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Student Bar Association

William Mitchell College of Law

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The Opinion is an independent publication of the Student Bar Association of William Mitchell College of Law. Its mission is to enlighten, inform and entertain. The Opinion seeks to provide a quality forum for the exposure and discussion of issues confronting the William Mitchell Community. The paper welcomes contributions from faculty, staff and students of William Mitchell College of Law.

Opinions expressed are not those of the William Mitchell College of Law, its employees, the Board of Trustees, or The Opinion editors and staff, unless specifically authorized and attributed to them.

Emotional Distress:

WMCL Law Students- and Its Impact on Their Learning

A Faculty Presentation by Richard Wagner, LICSW, Coordinator of WMCL Counseling Services

Ed. note: Dick Wagner has been the Coordinator of Counseling Services at William Mitchell for six years. He wrote this article for distribution to the faculty, and has since adapted parts of it for a presentation given to first-year students this week. We asked him for permission to reprint in The Opinion.

Data on Law Student Emotional Distress

Consistently, data collected by students who request counseling at WMCL show that students come in for more than one reason which cluster around anxiety, relationship difficulties, academic concerns and depression. Judged by research elsewhere, this cluster of problems seems consistent with the problems

experienced by law students nationally, among those who don't seek counseling as well as those who do. The rate of alcoholism increases in law students as well. The ABA Journal (March 1993) reported that "12% of (law) students began abusing substances in law school."

Manifestations of Law Student Emotional Distress

Students who come in for counseling most frequently mark anxiety, relationship difficulties, academic concerns and depression as the reason they seek our service. WMCL students do not often talk openly about these internal emotional experiences but at times they will "demonstrate" the distress through a variety of behaviors: obsessive research (hypervigilance), little research (premature closure), missing classes, not speaking in class, test anxiety or frequent requests for information (e.g. support).

First year students are often anxious while third year students are often depressed. Depression exhibits itself through students appearing lacking in energy, in their pessimism, diminished quality of work, and fatigue.

Relationship difficulties are more difficult to determine because they are less visible at school but students may give passing reference to not getting studies completed because of an argument or preoccupation with marital difficulties. Relationships, nonetheless, often take the brunt of the students' adjustment to law school and the students' release of tension. Handling of conflict and anger is another struggle for students. Specific hostility may be couched in global "indictments" of law school and the practice of law, but its source is more likely a reaction to specific events.

The Impact of Emotional Distress on Student's Ability to Learn

The severity of emotional distress that we are seeing in law students seems to be an impairment in their ability to learn. This statement is based on reports of the students we see who admit that their anxiety, depression, and relationship difficulties affects their concentration and energy level. Their self-reports state that they would probably perform better without the emotional distress.

Understanding Causative Factors in this Distress

What research has been done on emotional distress in law students suggests that the WMCL students who seek counseling represent a cross section of all students, not just at WMCL but nationwide (contrary to some notions that just struggling students experience emotional distress). Research suggests that law students are no more predisposed to emotional distress than other graduate students. Apparently law school is the most stressful of graduate school experiences. Once in law school emotional symptom levels are elevated significantly for many students. A conclusion to be drawn from this is that something is happening to a student while in law school that affects his or her emotional health, and, as a consequence, their ability to learn.

Characteristics of Law Students

Once making the decision to attend, and before even beginning school some important changes are initiated that begin to unbalance law students emotionally: often they move, leaving loved ones and they encounter a new environment and people. Their financial status is reduced and they have less time for other things.

Students arrive at the steps of law school with a set of expectations: to learn lawyer skills, to emerge "feeling like a lawyer" and that law school education will be similar to their (previously successful)

undergraduate experience. Little prepares them for what they will actually experience which runs contrary to these expectations.

I observe some common characteristics of law students. These are individuals that have usually been viewed, and view themselves, as intelligent and successful with academics. Students often come with some sense of idealism and a wish to make a difference in society.

Another common struggle that some students share revolves conflict and authority, especially around handling of verbal aggression. Most students have a common goal of developing a professional (and for some perhaps personal) identity.

Once in law school, the students bring almost everything into question: their intelligence, their competence, their identity, their commitment and their sense of belonging. Students are asked not only to rethink their thinking but to "think" in a different way. The process itself asks the student to question everything. While the student is in the process of jettisoning much of how he organized and stabilized his world, he or she is receiving little, if any, immediate feedback about how he or she is doing in this new world. And the consequences of this new venture are significant. While these struggles are quite common, most students feel like they are unique and alone. Little wonder that the first year student is anxious.

As mentioned above, in the process of forming a professional identity, many of the lawyer skills are integrated into the student's personality. This becomes apparent in marital relations. The legal skills appropriate in the courtroom can be inappropriately used in the marriage. Law values logic and avoids emotions. Marriage values emotions. In law, making a strong argument and highlighting an opponent's weaknesses is necessary. These skills can be damaging in a close relationship where empathy and admission of mistakes are necessary.

Characteristics of Law School

Law School has an intellectual, social and psychological impact on the student. Students are not only given information about law, but are taught how to think like a lawyer. These are necessary components to a legal education. These necessary aspects of legal education can, however, have a negative influence on other parts of the individual's life.

The intensified use of time also has an impact on the law student in at least two important ways. First, a law student's social life is often restricted to other law students. Strenuous demands are placed on law students' time and the stresses so specific that law students choose to be with other law students or they don't have time to develop outside contacts.

Second, since time is in such demand, all time may be seen as valuable for its "productivity" and not for anything else. The almost exclusive social life of like-minded people and the focus on time which is valuable for its productivity sets up a particular kind of culture.

Psychologically, as stated above, most law students experience emotional symptoms of some kind. Yet the prevailing attitude about emotional distress in law school is that it reflects personal weakness. Rather than an open discussion of the common experience, the pain is experienced alone. The attitude that emotional distress is weakness is reflected in myriad ways: mainly that this common experience is not openly acknowledged; that professors, for the most part, don't explain that their classes can indirectly promote anxiety; that professors (and students) don't acknowledge their own struggles with

this aspect of learning to be a lawyer; that many students admit that they seek counseling with fear that others may find out; that pejorative comments about anxiety or depression (like "if you can't take the heat get out of the kitchen") promote an insecurity about these feelings and serve to suppress any discussion of them.

Other psychological impediments to learning in law school are the lack of feedback and lack of future job security. A universal experience is the increased anxiety that builds in human beings when we don't know if we belong. This occurs in law school in a number of ways. Students often have to wait into the second semester of their first year before they determine if their abilities are sufficient. They have to tolerate lack of personal attention in large classes and correctly or not, often perceive their professors as uninterested (or worse, antagonistic) toward them. They have to tolerate 3 or more years of law school and a mounting debt to see if they can find rewarding legal jobs.

This contrasts to medical students, for instance, who endure the same demands on their time, their sleep and their intellect, but have the benefit of closer personal attention, immediate feedback, and encouraging atmosphere, a shared assumption of graduating and the likelihood of high financial rewards for their efforts.

Individuals find an emotional balance and positive self-esteem in two directions: striving for mastery and striving for intimacy. Striving for mastery has to do with competency and effectiveness and is expressed often through work. Striving for intimacy has to do with closeness and emotional connection to others and is expressed through relationships. Frequently with law students, the striving for mastery of law is to the neglect of intimacy. This is compounded by the increased satisfaction, praise and reward one achieves at school and later work promoting increased attachment to work and diminished attachment to family and friends. "As personal life becomes more impoverished, hard work can become an escape from or even a substitute for an unhappy personal life."

Law School Professors

Some students have commented during the counseling hour that they feel that they are of no significance to the professors or the school. (Ironically this stands in contrast to various professors and administrators that have made comments to me.) Even the most sensitive professor may come across as demanding and aggressive to an anxious or insecure student. The emphasis that professors place on intellectual competence may overshadow the emotional atmosphere experience by students. And like students, professors may struggle with their own aggression, exhibiting too much or too little.

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Government Demands Change Policy:

Military Must Have Access or No Federal Financial Assistance

By Charles S. Gerlach

The federal government placed a new condition on certain federal financial aid provided to students. As a result of the conditions, William Mitchell College of Law stands to lose substantial student grants and loans if it does not comply with the new federal law.

The law, known as the Solomon Amendment (1996), denies federal grants and contracts to schools that do not allow military recruiters to participate in on-campus interviewing. The Department of Education determined that Perkins Loans and Work-Study grants would be affected by the amendment.

