Congratulations to the William Mitchell Law Review

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CONGRATULATIONS TO THE WILLIAM MITCHELL LAW REVIEW

Mike Steensont

This is Volume 25 of the William Mitchell Law Review. It is a milestone, one of many in the College’s hundred year history, and, I think, one of the most significant. The creation and development of the William Mitchell Law Review coincided with other changes that were taking place at William Mitchell when it was located at the other end of Summit Avenue when the first volume of the William Mitchell Law Review was published in 1974.

The William Mitchell Law Review was conceived at a time when the law school looked substantially different than it does now. Although admissions had started to increase in 1973, when the initial organizational meetings for the law review were held, the school was an evening law school. There were no classes before 6:30 p.m. The basic courses in the first year were year-long, with final examinations only at the end of the year. Students typically took twelve credits per semester to meet the four-year graduation requirement of 96 credits. The full-time faculty was relatively small. Scholarship was not a predominant interest of the faculty. The only publication, other than the student newspaper, the William Mitchell Opinion, was something called the William Mitchell Advocate, which was a collection of the best of the legal writing papers that were generated in the legal writing course, which was then a third-year course. No evening law school at that time published a law review.

The organizational meetings that were initially held to explore the possibility of starting a law review revealed a substantial amount of student interest. Although student interest dwindled over time, a few students decided to apply to become editors for the first volume. A faculty committee selected Marcy Wallace as the first editor-in-chief of the law review. It was an excellent choice, as subse-

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quent events proved.

The stated purpose of the law review was to present articles of interest on Minnesota law to Minnesota judges and practitioners. The first volume of the law review was the work product of an extraordinary group of people who simply wouldn’t give up. There were three editors and fifteen staff members on the first masthead. Marcy Wallace was the first editor-in-chief. Bill Macklin was the managing editor, and Don Gjerdingen was the research editor.

The first issue, 251 pages in length, contained seven articles, all written by students. Three were notes and four were case comments. The lead note was The Minnesota Tax Title: An Argument for Its Marketability—the 1874 Forfeiture System From a 1974 Perspective. There are a couple of preliminary notes in the law review. One is from Doug Heidenreich, then the Dean of William Mitchell. The other is an editor’s note, from Marcy Wallace. It’s worth looking back at what they said. If you want to read the full notes, pick up Volume 1. I’m going to quote sparingly from what they said in 1974. Dean Heidenreich, first, in describing the initial process:

It is tempting to compare the process of producing the first issue of the first volume of a new law review to the process of human birth. The period of gestation is long, the labor is difficult and the result is suddenly there, bloody and squalling.

The first issue of the William Mitchell Law Review does not lend itself to such a simplistic analysis. During the early planning stages many voices offered suggestions, proposals and encouragement. Some of the suggestions were good ones, some foolish, some of the proposals sound, some bizarre and all of the encouragement was welcome.

The fundamental concepts underlying launching of the law review were that the result should be of high technical quality and of true value to the practitioner. Many law reviews boast good writing; relatively few, even among the journals which specialize by subject matter, can lay claim to being consistently of value to the practicing lawyer.

Marcy Wallace’s Editor’s Note belies the challenges that the


first board of editors faced in producing the first law review. In large part, I think, they, and she in particular, willed the production of the law review, although she was liberal in praising the participants:

Student work is the backbone of any law review. It forms the entire contents of this particular issue. Thus, the editors owe a very large debt of gratitude not only to the members of the staff, but also to the many other students who were candidates for the staff. Going out for law review at any school requires dedication. At a night law school, sacrifice is a more accurate label. Most of those who were writers and candidates simultaneously engaged in outside employment and maintained a high scholastic standing. The editors applaud their fortitude.

