Board of Directors of the Legal Services Corporation and also communicated a plea for funding to Congress.

The Hennepin County Bar Association helped Legal Aid get \$150,000 from the county in 1982, which Lane said was "totally unprecedented. They helped save our bacon. We would've had to lay people off."

The local bar has contributed money directly, to be used to help generate more funds, and held a dinner for the Fund for The Legal Aid Society, a non-profit fund raising corporation, as part of their Law Day in 1982 which Lane said was very successful.

The local bar also sponsors a volunteer attorney program, a free legal advice clinic. "It's an important safety valve," Lane said. "We try to complement each other's services. Since we specialize in public benefits law, family law, housing and consumer problems these attorneys can refer special problems to us and we in turn can send them tort cases and problems in areas where their expertise will help."

The bar is sponsoring another dinner for the 1983 Law Day Event for the Fund for the Legal Aid Society. The board of directors for the fund includes members of large law firms and local corporations. "So far the Fund has raised over \$300,000," Lane said. "We would have had a massive deficit if we didn't get that money."

He also cited support from almost all of the Minnesota congressional delegation and both of Minnesota's Republican senators have publicly supported Legal Aid. "Happily this is not a partisan issue here. The view in Minnesota is that we are dealing with the fundamental issue of people's access to their legal rights. In most parts of the country there is nothing so tremendously successful. Lawyers all over town are donating time and money. It's nice to find out that people care. I'm personally very proud to live in Hennepin County."

Mitchell students interested in working with the Legal Aid Society can do so by signing up for a clinic, coordinated by Professors Paul Marino and Bernard Becker, both former staff members and familiar with poverty law. Lane said that the work done by students in the clinic helps ease the workload as well as being a learning experience for those who participate. Said Lane, "The point is that if they weren't there, some people wouldn't get help at all."

Mediation centers becoming popular

By Jeanne Anderson

Alternative dispute resolution centers in the United States have grown from only three in 1971 to over 180 today, according to estimates by the American Bar Association (ABA). But the idea isn't a new one. Village elders were often called upon to mediate disputes in traditional societies and citizens sat as lay commissioners on the court of requests in England in the late 1700s, resolving differences according to equity and good conscience.

Mediation is becoming popular once again in response to the public's dissatisfaction with the inefficiency of the traditional legal system in terms of cost and time.

The ABA formed the Special Committee on Alternative Means of Dispute Resolution in 1976, a result of concerns expressed at the Pound Conference, also known as the National Conference on the Causes of Popular Dissatisfaction with the Administration of Justice (conceived by Chief Justice Warren Burger).

The committee was set up to study existing methods for resolution of minor disputes to recommend changes in programs already operating and to develop new model approaches. The nine member committee consists of judges, academics and practitioners, maintains a small staff in Washington, D.C.

A focal point for resources information in the field of alternative dispute resolution, the Special Committee is actively promoting the creation of such centers by maintaining a clearinghouse of information, producing publications including a quarterly newsletter and providing technical assistance for those wanting to set up a program.

Since its inception, the committee has, among other things, helped develop the Justice Department's Neighborhood Justice Center demonstration project and assisted in the development of the federal Dispute Resolution Act (Public Law 96-190), signed into law early in 1980. The Act was never funded, but many states have used it as a model for creating their own acts.

But mediation will happen with or without lawyers, a group of panelists at the 1981 ABA annual meeting concluded. That is why the ABA decided to get involved. Panelists included private practitioners, bar leaders a criminal justice planner, a judge, an assistance district attorney and leaders in the Canadian Bar.

The published discussion addressed the question of the impact of the mediation movement on attorney. Entitled, "Alternative Dispute Resolution - Bane or Boon to Attorneys", the conclusion of the panelists was that lawyers should view mediation as a boon, and that the bar should take the lead to avoid government imposed solutions to the problems of inefficient delivery of justice in this country.

Lawyers concerns were threefold: Should the bar associations get involved with alternative dispute resolution and to what extent?; Does the establishment of these centers pose a threat to private practitioners?; and, what is the lawyer's role when his client used a mediation center?

There was some agreement among the panelists that mediation centers would affect some private practitioners to the extent that such attorneys make their living minor disputes, which could be better resolved mediation.