William Mitchell does not allow the military to participate in its on-campus interview programs. All employers wishing to participate in the career services offered at William Mitchell must sign a form stating that the employer complies with the school's non-discrimination policy. The military refuses to sign due to its stance on sexual orientation.

The Solomon Amendment requires that William Mitchell change its position regarding the military or risk losing substantial amounts of money it currently receives from the federal government on behalf of its students. The Department of Education notified William Mitchell that access to \$256,000 in work study funds and \$163,000 in Perkins Grants is being denied the school because of its position on on-campus military recruiting. According to William Mitchell staff, students currently utilize \$160,000 in Perkins Grants and approximately \$115,000 in work-study funds.

The Dean and President of William Mitchell Harry Haynsworth recommended to the Board of Trustees that the law school change its policy on military access in order to comply with the Solomon Amendment. The Dean also recommended that the Board consider what ameliorative action should be taken, given his disagreement with the Solomon Amendment and the duress under which the recommendation was made. The Board of Trustees took the matter up during its September 19th meeting. In the meantime, the Dean ordered that the school continue making payments to students receiving work-study funds.

The Dean stated that if the military is allowed on campus on an equal basis as other employers, the funds will be restored. In justifying his decision, the Dean stated that the school should do what it can to make money available to law students. Also, the Dean stressed that access, openness and diversity of views are further reasons for allowing the military on campus.

Dean Haynsworth asked the Student Bar Association Board of Governors, SBA, to gauge student response on the issue. The SBA held two open forums on the issue on Monday, September 8th in the Auditorium. Students were allowed to ask questions of the Dean and other attending faculty and staff.

Professor Anthony Winer spoke during the evening forum, stating that he was the unofficial representative for the faculty. Winer related the faculty's consideration of the issue during a previous faculty meeting. According to Winer, the faculty debated the issue for almost two hours, but took no vote. Winer stated that slightly more than half of the faculty would oppose changing the school's non-discrimination policy if and only if budget adjustments could be made to make their decision cost-

neutral on students. Part of those budget adjustments considered by the faculty included faculty pay cuts.

Professor Ken Kirwin said the issue was whether the law school would be aiding and abetting discriminatory conduct or in violation of the State of Minnesota's discrimination statute by allowing the military to interview on campus.

Professor Peter Erlinder asked "What do we teach by our actions?"

The SBA conducted a poll of the students asking students to check whether the school should allow military recruitment or continue its policy against military recruitment. According to one SBA officer, the results were evenly split.

The William Mitchell Gay, Lesbian, Bi-sexual, & Transgender Student Organization opposes any change in the nondiscrimination policy. In an open letter to the school the organization stated that they do not want anyone, gay or straight, to lose their student loan funding. But to convey a message that discrimination is okay is unacceptable to the organization. The student organization recommended finding other ways to restore the funds. They also challenged the law school to fight the Solomon Amendment.

[Dean Haynsworth recommends Granting Military Access in Memo to Faculty](#)

Dean and President of William Mitchell College of Law, Harry Haynsworth, issued the following memo to the WMCL Faculty on August 21, 1997. He gave The Opinion permission to reproduce this memo. The attachments, including a letter from the Department of Education, a copy of the applicable Federal Register notice, and a letter from the Association of American Law Schools are omitted.

RE: Department of Education Determination to Cut Off Previously Authorized Perkins Loan and Work Study Funds Because of WMCL's Existing Policy Prohibiting the U.S. Military From Recruiting On-Campus.

[Background:](#)

On August 15th, 1997, I received the attached fax from the U.S. Department of Education stating that as of August 15, WMCL is not eligible to receive any Federal Perkins Loans or Work Study Funds until we change our existing recruiting policies so that the U.S. Military can recruit on-campus on an equal basis with other on-campus recruiters. The total amount of Federal Perkins and Work Study funds we are scheduled to receive this year is approximately \$420,000.

The first knowledge we had that we were one of several colleges (including six other law schools) that were going to be on the initial list of schools subject to the federal funds cutoff was an article in the Chronicle of Higher Education in late July, which was based on a notice from the Department of Defense published in the Federal Register on July 15, 1997.

WMCL refused to allow the military to recruit on campus in 1987 because of the military's discrimination against gays. This decision was made by Jim Hogg as an administrative decision. In 1990 the Association of American Law Schools (AALS) enacted By-Law 6-4 which prohibits law schools from allowing any recruiter that does not agree to adhere to a nondiscrimination policy that includes nondiscrimination based on sexual orientation from using the law school's recruiting facilities. Since we are an AALS

member school, we must comply with this By-law as a prerequisite for continuing our membership. Our AALS status will be reviewed in November as part of the ABA accreditation reinspection (an AALS representative called a Summarian is a member of the Reinspection Committee.)

Although some states (e.g., Illinois) have enacted legislation mandating that the military be allowed to recruit on campus and a few universities have required their law school to do likewise, approximately 160 of the 180 accredited law schools follow By-law 6-4. The ABA accreditation standards also prohibit discrimination on the basis of sexual orientation. See Standard 210. According to Interpretation 210-4, however, the prohibition does not apply to employers who recruit on campus "unless, that employer discriminates unlawfully". So far, the cases have upheld the military's right to discriminate on the basis of sexual orientation (and on the basis of gender, as in the case of women in combat-ready roles -ed. note).

On August 14, I received a fax from Carl Monk, Executive Director of the AALS, stating that law schools whose federal funds are cut off can be exempted from By-Law 6-4 if the law school takes ameliorative action" as part of a policy that allows the military to conduct on-campus recruiting activities.

Assuming we were to change our existing policy and we promptly inform the Department of Education of this fact, Jim Brooks has been told by the DOE that we can expect to be allowed to draw down our Perkins Loan and Work Study Funds within a relatively short period of time (4-6 weeks). It is unclear, however, whether the funding authorization will be retroactive or only prospective.

The situation is complicated by the Minnesota unfair discrimination statutes which make it "an unfair discriminatory practice" for any person, including an educational institution "intentionally to aid, [or] abet... a person to engage in any of the practices forbidden by this chapter." One of the other sections declares that it is "an unfair employment practice" for an employer to discriminate on the basis of a number of factors, including sexual orientation. It is arguable that the U.S. Military is not covered by this statute, or even if it is, that the doctrine of preemption applies. Even if these defenses are available, it is still possible that a court might hold that aiding and abetting liability may still be imposed. There are apparently no cases construing these statutory provisions. Jim Brooks contacted the Office of Human Rights and was told that these statutory provisions have not been invoked to enjoin Minnesota colleges who allow the military to have ROTC units on campus.

If we decide not to change our policy with respect to on-campus recruiting by the military, we will have to find alternative sources to replace the \$420,000 in question. The work-study money funds many student part-time employment positions. Perkins Loans are used by a significant number of our neediest students.

We could apply for an exemption to the application of the Solomon Amendment based on the Minnesota unfair discrimination statutes. Because of interpretive problems discussed earlier, there is no guarantee that the exemption would be granted, and even if it was to be granted, the exemption is only valid until March 29, 1998. See 32 CFR 216.4(c)(7)(1997).

This is a very sensitive and potentially divisive issue. I would like to see us end up turning a negative situation into a positive one. I believe that the best way to do this is to follow the ameliorative action approach outlined in the AALS memo from Carl Monk. This is the process we followed at Southern Illinois when the Illinois legislature in 1992 or 1993 mandated that the military be allowed on campus. It

worked there and I think it can work here. The key strategies are making it absolutely clear that we do not agree or condone the military's policy and education of the community about the real issues involved.

Recommendation:

1) I recommend that the College rescind immediately our current policy banning the military from on-campus recruiting, take appropriate action to get our authorization for Perkins Loan and Work Study Funds reinstated, and obtain an exemption from AALS By-law 6-4.

2) As part of this policy change, I propose to appoint a Faculty-Student Task Force to deal with the issues relating to the ameliorative action the school should take to inform our students about the reasons for the change in policy and the military's discrimination policy. This Task Force will include gay faculty and student members. The ameliorative action recommended by the Task Force will be submitted to the faculty for its recommendations to the Board.

THE VIEW FROM LEFT FIELD

Lessons to the Unwashed

By Charles S. Gerlach

Lesson One: My first piece of erstwhile advice is: don't take anyone's advice. Three years is not time enough for anyone to become expert in anything, least of all law school. The best you can hope for from your more experienced colleagues is a menagerie of identifiable mistakes you may want to avoid. Odds are you will come away with a tired collection of self-serving and useless war stories.

