POPINION

William Mitchell College of Law Student Newspaper

September 2003

Liberalism Reclaimed

By Michael Welch

Some 800 lawyers, judges, politicians, professors and students gathered in Washington, D.C., recently to call for a confident, cohesive liberal jurisprudence in America. The assembled listened to a rare speech by U.S. Supreme Court Justice Ruth Bader Ginsburg and danced with Janet Reno at the American Constitution Society's first-ever national convention, held August 1-3 at the Capitol Hilton. The ACS event was a reassuring and invigorating experience for folks who have noted with dismay the steady, determined march toward conservatism of the nation's courts and lawmakers. It proved that there were at least several hundred politically progressive types left in legal circles these days, and virtually all of them think Attorney General John Ashcroft is a pretty scary guy.

In part, certainly, the convention – and the emergence of the ACS in general – was prompted by a recognition that conservative activists have



U.S. Senator Hillary Rodham Clinton

done an amazingly effective job of creating "a dominant network linking politics and private organizations," as Boston Globe columnist Peter S. Canellos put it. "The conservative movement rose to power because it concentrated on a few simple principles and held to them ruthlessly," Canellos noted, echoing assessments delivered by speakers at the ACS convention. The convention represented a major step toward articulating a real, substantial alternative - one that ACS founders and members believe is closely aligned with Americans' belief that all the world's citizens deserve to be treated with fundamental decency and accorded real, substantive rights.

ACS, founded just two-and-a-half years ago at Georgetown Law School, is a nonprofit organization of legal professionals and students focused on the power of the law to protect human dignity, individual rights and liberties, genuine equality and access



to justice. There are now four practitioner chapters around the country, including one in the Twin Cities, and some 80 chapters at law schools. The William Mitchell chapter was started in the spring of 2002 by a handful of students, a number of whom have since graduated and moved on to repaying their school loans. Mary Kilgus, the current chapter president, and other members will be building on the established ACS foundation at Mitchell with more programs and student involvement this year. Eric Janus is the chapter's faculty advisor. ACS chapters have also been established at the University of Minnesota and Hamline law schools.

The convention featured an array of "left-leaning" legal luminaries, most notably Ginsburg, Reno and New York Senator Hillary Clinton. A consummate politician in her ability to play to an audience, Clinton was



U.S. Supreme Court Justice Ruth Bader Ginsburg, keynote speaker

not above making light of her very public marital problems during her Friday luncheon address. Discussing the fact that she sponsored more legislation than any other freshman senator in history, Clinton explained that many other senators had asked her to sign onto their bills during the session. At one point, she said, Sen. Wayne Allard from Colorado approached her to co-sponsor a bill restricting traffic in roosters for cockfighting purposes. "I had never before had a position one way or the other - contrary to what some of you might expect," Clinton deadpanned. She turned dead serious, though, as she discussed her opposition to four of President Bush's federal judicial nominees: Texas Supreme Court Justice Priscilla Owen to serve on the Fifth Circuit; Miguel Estrada to the D.C. Circuit; Carolyn Poole for the 9th Circuit; and William H. Pryor Jr. to the 11th Circuit.

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The Jury's Still Out

By Lori Bower

Meet Professor Peter Oh, a
California native with impressive
credentials and teaching experience
at Florida State University. Professor
Oh received his law degree from the
University of Chicago and worked
with Judge Alex Kozinski of the U.S.
Court of Appeals for the Ninth
Circuit. He practiced law in New York,
and then switched to a career in
legal academia. I sat down to talk
with Professor Oh about his background and approach to his first year
as a professor at William Mitchell.

Q: How did you decide to come to William Mitchell?

A: There were two aspects of William Mitchell that were attractive to me. First, this is a school with a strong sense of tradition, which I liked. Second, the faculty has a reputation for balancing scholarship and teaching. I liked how the faculty, staff and students all seemed to get along together and were genuinely nice.

Q: What are some of the skills/interests that you bring to William Mitchell?

A: I think the interests I bring to William Mitchell are twofold. The first is that I have research interests that are interdisciplinary in nature, meaning that I am interested in how business interacts with different areas of law and how my interests connect with the interests of other faculty members. I am also interested in faculty enrichment, within the school and partnering with other Minnesota law schools.

Q: You've spent a lot of time on the coasts, how do you like being in the Midwest?

A: I can't really commit to an opinion about that yet. The summer has been excellent, not only the weather but the number of activities. My guess is that are numerous activities (in the summer) because the winter is pretty tough. But I enjoy being back in a city – a very friendly city. St. Paul is a traditional city, and Minneapolis has more of the cosmopolitan feel. I grew up in the Bay Area, and the Twin Cities reminds me of how San Francisco and Oakland are, sort of a two-for-one deal.

Q: Why did you decide to switch from practicing law to teaching it?

A: Since college I've always wanted to teach. There are a couple of reasons I practiced law for while. First, law is a profession and it's different than what you learn in law school. I wanted to see what practicing was like. Second, I wanted to learn the basic set of skills involved in practicing law, in the event that I ended up practicing. A lot of the skills you learn in practice are very



Professor Peter Oh – Happy to be at Mitchell, a bit unsure of Minnesota winters

useful to teaching as well. Third, I had to pay off my student loans. When I saved up enough to cover my student loans, I applied for teaching positions.

Q: How would you describe your approach to teaching business law?

A: My primary concern is to be clear. As part of that, I am flexible to students' different needs. I recognize that not all students learn the same way, and I want to be open to teaching different ways. Some of the professors I had in law school seemed to enjoy hiding the ball. I'm not interested in that. I want students to walk away from my class knowing the black letter law, but also having an appreciation for the policy and theory behind the law.