I vividly remember the first law review office. It was in a concrete block room that was erected in the basement of the 2100 Summit building, across the street from St. Thomas. It's now McNeely Hall, housing the business school offices for St. Thomas, but it was the first home of the law review. The room was a storage room next to the furnace room. If you stood up you could see out the ground level windows facing east. The students could slip through the window if they needed to work late. The students obtained some used wooden desks. Four or so, if I remember correctly. They had a typewriter. That was it. No secretary. A pretty good working library on the second floor helped, although it was small. Their job was to create the first volume of the law review, but more than that, to establish a precedent, to begin the institutionalization of the law review. I don’t know if they saw that, or what they understood about the importance of the endeavor as a way to give increasing legitimacy to an evening law school. I do know that they wouldn’t quit.

The first issue and volume was composed solely of student work. The reason was clear. Fail and you fail small. If a second issue didn’t come, we thought that perhaps no one would notice quite as much. When it did come out, the most distinctive part of the law review, aside from the contents, was the cover. It had an embossed seal with Justice William Mitchell’s profile on the gray cover. The reason for that was simple. It would be a distinctive

cover, even if the law review was new. It would be noticed. That cover continued for twenty-two more years. It hurt to see it go, but the more modern cover with the table of contents on the outside is more mainstream and the law review a little easier to use as a consequence.

I doubt that anyone could have worked any harder than Marcy Wallace, Bill Macklin, and Don Gjerdingen on the first issue. Don Gjerdingen, the research editor for the first issue, was editor-in-chief for the second. He actually worked on the law review for three years. I don’t know exactly what motivated Don to continue, but he did. Read his article in this edition and perhaps you’ll see why. The same tenacity he demonstrated then has served him well. He became an excellent academic, which is not at all surprising to me. Marcy Wallace is an excellent practitioner. Bill Macklin was appointed a state district court judge by Governor Carlson.

In general, if you run the list of editors and staff members of the law review over the past twenty-five years, you will recognize many of the names. They hold positions of major responsibility in law firms, business, government, and education. The law review benefited greatly from their intelligence and hard work.

Volume 2 of the law review contained the first lead articles. It was a statement of confidence. Don Gjerdingen’s editor’s note reflects that:

This volume marks the second issue of the William Mitchell Law Review. Like the first it has been overdue and like the first it has been a struggle to place it in its present form. The pages, in number, may be the same, but hidden in the calm sea of words is, I believe, a growing current of strength. There has been change, although some-

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times subtle, and there has been growth, although sometimes slow.\(^5\)

Don's remarks also reflect on the process of evening education:

In private and too often in public, talk is made that those who learn their law after dark somehow learn less and that their knowledge must be discounted by the hour at which it is learned. Resumes often are defeated by a single item alone with the word "practical" becoming an acceptable code word for an unacceptable standard which exists more in the mind than in practice. But if there is still life in the lightning syllogism of Holmes that "the life of the law has not been logic; it has been experience," then I have no reservations about the method.\(^6\)

Referring again to Holmes' observation that the "business of a law school is not sufficiently described when you merely say that it is to teach the law, or to make lawyers. It is to teach law in the grand manner, and to make great lawyers," Don concluded by saying that "This is what has been done here; this is what is being done here; and this is what will continue to be done here, all after dark. Good night."\(^7\)

Whether you agree or not, you at least gain a sense of the passion that accompanied the production of the law review in the formative years. I think it continued as the law review grew.

The law review went from a single issue and volume for the first three years, to two issues with volume 4, and then, in 1980, to three issues, and finally, in 1982 to its current four issues per year. Each jump was significant. Each required significantly more sweat capital from students who were still working while they were going to law school.

It's the same way now. Our law review students still work, go to school, and somehow find time to put out the law review. It's true that they have the benefit of established procedures that didn't exist for the first few volumes. They have the benefit of computers and computer assisted legal research. Their facilities are much

6. \textit{Id.} at xi.
7. \textit{Id.}
nicer than they used to be. The printing process is greatly simplified. But they still have to grind out the law review. There aren't any shortcuts. There never have been.

I am proud of them for what they have accomplished individually. I am proud of their cumulative accomplishments of the past twenty-five years. William Mitchell College of Law is grateful. It's been a rather remarkable twenty-five year run for the students.

Happy anniversary.