So, ignore advice - mistakes can be fun if creatively done. If the first paragraph appears to be a self-contradiction, congratulations. Not only will you do fine in case reading, you have learned another important lesson about the process. Law school is fraught with paradoxes.

Lesson two: you come into law school knowing little about the law; you will spend three years feverishly trying to learn everything you can about the law; and if successful, when done, you realize you know very little about the law.

You will, however, acquire the tools necessary to learn the law. Tools are very useful things; keep them around.

Lesson Three: Law school is a psychological battlefield - it need not be that way, but some people simply insist on tradition.

There are three type of students: Type One tells you how much they studied, inferring that you have not studied nearly enough.

Type Two tells you that all Type Ones will work for Type Twos someday, inferring you should study less than you presently do now.

Type Threes don't tell you anything. They ask questions when confused; they offer assistance when asked and able; and work as hard as they feel comfortable working.

Some even dare to entertain balanced lives outside these sacred and ivied walls. These renegades and heretics are often hard to spot because they are the preferred prey of the Ones and Twos, and therefore are very discrete.

Lesson three is simple - avoid insecurity wherever and whenever you encounter it regardless of its manifestation de jour. For an institution filled with successful, overachieving and focused people, law school is rank with insecurity.

You were bright and successful before you got here. Neither law school nor its denizens are possessed with the ability take that away without your acquiescence. Do not acquiesce. Strive to be a type two.

Lesson Four: Despite what legal writing may instruct to the contrary, use words like 'acquiesce' if you know their meaning and they fit nicely. Split an infinitive, end sentences with a preposition if you want to.

Lesson Five: School is about ideas. Law is the mechanism by which society orders itself. Ergo, law school is filled with ideas concerning how society is ordered.

Open your mind and expose yourself to these ideas. It may be the last chance to do so before people start giving you money to think as they want you to think. You can always go back to your old ways. Open mindedness is not, unfortunately, a permanent condition.

Lesson Six: Read. Reading, once learned, is compulsive. In law school you read many, many, many cases and a few essays on the law. Worry your mind becomes a monoculture with as much intellectual diversity as a field of beans.

Read things that do not pertain to the law. Avoid Grisham, Turow, and other such lawyers cum novelists. I suggest Rand, Twain, Dickens, and Hemmingway. The Sunday comics are fine, as well.

Lesson Six: do the math. The friends you retain or make through law school were free. The books you will need run approximately \$200 a term. (Some you can even sell back of 25% of value.)

Meanwhile you pay thousands of dollars a year in tuition. For that you will receive ninety minutes in a room with 98 other students and one professor.

My economic advice is to follow the money. Engage your professors and your classmates in class. Make everyone in that room teach you something, otherwise class is time and money wasted.

Next to Last Lesson: You are privileged. No matter what your background, you are truly fortunate to have an opportunity to study the law.

Each of us has had the good fortune to attend elementary schools, high schools and colleges that have supplied us with the skills and desire which got us here. Regardless of personal memories and opinions of your educational history, the institutions you attended were good, if not better.

Contemplate your good fortune, complain little, say thank you whenever the opportunity presents.

Final Lesson: Remember the advice Sister Prejean told the area lawyers last year - the best thing that can happen to you is passion.

Relax and enjoy the show. You volunteered, paid a bundle for the ticket, and deserve everything it offers.

And that's the view from Left Field.

THE OPINION

A NEW YEAR; A NEW STUDENT PAPER

by Charles S. Gerlach, Managing Editor.

The Opinion welcomes the William Mitchell College of Law community to the 1997-98 academic year. Already there have been a fair amount of interesting issues raised on campus - SBA budgeting, military access, and scheduling school forum are just a few of the issues coming to the fore in the first-three weeks of the semester.

The Opinion's goal is to provide a quality forum for the exposure and discussion of these issues. Members of the community students, faculty, and staff - are strongly encouraged to participate in these discussions.

The paper wishes to explain our current editorial policy to facilitate a quality discussion.

Editorial Policy:

One goal of The Opinion is to promulgate a series of editorial and publication policies to guide the paper in this and coming years, and will continue to develop these policies throughout the year.

The Opinion will provide a forum for information relevant to the school and will be open to all views.

The paper will attempt to present fairly the views of the William Mitchell community. It will strive to do so professionally and with an eye to overall quality. The mission of The Opinion is to enlighten, inform, and entertain.

To do its job properly, The Opinion reserves to itself the right to edit submitted articles for content, space and readability. The paper has sole authority over content. Editorial decisions will focus on readability, suitability, space and quality. Viewpoint neutrality will be observed.

If The Opinion decides an individual or organization is portrayed negatively in a published article, that individual or organization will be provided an opportunity to respond in the same issue.

Personal attacks will not be included in The Opinion.

The Opinion stresses that this paper is part of the legal community of William Mitchell College of Law. The use of appropriate language and demeanor is stressed.

If The Opinion decides that language in an article is inappropriate, it will redact the offending portions. If redacting does extensive damage to the article, spaces may be substituted for the word. If this action is ineffective, the author will be contacted to justify or change the offending language. Again, The Opinion reserves the final decision on all articles which will be published.

The Opinion will publish only those articles which identify the submitting author or student organization. Authors wishing to remain anonymous may seek permission from The Opinion. Such authors bear the burden of showing that anonymity is necessary:

Advertising:

The Opinion sells space to advertisers. It allows students and student organizations to take out ad space for non-commercial notices. The Opinion will provide space first for its paying advertisers. Space permitting, student advertisements will be placed accordingly.

Questions regarding whether an article is an advertisement, or whether a student ad is commercial should be directed to the editorial board.

Submission Guidelines:

Articles should be submitted to The Opinion mailbox in the communications center by the announced submission deadline.

Please include two hard copies on 8 1/2" x 11" paper, double spaced. Include a 3 1/2" Windows formatted diskette with the author's name firmly attached to the disk. The electronic version should not be extensively formatted, and should be saved in ASCII or Text program format if possible.

Address questions to the editorial board.

Publication:

The Opinion will publish every month, except for exam months.

This will mean six editions overall. Our proposed publication dates and corresponding submission deadlines are:

Submission	Publication Date
October 10	October 22
November 7	November 19
January 16	January 28
February 13	February 25
March 13	March 25

The editorial staff of The Opinion looks forward to an interesting and informed academic year.

Letter to Congressman Solomon

The legislation that gave rise to the current military-on-campus c is named after Congressman Gerald Solomon of New York. The following is the text of a letter sent to him.

Congressman Solomon,

The issue of schools deciding for themselves whether or not to allow the military to recruit on campus along with other employers gives rise to some interesting points on both sides of the debate. Unfortunately because of the legislation which you have sponsored, we probably won't hear any of them. This potentially interesting debate cannot take place now, without being overshadowed by the

almighty dollar. I am not so naive as to be unaware that part of the appeal of being in the majority in Washington is that by being in control of the purse strings, you can very effectively silence or cause trouble (i.e., Newt Gingrich shutting down the government because he didn't like his seat on Air Force One) for those with whom you disagree.

But that doesn't really address the issue. Or is that the point?

It seems as though you are afraid that if the debate were to take place without the specter of the loss of government funding, it might not go your way. As a result, you resort to bully tactics. And in a true bully way, you pick on the smallest and weakest opponents. Don't pick on Harvard or the University of Chicago, since they might actually fight back. Don't go after any schools in Upstate New York, because you have to run for reelection next year. No, go after St. Mary's, Ohio Northern and William Mitchell. They don't have a lot of political muscle. They'll cave in. Well, congratulations!

It looks like you are right. The Dean of William Mitchell has stated he wants to give in because of the money. And as we all know, in Washington before a decision can be made you need to know where the money is. Maybe our Dean should be down there in Congress with you, he seems to have a pretty good grasp of how you guys make decisions. It has nothing to do with any real principle or belief. It's all about money.

It's good that you, aided by our Dean, have provided this lesson to students in law schools and other colleges around the country. It's important that America's next generation of leaders not leave college with any high-minded ideals about sticking to principles. It's also essential that young lawyers learn, before they leave law school, that open debate and discussion are not determinative, but rather money is what carries the day in a disagreement.

Sincerely, Michael P. Gibbons

[The Opinion on Military Access](#)

The school is currently embroiled in a debate over whether to allow the military on William Mitchell's campus. The debate is not of the school's choosing. Rather it was presented to us by the Solomon Amendment, the Department of Education and the Department of Defense. The effect has been to divide this community - students, faculty and staff alike.

The debate has been cast in terms of whether to lose student financial aid or alter the school's anti-discrimination policy. The Opinion believes the school is focusing on the wrong issue.