Some panelists questioned the morality of certain of these practices. Judge Frank G. Evans, associate justice for the First Court of Civil Appeals in Texas, and adviser to the Houston Neighborhood Justice Center, commented that the lawyer who gets paid by using child custody as leverage in a property settlement in a divorce case may lose his fee where the client elects to mediate.

Most people involved in mediation agree that family law and property disputes are especially suited for resolution through mediation. Other areas frequently mentioned as appropriate are neighborhood disputes, landlord-tenant problems, disputes between governments in implementing urban policy, and consumer complaints.

As a whole, the panel agreed that lawyers have a duty to find the best method of resolving their client's problem, not to think only of financial gain, and that the benefit to society -- efficient dispute resolution -- outweighs the marginal loss to some attorneys.

But dispute resolution centers have thus far encountered little resistance from local bar associations. Apparently many lawyers view minor disputes as headaches and non-money makers.

The group noted that lawyers need to be informed so that they can guide clients to the most appropriate, and most efficient forum, and suggested that law schools implement programs to train prospective attorneys to mediate. The Special Committee has received over 100 responses to a survey sent to law schools around the country, in an effort to assess the amount of present activity and to develop curricula.

But some mediation centers discourage attorneys from becoming mediators or from even attending sessions with clients. In the Night Prosecutor's Mediation Program in Columbus, Ohio, the mediator meets with attorneys who appear with their clients to ensure that the hearing is not used as a discovery device. Attorneys are strongly discouraged from attending sessions at the District of Columbia Citizen's Complaint Center, and a bill recently introduced in the California Senate gives the mediator authority to exclude counsel at his discretion.

In a recent interview with *The Opinion*, Greg Miller, intern with the ABA Special Committee, said that mediation still involves attorneys, but that mediators don't need to be lawyers. He noted that the appeal rate of mediated agreements is low, "which indicates a high rate of success," he said. Many current mediators are attorneys, but others are non-lawyers who attend training sessions.

Miller said that although parties may not be fully appraised of their legal rights and may not get all they are legally entitled to, the emphasis in these programs is compromise and the parties create their own solutions, inside of rigid legal doctrines. "Mediation involves a win/win relationship, not a win/lose relationship that you have in the traditional court system" said Miller, "The ABA is encouraging attorneys to assist in program sponsorship or become mediators."

Terry Simonson, court administrator for the Tulsa Municipal Court and Director of Project Early Start, a mediation service, said in a telephone interview that mediators should not be lawyers. Said Simonson "Lawyers are trained adversaries and tend to protract conflict, not contain it. They have a difficult time being neutral.

"Most law schools don't teach mediation but lawyers find it helpful to come to our training sessions, because in the long run they save their clients time and money by using mediation as an alternative," he said.

Although mediation is generally seen as appropriate in minor civil disputes, some centers, including Project Early Start in Tulsa, have mediated criminal disputes. The program is part of the municipal court system and parties are referred by the district attorney. Vandalism and trespassing, lesser offenses such as simple assault, juvenile delinquency, single victim-cases and first-time nonviolent felony offenders were areas deemed appropriate for mediation by Lawrence H. Cook, chief judge of the State of New York; in an address made at a seminar on mediation at John Jay College in New York City last year.

The panelists in the 1981 ABA meeting stressed that the mediator shouldn't be a trier-of-fact, particularly in criminal areas and said that mediation will be unsuccessful where the parties dispute facts. Most programs require parties to agree on the facts prior to beginning the process.

Other concerns about how mediation fits into the traditional legal landscape are addressed in a bill introduced in the Oklahoma House of Representatives. The bill passed the house by a vote of 88 to 8 and Simonson is optimistic that the Senate will pass it. He said the bill could have a significant effect in establishing state social policy in this area.

Simonson wrote a substantial part of the bill in conjunction with Rep. David Riggs who introduced the bill.

Called the Dispute Resolution Act and patterned after the federal act, the bill would provide, in part, that all mediation sessions would be confidential; none of what occurs in the sessions would be part of the public record; parties who speak at a mediation session could not be subpoenaed later and forced to testify at a court hearing; and mediators would be protected from civil liability for malpractice.

The key provision dealing with defendants provide that if a defendant chooses to mediate, he has waived his right to a speedy trial and the statute of limitations will be tolled pending the conclusion of the mediation process. Simonson explained, "We don't want defendants using mediation as a defense ploy to circumvent the system." He added, "Most cases are sent by the city attorney and are discretionary so there is the option to veto mediation and go ahead and prosecute."