The issue is not about Perkins grants and work study money. With or without the Solomon Amendment that money continues to exist. It is only new conditions placed on the money which affect the school and student access to funds.

Nor is the issue the wisdom of the William Mitchell 's anti-discrimination policy or how the school decides to enforce its policy. The anti-discrimination policy, in effect for approximately a decade, was the product of the school's collective judgment after independent and careful consideration. Any decision to alter the policy should be the result of a separate and thorough discussion amongst the William Mitchell community. The school should be permitted to take the issue up on its own initiative, and without outside influence.

The debate should not delve into the correctness of the Nation's current policy on homosexual military service. Such a conversation, though worthy of debate, is external to the William Mitchell campus.

The crux of the issue now before the community is whether the federal government can use strong-arm tactics to change a private educational institution's well considered policies by pitting those policies against the interests of its students. The Solomon Amendment forces the school to choose between its students' financial aid and its anti-discrimination policy. If the school decides not to allow the U.S. military access, students will be denied the financial assistance to which they are otherwise entitled.

Dean and President Harry Haynsworth misidentified the issue, and as a result, recommended the wrong direction to the Board of Trustees. Seeking the greatest amount of available financial aid for students is meritorious. However, the Dean has pursued this course at a high price. The Dean has recommended an exchange of money for principle. He recommended the school sacrifice not only its policy but its autonomy as well.

As student we have been taught that money should not be the sole aim as lawyers. The Dean himself has professed a higher calling for lawyers; pursue the lofty goals of professionalism, ethics and civility. Our professors have encouraged us not to be followers, but rather leaders.

The Opinion fails to see how the Dean's decision is based on or advances the professed aims of our legal education. His recommendation not only sacrifices our anti-discrimination policy to the federal government, but it sets a horrendous example of principal in action as well. The Dean recognizes that the government's policy is wrong; acting in furtherance of a recognized wrong is unconscionable.

It's the Wrong Thing to Do

By Katie Nemmers, Chair, William Mitchell Gay, Lesbian, Bisexual & Transgender Student Organization

Some students have suggested that the Gay, Lesbian, Bisexual, & Transgender Student Organization not oppose granting the military an exception to the nondiscrimination policy because other students who are heterosexual, or "straight" will actively resent us and blame us for losing their student loan funding. Gay, lesbian, bisexual and transgender students do not want anyone, gay or straight, to lose their student loan funding. But for our group to convey a message to other students or to the college that "it's okay to discriminate against us, because we don't want you to not to like us of us" is simply unacceptable. To suggest that we bear the responsibility for an oppressor's actions against us is the quintessential example of blaming the victim.

From some of the discussion at the campus open forums, it is clear that some attendees did not understand the egregious nature of the discrimination and overt violence that takes place not only in the military, but in the everyday life of lesbians and gays. Anti-violence projects from five cities, including Minneapolis, have documented nearly 7,000 cases of violence against gay men and lesbians from 1991 to 1994. i. In Minnesota, the Gay & Lesbian Community Action Council reported that 30 Minneapolis area gay men have been murdered since 1984. ii. In every case, the victim's sexual orientation was thought to be the motive. Two of these killings occurred in January. In August, the derogatory term "fag" was spray painted across the windows of a gay bookstore in Minneapolis, along with the insignia "KKK" and "187" a police code for homicide. A week later, the perpetrator returned and smashed in the windows. iii. (And the white male student who told me I couldn't compare being gay

with being black thinks those with violent hatred or those who discriminate limit their poison to just one minority group?)

Dean Haynsworth articulated two reasons at the forum for his position to allow the military to recruit on campus. The first was to obtain the funds for student Work Study and Perkins Loans, mostly because he could not believe that those funds could be adequately made up from other sources, and that these federal moneys should be used for students. One can understand the Dean's fiduciary responsibility to the Board of Trustees, faculty, staff, and students of William Mitchell, and still disagree in principle. But what was most troubling was Dean Haynsworth's second rationale for allowing the military on campus—because "it's the right thing to do."

The Dean talked about promoting access and diversity of ideas, but what he fails to understand is the distinction between the military's constitutionally protected acts of free speech and the military's active discriminatory efforts to recruit only straight people, and remove gays and lesbians from the service. William Mitchell can still provide opportunities for divergent opinions without aiding and abetting the military's exclusionary and discriminatory hiring practices.

The message the Dean has sent to gay, lesbian, bisexual, and transgender students is that discrimination against us doesn't count; that employers are free to discriminate against us, on William Mitchell's campus, under the guise of free speech. No other minority group would tolerate such disparate treatment from the head of a law school. Don't expect lesbian, gay, bisexual or transgendered students not to take the Dean's second rationale personally.

If the Dean of the college is willing to allow some employers who discriminate against gays and lesbians in their recruiting efforts to come on campus, what measures exist to prevent the college from discriminating against gays & lesbians, bisexual and transgendered individuals in admissions, or hiring and firing of faculty and staff? Is the Minnesota Human Rights Act a strong enough deterrent? What assurances do gay, lesbian, bisexual and transgender students have that we are welcome at William Mitchell as equals when all too easily our rights and dignity are trampled?

Some forum attendees also expressed thoughts that the "don't ask, don't tell" policy of the Clinton administration solved the controversy over allowing gays in the military by an acceptable compromise. The policy has not stopped the attacks on gay and lesbian service members. In 1997, "witch hunts" to remove gays and lesbians from the military were at a five year high since the don't ask don't tell policy was enacted. iv 850 service members have lost their jobs, their benefits, their housing, their self-esteem, and often, their ability to find other employment due to a dishonorable discharge from the military. In the words of the late poet Audre Lorde, "your silence will not protect you."

Freedom of speech issues with the don't ask, don't tell policy are obvious. The don't ask, don't tell policy goes beyond freedom of speech to an even more important question, freedom of identity. It's tough to try and be invisible and hide your soul, your very personal identity as a gay, lesbian, bisexual or transgender human being. Being gay or lesbian, bisexual or transgender is not about what you do or who you are in the bedroom, it is about who we are as individuals, whom we relate to emotionally, politically, and yes, physically. Just because some of us may be judged able to "pass" as straight by society does not mean we should be forced to cloak our identity and bury our true feelings to be acceptable to straights. Would one expect the converse to be true? Should straights who "look" like they might be stereotypically gay be expected to hide their sexual identity and pretend to be gay in order to

avoid losing their job? If so, all women wearing flannel shirts and Birkenstocks should be wary, and all men who dress nicely and have good manners should be careful.

Instead of blaming those who already all too often suffer the effects of discrimination, the discussion at William Mitchell should center on finding other ways to restore the non-allocated funds. Yes, maintaining the policy of not allowing military recruiting on campus because they discriminate involves sacrifice by many. But of what benefit is a policy espousing nondiscrimination, if when it's challenged, the fair-minded capitulate? Who better to challenge injustice than a law school?

The William Mitchell Gay, Lesbian, Bisexual & Transgender Student Organization exists to support members of our communities in our quest for a first class legal education that recognizes who we are as individuals and the unique contributions we make to everyone's legal education because we are gay, lesbian, bisexual or transgendered. Our organization also exists to foster alliances with straight supporters of equality for all people. We ask that our straight colleagues join in defending the principle of nondiscrimination: that no one deserves to be denied opportunities because of our skin color, ethnic background, disability, religion, - or the gender of the person we were born to love.

i. Star Tribune, Jan. 12, 1997

ii. id.

iii. Interview with A Brother's Touch bookstore, Minneapolis, Sept. 12, 1997

iv. Chicago Tribune, Feb. 27, 1997

CAREER SERVICES NOTE TO ALL OCI PARTICIPANTS:

DON'T FALL VICTIM TO THE OCI BLUES!

What do we mean? We see it happen every year, without fail. The OCI season starts out with a bang, and then for many of you, quickly fizzles away to nothing. Yes, we know even though we encouraged you to do this, many of you won't even get an interview. And many of you who are granted an interview, won't be called back for a second interview. You must believe us, we didn't encourage you to go through OCI because we have a mean streak, and like to see you disappointed. On the contrary, we just want you to take advantage of every opportunity available. OCI is just one of those opportunities.

If you are experiencing OCI depression, we're not going to leave you in your hour of need. Unless you experience luck early on, most job searchers experience rejection and disappointment at some point in the process. We know the feeling when you discover your name didn't make it onto any of the employers' interview lists. We've heard students say things like, "Now I'll never get a job!" and "I'll never get to practice law!" And even "I'm a loser!" We're here to tell you: NOT TRUE!!

First of all, listen to some of the comments we have heard from the OCI interviewers. One said, "I would feel comfortable hiring anyone we talked to today. It's going to be hard to narrow this down..." Another interviewer remarked, "I'm glad I have a job. These resumes are amazing- I could have never competed against some of these students..." We hear comments like this over and over again throughout the OCI season.

So if you didn't get an interview or a callback, don't assume you were at the bottom of the pack. You might have gotten screened out by something very subjective or arbitrary. Keep this process in perspective- the competition is intense!! If you were not selected for an interview or callback it is NOT a reflection on your worth as a person.

Secondly, all is not lost. In fact, you still have most of the market open to you. The OCI employers represent only about 15 percent of the entire legal market. OCI employers tend to be the larger firms that can predict their needs a year out. It may be those firms that you know by name, and read about in the paper sometimes. While these firms and the OCI process in general is highly visible, you are still talking about a relatively small percentage of the opportunities out there. Most firms cannot predict their needs so far in advance, and simply do not recruit through the OCI process. Most firms hire on an as-needed basis. Watch for publicity on our upcoming program on marketing yourself to the smaller firm market, and we'll tell you how you can pursue these opportunities.

Let's talk about some numbers. The 1996 William Mitchell graduating class enjoyed a 93 percent placement rate within one year of graduation. Where are all those people working? Only 11 percent of those who responded reported working for a very large firm. In fact, less than half the class reported employment in private practice at all. So aside from all the smaller to mid-size firms available to you, there are jobs with the government, accounting firms, banking and financial institutions, insurance companies, and other corporate entities. We also had graduates who found public interest positions, and a few now in the academic environment.

So cheer up! If OCI wasn't successful for you- we know it's disappointing, and we'll commiserate with you a little bit. But we also want to sit down with you individually and explore the many other options that may interest you. So make an appointment with a Career Counselor today by calling 290-6326, and watch for our upcoming program on small firms.

[Minnesota Justice Foundation Fall Fundraiser](#)

By Kathy Samsa

Hazel Wolf's ninety-nine-year life story is one of inspiration. She assisted a civil rights attorney with pro bono cases for many years, spent a day in jail and 20 years as a party in her own U.S. Supreme Court case during the McCarthy era, and - like former President Jimmy Carter - observed the 1990 Nicaraguan elections. Today, Wolf is a well-known environmental activist and secretary of the Seattle Audubon Society. Between speaking engagements and volunteer hours, Wolf still enjoys free time camping and kayaking outside Seattle. This extraordinary woman looks forward to sharing her story with attorneys and law students at the Minnesota Justice Foundation (MJF) Fall Fundraiser on Friday, October 24.

Wolf looks back with amusement on the extraordinary legal proceedings brought against her in the 1950's. She was one of the country's first targets of McCarthyism and the "anti-American activities" campaigns. Accused of trying to overthrow our government with force and violence, her real crimes were a willing advocacy for social programs, support for loggers unionizing in the Pacific Northwest, and a brief membership in the communist party.

Attorneys providing pro bono services helped her fight the deportation proceedings for 15 years. After appealing the district court's deportation order, several of Wolf's friends predicted that the U.S.

Supreme Court would eventually hear her case. Knowing Supreme Court Justice Douglas, they wrote him a letter, explaining Wolf's situation. Justice Douglas replied with a handwritten postcard that said, "Tell Mrs. W. not to worry." Wolf laughed when she recalled the postcard, calling it the "shortest Supreme Court decision ever handed down." Justice Douglas' advice was correct - the U.S. Immigration Service eventually dropped her case.

The real story of Wolf, however, lies in her lifetime of public service and her unflagging commitment to social and environmental issues. She was on the front lines of social reform in the 20's and 30's, advocating for unions, unemployment insurance and public housing projects long before the New Deal institutionalized these programs for America's workers. Since joining the Audubon Society in 1961, she has established more local chapters than any other member in the history of the organization. As part of her lifetime commitment to environmental justice, Wolf has developed alliances between Washington state American Indian tribes and international environmental groups.

Besides staying active, Wolf seems to have several "secrets" to enjoying a long life. "I live simply; I love almost everybody, but even at that, I do not seriously hate anybody. Maybe it is safe to say my longevity is due largely to lack of stress."

If Wolf has her way, she'll continue her stress-free survival tactics. "I just have to hang on two more years until the year 2000," she said. Born in Canada in 1898, her goal is to live to see three centuries.

Minnesota Justice Foundation Executive Director Theresa Murray Hughes believes that Wolf's story will fascinate attorneys and students. "Hazel embodies the volunteer spirit at its finest. She is a living example that you are never too old to make a difference by lending your skills to benefit others," she said.

The MJF Fall Fundraiser event is Friday; October 24, from 5:30 p.m. to 8 p.m. at International Market Square in Minneapolis. The event, emceed by retired Minnesota Supreme Court Justice Rosalie Wahl, features Wolf's keynote address, hors d'oeuvres, and a public service awards presentation. The fall fundraiser also provides students with the opportunity to network with area attorneys and judges while raising money for MJF's services programs. Student ticket prices are \$10 for MJF members and \$18 for non-members. For reservations, call the MJF office at 625-1584, or talk to one of your MJF local board representatives.

William Mitchell College of Law MJF Local Board

Rachael Sauter, Chair

Laura Tripiciano, Secretary

Dave Korona, Treasurer

Jim Mogen, State Board Representative

Jill Schlick, LRAP Representative

Sherry Bruckner, PILF Coordinator

Darren DeJong, PILF Coordinator

Kelli Duehning, Special Events Coordinator

Rob Rode

Kathy Samsa, Fall Fundraiser Chair

RAPE CRISIS CENTER NEEDS VOLUNTEER ADVOCATES

Sexual Offense Services of Ramsey County (S.O.S.) offers a variety of services to victims of sexual assault. Volunteers are needed to help provide these services which include: crisis counseling, advocacy, information, outreach, and referral. Volunteers also help provide community education, a valuable contribution to sexual assault prevention. A training session for new volunteers starts the beginning of October. Anyone interested should call S.O.S. at 298-4758 for further information.

RE-ORIENTATION

The William Mitchell Gay, Lesbian, Bisexual & Transgender Student Organization

The William Mitchell Gay, Lesbian, Bisexual & Transgender Student Organization exists to support members of our communities in the quest for a first class legal education that recognizes who we are as individuals and the unique contributions we make to everyone's legal education because we are gay, lesbian, bisexual or transgendered. Our organization also exists to foster alliances with straight supporters of equality for all people.

Fall activities:

William Mitchell hosted the 6th annual Lavender Law conference on Saturday, September 27 in the school's auditorium. Student registration is \$15. All students are welcome. The seminar covered a wide range of topics that affect the gay, lesbian, bisexual & transgender communities, including estate planning, family law, & employment law. The guest speaker was Matt Coles, Director of the American Civil Liberties Union (ACLU).

Friday, October 3, starting at 7 p.m., the student organization is hosting a social & alumni networking party at 512 Laurel Avenue in St. Paul. All GLBT students, alumni, & guests are invited.

Join the Lavender Bar Association! Membership is open to all students with an interest in supporting legal concerns of lesbians, gay men, bisexuals and transgendered individuals. A mentor program is also available. For more information, see the student organization board in Hachey Commons.

William Mitchell will celebrate National Coming Out Day on Monday, October 13. Look for more information in Hachey Commons. National Coming Out Day is a commemoration of the 1987 march on Washington for gay, lesbian, & bisexual civil rights. It is an opportunity for gay, lesbian, bisexual or transgender students, faculty and staff to be open and honest about who we are as human beings, and for straight allies to show support by being respectful and taking action to end homophobia.

Friday, October 10 is the next Lez-Be-Gay & Dance. This monthly social folk dance for the GLBT community is located in south Minneapolis. Cost is \$0 to \$5, with a live band and caller. Both singles and couples are welcome, and no Partner is necessary to attend.

The next group meeting is scheduled for Thursday, September 25 at 4 p.in. in room 230. For more information about any of these events, contact Katie at 641-1679.

Phi Delta Phi

by Michael Keogh

On December 13, 1869, a handful of students at the University of Michigan Law School formed the legal fraternity Phi Delta Phi. The student's impetus for forming the fraternity was, in the words of one member, to correct the abuses, quibbles, and clap trap which had arisen in the legal profession.

Today, the fraternity's purpose remains to promote professionalism and ethical standards in the practice of law. Phi Delta Phi is represented by 120 student Inns in the United States, Canada, and Mexico which are modeled on the English Inns of Court.