Of major concern to those advocating mediation as an alternative to the courts is funding. Since the Federal Dispute Resolution Act was never funded, some states have created their own acts and are locally funding programs. Minnesota was the first state to appropriate money, \$100,000 in 1981. Those funds "will enable the Judicial Planning Council (JPC) of the Supreme Court to study alternative dispute resolution programs and award grants to local government agencies and nonprofit organizations. The JPC will report to the Legislature by October, 1983 on types of programs found to be most efficient in alternative dispute resolution.

Project Early Start in Tulsa is funded by the city; as is the Columbus Night Prosecutors Program. Other centers, such as the project established by the Hennepin County Bar Association are funded by several sources, including foundation grants.

Mediation seems to be a workable alternative. Chief Judge Cooke of New York sees its greatest value to the individual to be its continued involvement of disputants in the settlement process. Simonson, of the center in Tulsa agrees. He estimates about an 85 percent agreement rate among disputes mediated and said that follow-up evaluations show that although the agreements aren't legally binding, "people are keeping their word."

The most typical criticism from lawyers, according to Simonson is that they see the mediation movement as a threat. "They argue, 'This is how I make my bread and butter.' Some perceive it as a law clinic." Miller at the ABA agreed: "Lawyers fear what they don't know and need to learn about the process. Attorneys won't be left in the dust."

Simonson said that as a result, some judges are opposed to the development of mediation centers, because of the political power of the organized bar. He said one judge was quite frank and told him he was opposed to mediation centers because, "the lawyers won't like this and I want to be reelected."

But on the whole lawyers and judges seem to be in favor of mediation. Chief Justice Warren Burger is a well-known advocate of the mediation movement and Justice Sandra Day O'Connor is said to be in favor

of developing more programs. Of those responding to a 1980 Division of Bar Services survey, 24 percent of the bars reported they had a committee or continuing program on alternative dispute resolution.

And the ABA President Morris Harrell has placed a new pilot project created by the Special Committee as one of his top priorities. The project, called the Multi-Door Dispute Resolution Center is targeted to begin on an experimental basis in Houston, Tulsa and Washington, D.C., Committee Chairman Ronald Olson announced last month.

The multi-door concept is a new one and would function as a dispute referral service, pairing up disputes with appropriate remedies. Simonson, who will be involved in the pilot project called it a "legal emergency room". Remedies would include such forums as mediation centers small claims courts, ombudsmen, and agencies such as the Better Business Bureau.

Simonson sees the multi-door centers as, "a coming thing. It's a fundamental change in the judicial system." He noted that "parties bring an unbelievable variety of problems to mediation - anything from a bank trying to repossess a car to kids playing on neighborhood lots."

Miller said that there will be one central office in each city with personnel trained to categorize complaints. Parties to a dispute will be required to report to the center first, because, said Miller, "John Doe may not get to the right place. It's hit and miss. It's a nice example of government and private agencies cooperating." (See related article)

[ABA announces 'Multi-Door' centers](#)

By the American Bar Association

American Bar Association Committee Chairperson Ronald L. Olson announced last month the selection of Houston, Tulsa, and the District of Columbia as three sites to test a new concept in justice -- the "Multi-Door Dispute Resolution Center."

"The first step in implementing the Multi-Door Centers," said Olson, "is the development of a sophisticated and well-trained intake department. When funds are raised, these intake centers will be developed in all three sites." Olson chairs the Special Committee on Alternative Dispute Resolution which coordinates the ABA's alternative dispute resolution activities.

The planned Multi-Door Centers will help citizens find places and ways to resolve consumer, family business or other serious disputes. Often citizens become frustrated and entangled in bureaucracy when trying to locate the best place to resolve their complaint. Seeking to remedy this problem, each Multi-Door Center will have a central location -- such as the main city courthouse -- where citizens will be directed to the agencies and programs, judicial and informal, which are best suited to respond to their specific problem. Mediation and arbitration services may be provided at each center.

The new ABA Multi-Door Centers are designed to help respond to the costs and delays affecting citizens that result from increasing demands on the courts -- a litigation explosion which concerns both judges and the bar. The Multi-Door experiment will match specific types of disputes and complaints with the most efficient and effective dispute resolution processes available.