On campus, Phi Delta Phi is represented by the William Mitchell Inn. The Mitchell Inn sponsors several events in the course of the year. Last year, the Mitchell Inn established awards for the top ranked professional responsibility students, and sponsored a seminar on ethical concerns for law clerks. Most notably, however, the Mitchell held Legal Pursuit, a quiz bowl style competition on legal trivia, to raise funds for Southern Minnesota Regional Legal Services, the oldest legal aid in the state which provides services to more than a third of the counties in Minnesota. The Mitchell Inn plans to hold Legal Pursuit again this year.

Membership in Phi Delta Phi confers a variety of tangible and intangible benefits. Among the intangible benefits are the opportunities for networking and making contacts. Many members of the Twin Cities bench and bar are Phi Delta Phi alumni. Most than half of both the Minnesota State and the United State Supreme Court are members. Last but not least are the dozen Phi Delta Phis on the William Mitchell faculty, staff and administration. In addition, the support and advice of fellow members is another, often overlooked intangible benefits. Membership also brings tangible benefits such as scholarships, loans, and insurance opportunities available only to members through Phi Delta Phi International and the sophisticated snack food consumed at meetings.

The requirements for membership in the William Mitchell Inn entail satisfactory academic performance and a desire to encourage a more ethical and professional approach in the practice of law. For the first time, first year students are able to join as provisional members pending the completion of their first semester. Members of other legal fraternities are not eligible. If you have any questions or want more information contact Michael Keogh (Magister) at 227-1168.

Computer Legal Internet Committee

CLIC (Computer Legal Internet Committee) is a new organization that is looking for input from students who are interested in utilizing the impact of the Internet and its potential upon the researching, teaching and practice of law.

CLIC is dedicated to helping students access, and make practical use of the most recent legal resources that are readily available to them on the Internet. We are seeking new members in order to gather, learn, efficiently use, and advocate for the latest technological advancements.

Our primary goals are:

1. To assist the technically challenged in accessing the Internet.
2. To provide and update information and resources on the Internet for the legal community.
3. To enhance and promote the advancement of technical legal training and resources at William Mitchell College of Law.

If you are interested in joining the CUC or would like more information about what the organization does, please e-mail William D. Olson at wdo@dacmail.net. or Vincent Pundt vpundt@mail2.theonrampnet. Another way that you may contact us is to leave a note with your name and E-mail address in the CLIC mail box located with the other student organizations. We will respond as soon as possible.

President: William D. Olson wdo@dacmall.net

Vice President: Mark K. Thompson mthom@skypoint.com

Secretary: Mike Ravnitzky mikerav@ix.netcom.com

Treasurer: Bert Myrin cmyiin@ibm.net

Action Committee Chair: Byron Alterman baltennan@mindspring.com

Education Chair: Damon Highly dmghly@aol.com

Membership/Publicity Chair: Vincent Pundt vpundt@mail2.theonramp.net

Faculty Advisor: Eileen Roberts eroberts@wmitchell.edu

[Your Student Organization Ad Here The Opinion](#)

[Images](#)

Student Eileen Fox and Antonin Scalia

Antonin Scalia playing tennis.

This summer, third year law student Eileen S. Fox had the honor of attending a course taught by United States Supreme Court Justice Antonin Scalia on Constitutional Law: Separation of Powers. The class was held on the island of Crete in Greece sponsored by Tulane Law School. Although Justice Scalia is oftentimes the lone dissent on opinions in the Supreme Court, he maintained a majority position on the Tennis Court by prevailing against all challengers.

[The Law and The Order](#)

by Michael Gibbons.

Summers in Northern Ireland get very hot, and I don't mean the weather. The heat is generated by what is called the "Marching Season." The Marching Season refers to a series of parades which primarily commemorate the Protestant, King William of Orange's victory over the Catholic, King James II at the Battle of the Boyne in 1690. These parades are organized by local halls of the Orange Order and because of the nature of the victory, it is essential to the Orange Order that the annual commemorations include marching through predominantly Catholic neighborhoods. This is in part to engender humiliation over the past and to inflict intimidation for the future. The "peaceful" parades are often followed by drunken, riotous mobs who celebrate along with marchers by setting fire to houses that are owned by Catholics.

The Catholic/Nationalist communities in Northern Ireland have for years objected to these sectarian marches taking place in their neighborhoods. In 1996, the worst violence was Protestant/Unionist rioting which was sparked off by the Drumcree parade in the town of Portadown. The Catholic/Nationalist neighborhood in Portadown is referred to by the name of the street that bisects it - the Garvaghy Road. There are four or five side streets that run off of the main road. It is a very small, tight-knit group that lives on the wrong side of the tracks. They have formed the Garvaghy Road Residents Coalition (GRRC).

In the year that followed the 1996 parade, the GRRC tried to reach some form of agreement or accommodation with the British Government and the Orange Order to diffuse this contentious event. The Order refused to even meet with members of the GRRC. While hoping for the best, the GRRC expected the worst. This was expected to be the most serious flashpoint of the summer. They invited numerous international organizations to send members to act as "Peace Observers" for this event. As a member of one of the invited groups, I was on the Garvaghy Road this year on July 5-6.

In the weeks leading up to the march the official comment from the British government was "No decision on the parade has been made, and as soon as one is made we will inform the GRRC and the Orange Order." Although no official announcement had been made by 1:00 AM on July 6, just twelve hours before the contested march was expected to take place, there were outward signs that the march would not be allowed. Many people relaxed and went to bed. At 3:30 AM, under the cover of darkness, Royal Ulster Constabulary (RUC) armored vehicles began moving in to create a "Ring of Steel" around the road. (The RUC is the police force in Northern Ireland, and many of its members are also members of the Orange Order.) As soon as they were seen, groups of residents ran to the road and staged a sit-down protest. RUC men in full body armor with balaclavas covering their faces, removed the protesters, many of whom were praying the rosary, from the road by beating them with batons, kicking them with steel-toed boots, hitting them with riot shields, throwing them into brick walls and firing at them with plastic bullets. This lasted for about two-and-a-half hours.

At around 6:00 AM an eerie calm settled over the Road. I went into one of the resident's houses to see how the TV news was covering the story. The first story stated that still no decision about the parade had been reached. (Although I had just watched the path being cleared.) This was followed by a story that discussed the British Government's objections about the Chinese Government's heavy-handed use of military force in the Hong Kong handover. It was a staggering irony to hear that after what I had just witnessed.

From 6:00 AM until 1:00 PM the residents were confined to their little side streets. The Garvaghy Road was lined on both sides with heavily armored military land rovers parked bumper to bumper for about one mile. I never saw official numbers, but estimates ran in the area of a 2,000 man operation. The

residents were prevented by the military from attending their church for Sunday Mass because it was in an area that had been sealed off. They were forced to have their service outside with military personnel and vehicles as a backdrop. As the parade was approaching just after 1:00 PM, the RUC tightened their grip on the community by moving people down the side streets away from the main road. While my host and I were being physically removed from her front yard, I overheard her complain, "This is my property, and I have a right to stay on it." The RUC man responded, "You have no rights at all." This fact had been made abundantly clear by the actions of the security forces that morning.

The parade then passed by, silently marching between the two lines of armored land rovers. There were none of the typical things that go along with an Orange Order parade. There were no drums, no bands, no fire bombed houses and no drunken mobs following the parade. This does not mean that there was no humiliation or intimidation. The difference this time was the humiliation and intimidation, as well as beatings and bodily injuries, was official, handed out by the RUC, the people who are responsible for keeping the peace. This clearly demonstrated to me that in Northern Ireland there is no difference between the Law and the Order.

Following the march, I heard the Chief Constable, the head of the RUC, explain the decision on TV. He said that he allowed the Orange Order to march down the Garvaghy Road, not because he felt they had a right to march, but because he believed that if they were denied, the threat of violence from Unionists was greater than the threat from Nationalists. This is after years and years of the government stating that they will never give in nor back down to the threat of violence from anyone.

The difference between what I saw and what was reported in the press (both US and UK) is perhaps the most frightening lesson of all. The press is clearly complicit in expressing a view based on the official government view. The British claimed that the residents attacked the RUC. They claimed that women and children were operating a bomb factory. They explained, that the massive use of force was for the benefit and protection of the residents. I read some other amazing things in the days that followed, and it really made me wonder if maybe there is more than one Garvaghy Road.

[ABA-LSD Fall Roundtable at Mitchell](#)

By Carrie Clubb

The American Bar Association Law Student Division holds a circuit meeting three times each year. We are very excited to be hosting our own circuit as well as the fifteenth circuit at William Mitchell this October for the fall roundtable. The eighth circuit includes six states and thirteen law schools, and the fifteenth circuit includes five states and stretches as far south as Arizona and New Mexico. We are expecting approximately 70 law students for the meeting.

The eighth and fifteenth circuits will be arriving in Minneapolis on Friday, October 3 and will be staying through Sunday, October 5. It has become a tradition for the eighth circuit to do a service project at every meeting, and this meeting will continue that tradition. On Friday evening, we will kickoff the fall roundtable by working as volunteers for the Twin Cities Marathon. We will then convene at 8:00 Saturday morning. The day will consist of ABA and SBA workshops, an informational panel discussing alternative legal careers, discussion, debate and voting on resolutions and reports from the various officers, including Student Lawyer editor and University of Minnesota student, Tommy

Sangchompuphen. Lunch will be provided during a break in the meeting, and the meeting is scheduled to adjourn at 4:00 Saturday afternoon. Since many of the Iowa and Nebraska students are dying to get to the great Minnesota attraction in Bloomington, we will leave some time in the afternoon free for shopping and entertainment before we all meet for dinner at 8:00.

Everyone is welcome and encouraged to help with the service project and/or go to the meeting (you must pay your \$15 ABA membership fee to attend the meeting), If you think you might be interested in attending, please come to one of the AB A-LSD meetings on campus. The times and places for these meetings are posted on the TV monitors. Please help us host this exciting event! For more information please call Carrie Clubb at 224-1554.

Know Your Legal Employment Options

By: Patrick Brandt

I would like to introduce John, a law student. John is in the top 10% of his class, member of law review, and understands the rule of perpetuities (an accomplishment that speaks for itself). John is currently in the process of interviewing for employment. Based on his credentials, John is confident that he will be overwhelmed with job offers. To John's surprise, he is becoming overwhelmed with rejection letters, not job offers. Confused, John calls his classmate Jane. Jane, who is also interviewing, has a different dilemma than John. Jane cannot decide which job offer to accept. Jane's and John's resume are basically the same except that Jane has two years of clerking experience with a law firm; John has none.

Unfortunately for John, he was unaware of how important gaining legal experience is. Most law students, whether recently admitted or soon to graduate, realize that legal experience is essential to a successful start in the legal profession. In spite of this common knowledge, many law students are unaware of all options available to gain experience. An option that is growing increasingly popular with legal professionals is registering with a legal staffing agency.

Today, an estimated 50,000 U.S. lawyers are contract or temporary attorneys, up from 10,000 two years ago. This giant increase is being fueled by companies that are demanding improved case management while lowering costs. Also, law school graduation rates have stayed high, while the growth of law partnerships has slowed in the 1990s. Combine that with the exodus from big firms of people fed up with the profit-maximizing grind, and you end up with a lot of incredibly talented people on the temporary market.

For employers, employing individuals through a temporary legal staffing agency makes good economic sense. Corporate law departments are streamlining budgets, reducing the cost of in-house counsel and demanding lower fees from outside counsel. In turn, law firms are reducing costs to meet their client's demands. As with other segments of the work force, employers are asking for more time and effort from fewer employees, and fewer employees means reduced payroll taxes, health insurance, and contributions to retirement plans. Because temporary staff members can be utilized without incurring these expenses, it has become a very attractive option. Temporary legal staffing is no longer looked at as a Band-Aid solution to staffing problems. Instead, it is a strategic part of many legal organizations' business plan, one that allows them to expand and contract quickly as their business cycles change.

Another attraction that legal organizations have toward hiring through temporary staffing agencies is that temporary agencies take on the responsibility of hiring, firing and employment benefits. While emergency staffing is still a part of the temporary staffing industry, it is not the most common assignment. The most common assignments are long-term and temp-to-perm jobs. Legal staffing agencies work as an employment agency for both the employer and temporary worker. More than 35% of temporary workers get full-time job offers from the company or law firm for which they work. For employers seeking permanent employees, a temporary agency is a fraction of the cost of a headhunter.

As a law student, there are many benefits associated with finding legal employment through a legal staffing agency. The following are examples of such benefits: flexibility, practicality and confidentiality, benefits (i.e., medical insurance), long-term assistance, ability to receive a wide range of experience, and possibility of permanent employment.

As you may know, finding flexible legal employment can be a full-time job in itself. Legal staffing agencies specialize in finding employment opportunities that accommodate each individual's lifestyle. Many law students desire the opportunity to perform legal assignments in areas of interest and at a time they are available. Temporary staffing agencies provide opportunities to take on only the type and length of assignment you desire. Many law students struggle to achieve the correct balance between work and school. Others have family or school responsibilities that only allow them to devote 20 hours a week to work. Whatever your situation, temporary staffing agencies provide the flexibility to accommodate your career goals.

Finding employment through a temporary staffing agency is extremely practical. At no cost to you, you can send your resume to an agency and be continually notified of opportunities as they arise. If you are not interested in a particular opportunity, just say so. You will continue to be notified of opportunities whether you ever accept an opportunity or not. Also, most legal staffing agencies offer their services to legal professionals with the promise of strict confidentiality. So, even if you are currently employed, you can send your resume to a staffing agency in complete confidence. However, make it clear to the agency that your resume will only be presented to its clients with your permission.

Some temporary staffing agencies provide benefits, such as medical, to individuals that have been on an assignment for a certain length of time. For example, LegalEase Staffing UC, a local staffing agency that concentrates exclusively on the permanent and temporary placement of law students and entry-level attorneys, provides medical benefits to those who have been on an assignment for 30 days.

Once you send your resume to a legal staffing agency, you will receive long-term assistance. If you send your resume when you are a first year student, you will be informed of opportunities associated with your level of experience. As long as you continually update the staffing agency, you will be informed of opportunities that match your education and experience levels. So, once you graduate from law school, the agency will inform you of entry-level attorney opportunities as they arise.

Working through a temporary staffing agency allows you the opportunity to gain experience in many areas of law. If you are interested in corporate law, accept an assignment in that particular area. If after completing the corporate law assignment you realize that corporate law does not interest you, simply accept an assignment in another area. By working on several temporary assignments you can decide, based on your experience, what area of law you will ultimately practice.

Finally, staffing agencies also provide permanent opportunities. However, it is more common for an individual to work on a temporary assignment, which ultimately results in a permanent position. Employing a prospective permanent staff member, on a temporary basis, is a great way for the employer to assess capabilities and organizational fit.

In conclusion, legal staffing agencies appear to be a great way to gain experience and enable you to make effective career choices. Hopefully, this article has informed you of this new and increasingly effective job search option.

ABA Annual Meeting in San Francisco

By Carrie Clubb

Thousands of lawyers, judges and law students gathered in San Francisco during the first week of August for the American Bar Association Annual Meeting. The meeting is the largest gathering of the legal profession in the world and serves several functions. This year, it gave all members of our profession the opportunity to hear big name speakers such as Sandra Day O'Connor and Anthony Kennedy. Like always, the event was also an excellent chance for attorneys to stay abreast of current issues in their areas of practice through CLE programs and ABA section meetings. And of course there were plenty of networking, social and site-seeing opportunities available for all attendees.

For law students, the ABA Annual Meeting is an especially important event. The annual meeting is the one time throughout the year that the Law Student Division holds its Annual Assembly. At the Assembly, two representatives from each ABA accredited law school in the country are present. These voting delegates, the ABA representative and the SBA president, debate and vote on resolutions that affect law students throughout the country. The voting delegates also elect representatives to the ABA House of Delegates.

The Annual Meeting is a very exciting time for law students because it is the chance for law students to take a stand on issues that impact our lives as students and as future members of the legal profession. This year, sixteen resolutions were brought before the Assembly in San Francisco. After approximately eight hours of debate, motions, amendments, voting and vote recounts, the Law Student Division passed eleven resolutions and failed five. The subject matter of the resolutions ranged from permitting student input in faculty hiring decisions to limiting the types of information asked of bar applicants by the Council of Bar Examiners. But the topic sparking the most heated debate at this year's Assembly involved two resolutions urging law students to perform a specified number of pro bono hours prior to graduation. Both pro bono resolutions failed, but the topic promised to be a returning issue at future Assemblies.