The procedure is a revolutionary one. For example, a citizen who is a tenant describes a recent quarrel with the landlord to a trained intake worker at the Multi-Door Center. The intake worker will refer the tenant to mediation, arbitration, or to the court depending on the case's unique variables such as the tenant's willingness to relocate or remain on the premises, the severity of the complaint, the length of time during which the dispute has been brewing, or the type of complaint. Explaining the project, Larry Ray, Staff Director of the Special Committee stated that "the initial intake complaints may be the most vital part of processing complaints. It is this function that will match the particular dispute with the most appropriate, efficient and speedy dispute resolution mechanism."

The Multi-Door Center is a vision of Special Committee member Frank E.A. Sander, Harvard Law School Professor. When fully operational said Sander, "the centers will provide comprehensive and efficient justice for all types of citizens' disputes. Complaints will be referred to a variety of options including mediation, conciliation, arbitration, ombudsperson programs, and the courts."

ABA President Morris Harrell and Immediate Past President David R. Brink both listed the Multi-Door Centers Project as one of their top priorities. These three experimental projects will provide a model for the rest of the country in establishing a number of alternatives in resolving citizens' disputes.

Court fails to adopt Rule 6 changes

By Jeanne Anderson

The proposed change of Rule 6 of the Minnesota Rules of Procedure for Juvenile Courts was not adopted by the Minnesota Supreme Court, according to Mitchell Prof. John Sonsteng, a member of the rules committee.

"There was a lot of debate over Rule 6 and strong split among the committee," Sonsteng said. The proposed change would have required a parent or other adult be present when a juvenile was read his Miranda rights. "There was strong support for the absolute prohibition of statements made by juveniles without the presence of a parent or other adult.

"But although the Minnesota Supreme Court didn't adopt it, they kept the totality of circumstances test which was developed from case law," he said. "That does not denigrate the rights of kids. We must have faith in our judges or we have no faith in the system."

The totality of circumstances test to determine whether a child has made an intelligent waiver of his right to remain silent includes but is not limited to "the presence and competence of the child's parent(s) or guardian, the child's age, maturity, intelligence, education, experience and ability to comprehend."

Judges decide on a case by case basis. Sonsteng said that there have been some extreme cases of injustice, but not in this state." Judges in Minnesota are very fair about applying the totality of circumstances test."

Among the reasons for striking the proposed change listed in the minority report of the committee are:

- The rule should be promulgated under the Rules of Evidence.

- It enlarges the substantive rights of a juvenile in violation of Minn. Stat. 480.059 (1).
- The rule is impractical because the factor of parental presence will become the only significant factor in determining admissibility.
- The court would be mandating that the juvenile's right to remain silent be determined by another: the parent, guardian or other responsible adult.
- The rule would enlarge the scope of Miranda to cover school staff personnel, parole and probation officers when the Miranda decision limited its application to the police.
- The rule would be costly to administer, foster litigation and create administrative and education problems for the police and education personnel.

Image

Photograph of Prof. John Sonsteng is a member of the rules committee which recommends changes for juvenile court procedures.

Photo by Phil Goldman

Hamilton appointed to Ad Law Chair

By Beth Culp

In November Prof. Neil Hamilton was named to the newly created Administrative Law Chair at William Mitchell. The Chair, which has been temporarily funded with an initial \$280,000 endowment, is the third to be established at the College.

Although theoretically appointment to a chair is accompanied by a lighter teaching load and an expectation that this time will be devoted to research and writing, Hamilton views his role somewhat differently.

"I hope to use this opportunity to establish new programs that will reflect this school's special role in the community," Hamilton stated.

As a starting point Hamilton will use some of the funds provided by the Chair to conduct quarterly seminars on developments in administrative law for corporate counsel representing the area's major firms. The first seminar scheduled for February 18, will feature Judge Antonin Scalia of the District of Columbia Court of Appeals. Judge Scalia has served as an Assistant Attorney General of the United States, Chairman of the Administrative Conference and has written extensively on administrative law issues. In addition to discussing current developments in administrative law with the seminar participants, Scalia will also address a luncheon meeting of faculty members. Hamilton is hopeful that these forums will be informal and that there will be an opportunity for a free exchange of information and insights.

Hamilton has received a positive response from the corporate counsel he has invited to attend the seminar. In addition to the obvious benefits to be received, information and CLE credits, the quarterly seminars will provide a rare opportunity for representatives of some of the state's most prominent corporations to meet and discuss issues of concern.