Besides fulfilling their legislative roles, there are plenty of other things law students can see and do at the ABA Annual Meeting. There are hundreds of company representatives at the ABA Expo that promote their products by giving out free T-shirts, food, golf tees, etc. There are information-filled CLEs and ABA section meetings that are usually free for law students to attend (and sometimes provide lunch at no cost). There are workshops that give creative fund raising and service project ideas. And there are elegant receptions that serve gourmet hors d'oeuvres, expensive liqueurs, and, especially for law students, local micro brews - all for free!

The ABA Annual Meeting is an event that every law student should try to attend at least once during law school. It is an event filled with networking opportunities, career focus, social gatherings and site-seeing activities in the most beautiful and unique cities. But most of all, it is a chance for law students to actively shape their educational experience and the profession into which they are about to enter. You can become part of this influence by becoming a member of the American Bar Association Law Student Division.

VITA Goes to San Francisco

By Andrew Kremer

This summer I had the opportunity to join William Mitchell's ABA Representative, Carrie Clubb, on a trip to the ABA Annual Meeting in San Francisco.

I was about ten years old the last (and only prior) time I had been to San Francisco, and to be honest, either San Francisco has changed dramatically, or the supervision of my parents somewhat sheltered me from the "culture" of the city. I think the latter is the more likely of the two.

Although Lombard Street and the Golden Gate Bridge garner a lot of tourist attention, the most interesting thing about the city is really the people. To be honest, I returned with the distinct impression that Minnesotans are pretty boring. I was surprised to learn how friendly the San Francisco natives were. Often it was only necessary to walk ten feet before some kind stranger would approach you and offer to give you directions or flag a cab. Sure, a small donation for the effort would be nice.

Signs scribbled on the bottom of cardboard boxes offered such services as the opportunity to "have your picture taken with punk rockers will accept beer, food, or money."

By far the most interesting street vending ploy I saw was a "scare artist" that I encountered while walking along the wharf with some fellow law students from Drake. This particular "artist's" tactic was to hide in bushes along the sidewalk, with an accomplice stationed across the sidewalk in clear sight. When a large group of people (such as us) walked by, the accomplice would direct the group's attention to the general direction of where the "artist" was hiding. At the precise moment the group looked, the "artist" would lunge at the group while screaming obscenities. Then the "artist" would laugh at the group (who was now in need of an emergency return trip to their hotel if everything went right - I won't elaborate), and solicit compensation for the thrill. However, having been schooled on the principles of contract law, and moreover not at all amused, we felt no obligation to provide the requested compensation.

Although we had many opportunities to do such sightseeing, in reality we were in San Francisco for reasons other than just to stuff ourselves with seafood. As ABA representative, Carrie provided one of William Mitchell's two voices to the Law Student Division.

The reason I was there was somewhat more subjective. Late last year I ran for, and was appointed, as one of the ABA-Law Student Division's 8th Circuit Lieutenant Governors. My most specific duty is the coordination of the Volunteer Income Tax Assistance programs within the 8th Circuit. The Volunteer Income Tax Assistance (VITA) program is a joint effort between a sponsor school and the IRS to provide competent tax assistance to low income and elderly tax-payers. Although I was happy to have been so

appointed, I was now faced with a general uncertainty as to what I was specifically supposed to do as Lt. Governor of VITA, other than update my resume.

In San Francisco, I met with several of the other circuit's Lt. Governors of VITA. I was somewhat encouraged to find that they were equally as clueless as to what their specific responsibilities were. Through discussing with these other Lt. Governors the existing state of our respective circuits' VITA programs, I learned that the 8th circuit has some of the most well organized law school supported VITA programs in the country. Although William Mitchell has only last year resurrected its long dormant program, I found the other Lt. Governors using some of the more unique aspects of William Mitchell's program as a model for improving the coordination of their own circuits' VITA sites. By discussing our own volunteer experiences, we all were able to pick up some tips on how to better manage a successful VITA program.

By meeting with Karen Oaks, the National Student Director of VITA, I also had many of my questions regarding my specific duties answered. Karen proved to be an outstanding source of information about particulars of VITA site management; from as simple as site selection, to strategies for handling complex tax returns. My return to Minnesota, although disappointing, found me equipped with both the enthusiasm, and the practical tools necessary to hopefully make this year the most successful ever for VITA at both William Mitchell and the entire 8th circuit.

Recruiting for this year's VITA volunteers is beginning now. The program is flexible; and can expand to support as many volunteers as we can get. Aside from the chance to help your community with an often overlooked need, there are many personal benefits to participation in VITA. Those who volunteered last year found the program to be very fulfilling, and many that I have spoken with have indicated an intent to volunteer again this year.

A successful VITA program is a very visible way for us, as William Mitchell students, to demonstrate our commitment to our community by providing a service that many other public service organizations don't have the technical competence to provide. Although participation in VITA holds special benefits for those interested in a career in a tax related field, the program is open to all students who wish to volunteer; regardless of prior tax or accounting experience. The returns you will be completing for clients are usually fairly simple, and we provide the necessary training. Volunteers are expected to pass an IRS competency exam which is administered in a relaxed atmosphere on William Mitchell's campus shortly before the start of the tax season.

Whether you are pursuing a career in taxation, or simply want to learn how to prepare your own taxes, VITA is an excellent way to gain practical experience in both return preparation and client interaction.

Those interested in learning more about William Mitchell's VITA program are encouraged to contact Andy Kremer at 489-4795, or attend one of the VITA program introductory meetings at a place and time you will soon be hearing about

[Comments on the Wagner Piece: One Student's Perspective](#)

by Michael Ravnitzky

Law student emotional stress is a very real phenomenon. However, I think that it is important to note that this stress is a natural and understandable outgrowth of the law school curriculum, which is intentionally oriented and historically designed to incur such distress.

The first semester of first year is a long haul without an emotional or physical break. I'd add that the uncertainty of expectations regarding grading and examination standards of performance (which everyone is somehow expected to know about already) is a factor in the ability to learn.

Law school seems to be an area of "meta-study"; it changes the way that a person thinks. Is this more difficult for younger students or for older students, or can one group or the other simply adapt more rapidly? Is a younger law student's mind more malleable, or does an older student's life experiences provide a triangulation point for better understanding what the professors are "getting at."

Law school is tough and stressful because teachers are not teaching material so much as teaching methods of rhetoric and argument and logical reasoning, approaches unlike those taught in other settings. In fact, professors rarely explicitly tell students what it is that they are expected to draw from a particular lesson. The students must generally find this kernel of knowledge by themselves. In what other areas of life do teachers instruct like this: Zen Buddhism with its "koans"? Rock Climbing? Cryptoanalysis? Journalism? Medicine? Psychoanalysis? Seminaries? How do these fields accomplish their pedagogical transfer with less stress?

Law schools drum to recruit and accept students based on their "life story" of which grades and LSAT scores reflect only a small portion. But once they get to law school, the rest of their lives are lopped off in short order. Only a dedicated person can maintain their balance. I've heard a student use the phrase "mourning the loss of my creative side." Most students stop reading anything non-law related. Even students who were inveterate news junkies stop reading the newspaper, going to movies, ball games, etc.

Financial pressures should not be underestimated. Supreme Court and Appeals Court judges who visit the law school and suggest that law students try to work as clerks when they graduate are being unrealistic, since the debt load on most students does not allow them to take a job for \$10-12 per hour, however useful the skills.

Lack of feedback is a big problem in some classes. Professors, daunted by the prospect of grading dozens of papers and providing any useful feedback are naturally reluctant to give "practice" examinations, or midterms. Feedback on the final examination itself is considered moot - by students and faculty alike, since the sole result of law school for the edification of the outside world is the grade transcript. Perhaps the present common practice of whole year courses for first year students, with one single grade at the end, contributes markedly to stress because of little opportunity for feedback during the adaptation process. Perhaps this concept could be revisited.

Students welcome academic rigor in the classroom. What seems to cause stress to some students are the perceived grading inequities (mean, standard deviation, skew and kurtosis) between professors teaching different sections of the same course. Statistically, students seem to want the means and standard deviations of grades as compared between sections to be roughly comparable because it is statistically highly unlikely that one section would be significantly more capable or less capable overall than other sections. In fact, that is a major assumption used in the legal writing classes.

Professors seem to expect students to know and understand ancient rules and the rationale for those rules even when there may be no real rationale or policy for the rule. Justice Frank called it rule-fetishism. Professors are forced to "defend" and justify some of the archaic mechanisms which still hold fast in our legal system.

Law school is not like the real world of law. There are gross disparities between the Bar and the Academy, and students sense this intuitively, and react negatively to it.

I applaud Dick Wagner for communicating some of the common issues facing law students.

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