In addition to organizing the seminars Hamilton will also be writing and editing a bulletin on administrative law and regulatory policy which will be sent to corporate counsel. He has also assumed the editorship of the Minnesota Bar Association's Administrative Law Newsletter. It is this type of interaction with the community which Hamilton feels will be central to his role as Distinguished Professor of Administrative Law.

Hamilton does intend to continue with his research and writing but believes that a meaningful inquiry into administrative law cannot take place in a vacuum. It must involve input from industry, scholars in other disciplines, empirical investigation and field research. He plans to use the chair and the opportunities it represents to provide this kind of integrated approach.

Image

Photograph of Prof. Hamilton views appointment as an opportunity to establish new programs.

Photo by Elliot Herland

ELS to publish journal

By Lynn Lammer

May 1 is the day the first volume of the Environmental Law Journal, published by the Environmental Law Society (ELS), will go on sale. Students will be able to purchase the 250 page volume for \$4.00 non-students will pay \$6.00).

The ELS Journal has been in the planning stages since 1980-81. This year the dream has become a reality through funding by the SBA, MPIRG, and several other sources.

The Journal will be the first of its kind in this region. Until now there has not been a scholarly legal journal devoted to Minnesota and Midwestern environmental issues.

ELS members feel the Journal can fill that void by providing students, attorneys, community action groups and business education, and government leaders with access and exposure to regional environmental information related to law and policy formation. ELS Journal editors hope that the Journal as an ongoing publication, will serve as a tool in public policy formation.

The publication is also aimed at providing students with an opportunity to learn about environmental law through research and writing with the assistance of student editors and practicing attorneys.

Articles included in the first issue will cover topics related to solar energy, acid rain, hazardous waste remedies, and nuclear power.

Food contracts to expire

Food service contracts for Gia Como's and Dalco Vending Company will be renegotiated this Spring by the Student Bar Association (SBA) and the administration. The existing contracts for services expire on May 15 of this year. Students who have concerns about cost, variety and quality of food should contact Tim Keane, vice president of the SBA or Dean Goldberg.

Image

Photograph of vending machine

The Movies

"Heaven Can Wait"

Starring: Warren Beatty

Friday, Marc. 25 9:00 PM

Room 111

Cost: \$2.00

Also: Cartoons!

Free Beer With Admission!!!

Book Review

By The American Bar Association Communications Division

CHICAGO, March 4 -- For the first time in its more than 100-year history, the American Bar Association has published a book of fiction, *The Judge's Chambers and Other Stories* by Chicago attorney Lowell B. Komie.

The book, a collection of short stories about lawyers was published by the ABA "to make available to a broader audience stories that have been very popular with the readers of *Student Lawyer*," *Student Lawyer* editor Catherine Cahan said. *Student Lawyer*, published by the ABA for the members of its Law Student Division, originally published many of the stories in *The Judge's Chambers*.

Some of the stories have also been published in *Harpers Magazine*, *Chicago Magazine*, and several other literary quarterlies.

Each of the stories focuses on the personal and often eccentric side of law practice. Komie's characters are all at crisis points: law students about to graduate, middle-age attorneys reflecting on the futility of their lives, a new widow unsettled by her husband's secrets, a judge slipping into senility. A few of his characters are strong enough to weather their crisis and emerge happier and stronger; most, however, become unhinged marking their loss of control with strangely symbolic acts of despair.

In "I Am Greenwald, My Father's Son," a mediocre partner in his deceased father's firm passes his days in the probate department where "he was particularly good with little old ladies and represented the firm at luncheons given by bank trust departments for wealthy widows who were clients of the firm... He would nod and sip his consommé and only occasionally accept one of the after luncheon cigars, cautious not to blow smoke and offend the widows." He is given to wondering why he never went West and became an Indian law specialist or learned the glass blowing craft. One day having; as usual, little to do, he addresses a memo to his partners on the annoying trivia of law firm life: bells, brown bagging, time sheets, squeaking floorboards, penny rolling in the library, the firm's letterhead. These concerns are all that he has left of being a lawyer.

"The Loves of David Freund" is the most light-hearted story in this collection, drawing its joy from the optimism and energy of law student David Freund. David's youth and spirits sharply contrast with the dullness and apathy of the law firm where he clerks and the courts where he assists. The story, set in the 1950s, focuses on David's ingenious attempts to bed the women he pursues; ingenious because car back seats and law offices are the best places he can find for his activities.

The stories are strengthened by Komie's eye for visual detail. Each character is defined by his unique setting, each is in harmony with the mood of the story. In "The Butterfly," Komie's camera-eye reveals a new widow in her lawyer's office: "She sat back on the reception room couch, and, as she settled herself, her hands automatically felt for the edges of her slip along the fullness of her inner thighs where the fat lapped over the tops of her stockings." And later, in probably the best description in the collection, Komie writes, the only remnant of Walter's death that appeared cruelly upon her face was what she called her 'Soutine mouth.' The night before the funeral she noticed in the mirror that her mouth was swollen and misshapen. Where formerly her lips had been thin and barely noticeable, now her mouth gaped in an open circle... She appeared to herself like a peasant woman she had seen in a drawing by Chaim Soutine, her month a broad circle of paint, heavy, sagging, a hole edged by purple chalk..."

As a whole, the collection is a rich, deep look at private lives of those connected with the law, the lives most try to hide from view. Its descriptions and its insights are not easily forgotten.

Copies of the book may be ordered from the ABA Order Fulfillment Department, 1155 E. 60th St., Chicago, IL 60637, for \$9.95 plus a \$1 service charge.

Image

Photograph of a baby.

Photo by Jeanne Anderson

We've dropped our Briefs! And that's not all. In order to maintain the quality of our tabloids and better serve you, we've replaced the Opinion Briefs with a free classified ads service. (At least one person responded to our ad in the Docket, so if you need one pair of Advent stereo speakers, 26 inches high, like new for \$165, call 827-3164.)

And as you can see by the photo, the Opinion staff is busy training several new cub reporters, recruited from our neighbors in the Child Care Center. Also joining the staff this semester are Phil Goldman and Eli Herland in the photography department. Kate Santelmann has assumed her new role as managing editor and Lala Rybakoff is our new business manager.

Image

Photograph of an iguana with a miniature briefcase. The caption reads 'the change in student appearances is noticeable as finals approach.'

Photo by Scott Herr

SBA films

The Student Bar Association (S.B.A.) will be presenting films to Mitchell students on alternate Fridays, most requiring a two dollar fee. The films will be shown in Room 111 at 9:00 p.m. on respective dates with cartoons preceding each showing. Profits will go to the Child Care Center. The Film Festival is subsidized by the Program Committee of the S.B.A. at a cost of \$1,050, funds which were appropriated by the association early last fall.

Upcoming films include:

March 25- "Heaven Can Wait"

April 8- "The Last Detail"

April 22- "Steelyard Blues"

Client counseling competition

Second year students Ralph Corey and Gwen Kuchevar made it to the finals in the Regional Client Counseling Competition held March 4 and 5 in Vermillion, South Dakota. The competition included teams from: the University of South Dakota; the University of Iowa; Drake University; the University of Nebraska; Creighton University; the University of Missouri; St. Louis University; and Washington University.

Students from Creighton University won the competition which consisted of a 30 minute client interview and a 15 minute discussion between team members. The topic for the regional competition was "Loss of Employment."

Image

Six panel comic Loophole by hal malchow

In the first panel, a professor holds up a potted flower and says "Our topic today is the ancient and ever important ceremony, feoffment with livery of siesen. Mr. O'Shaughnessy, will you assist while I demonstrate?"

In the second panel, she hands the flower to a student and says "I, Feudora Bleakacre, do hereby enfeoff this feoffee with this clod symbolizing the Bleakacre Manor, and furthermore, execute livery of all fief and siesin to you and your heirs."

In the third panel, the student holds the flower pot and says "I, Shortcut O'Shaughnessy, do hereby accept."

In the fourth panel, Bleakacre says "Now that you are a landed gentleman, Mr. O'Shaughnessy, would you please explain the feoffment by use and how this ancient practice along with subsequent reform legislation led to the development of executory interests and the rule against perpetuities.

In the fifth panel, O'Shaughnessy hands the flower pot back and says "I think I prefer the life of a peasant."

In the sixth panel, O'Shaughnessy sits at a desk, the smashed pot and flower on his head, and thinks "Something's been added to the ceremony."

next opinion DEADLINE APRIL 8

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