Q: You spend some time after law school clerking for a judge, would you recommend it?

A: I would strongly recommend clerking. You get to look at cases from a different perspective. When you are practicing, you are advancing a specific view. When you are working with a judge, you have to look at both sides of the issue. Also, when you clerk you get to see the administrative side – looking at procedural rules and the purposes behind them. It's also a great experience just to talk with a judge and see how they decide cases.

Although we can't promise him mild, agreeable winters, I think it's safe to say that we (the students) are happy to welcome Professor Oh to William Mitchell.

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Catching The Technology Time Bandit - Spam

(NAPSI) – We're living in a great technological dichotomy: the more timesaving devices we accumulate, the less time we seem to have. As technological wonders become more mainstream, the latest gizmo or gadget always seems to re-introduce the hope that this is the one that will enable us to achieve some lofty goal—whether it be working from home on Fridays, coaching a child's soccer team, taking that extra-long vacation, starting our own business or, simply, retirement.

Alas, we remain at the mercy of our widgets and whatsits as we seek ways to carve out a few extra minutes here or there. Well, according to a recent survey, a great place to start is with the great technology time bandit-spam.

The "McAfee® Americans and Spam Survey" revealed that 49 percent of Americans spend more than 40 minutes per week deleting spam, with 14 percent reporting they spend as much as three and a half hours a week. That adds up to 7.5 days over the course of the year. Eliminate spam before it gets to your inbox and there's your vacation.

"Consumers are seeing more and more spam crowding their in-boxes. All indicators point to a continuing upward trend," said Bryson Gordon, McAfee Security's chief spam prevention officer. The study also revealed that Americans delete spam dozens of times more per week (30.6 times) than they engage in other activities including calling parents (3.39



times), exercising (3.32 times), reading to kids (2.81 times) and even having sex (2.18 times).

Gordon adds, "It will take a combination of common sense by consumers, spam prevention technology and legislation to free consumers from spam." He offers e-mail users the following helpful tips to keep their privacy intact while saving time in their day for more essential tasks.

Use public e-mail addresses to surf. Spammers are getting smarter and are using new techniques to trick people into opening spam including "trolling" user groups, chat rooms, job-search sites and even legitimate

online dating sites as sources for "live" e-mail addresses. Especially for those who lead an active online lifestyle, setting up a separate e-mail address to be used when engaging in these activities can lessen the number of spam e-mails your primary e-mail account will receive.

Restrict personal information. Reputable companies such as banks and government agencies will never ask you for personal information via e-mail. Make sure you do not share personal information on the Internet unless you are confident you know the site and/or the person receiving the information.

Layer your spam protection. Even if your Internet service provider (ISP) filters spam, install a desktop-based application such as McAfee Spam-Killer to keep your in-box virtually spam-free. Installing virus prevention and firewall software will also help to ensure your online safety while surfing the Web.

Do your due diligence. Check out a Web site's privacy policy before sharing any personal information, and "opt out" of receiving additional information if you don't want it. The extra time spent reading a site's policies certainly will offset the countless hours wasted deleting spam. Want to stop spam altogether? As a valued voter, you can contact your local congressman to urge them to consider spam legislation in your area.

Time isn't just money. It's also the currency with which we purchase the most important things in life-spending time with loved ones or pursuing our passions. Don't let spam rob you of this most valuable commodity. Armed with these simple tips, anyone has the ability to stop spam before it wreaks havoc on their in-box and their time.

For more information, visit: www.mcafee.com or call the United States Capitol switchboard at: 202-224-3121 to contact Congress about spam legislation.



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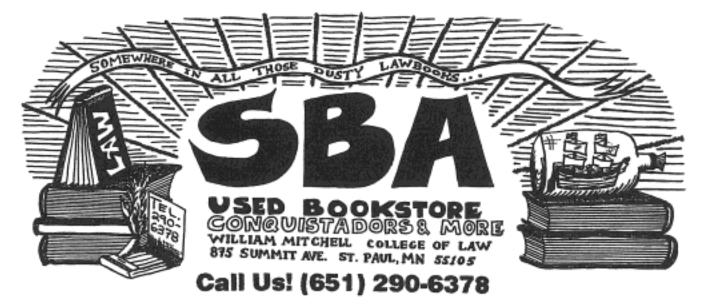
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NATIONAL LAWYERS GUILD 2003 NATIONAL CONVENTION



Holiday Inn Metrodome - Minneapolis, MN October 22-26, 2003

Major Panels

Civil Liberties, Human Rights

Disability Rights Movement (with film)

Corporations, The Media, And War



Major Panels

War on Workers: Economic Rights

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Student volunteers wanted -Admission free Convention t-shirt NLG membership paid

From the Editor

Well, we're all here and we're all settling into our law school semester. People are making new friends and hanging out with classmates and finding out what the plan in each class is going to be. It's time to bury yourself in work. But don't forget, there are lots of other things going on here at school that would enlighten your mind, besides case law and the Socratic method.

Many student groups will be calling you. Most are having their first yearly meeting in September. Student meetings are usually during the "student meeting hour", on Wednesdays at 6:30. Because some students have class during that period, they can't make it to an hour long meeting. Don't let that stop you, however. If you are interested in a group, but have to miss the meeting because of class, just email the group leader.

Most students have three concerns about getting involved in student groups. One is whether they'll have any extra time to become involved, since they perceive there aren't enough hours in the day to do their schoolwork. Two is they don't know what group to get involved in and three, they don't know whether it is important to join a group.

Let me rest your mind. To find out what groups are on campus, simply access the Mitchell website, click on "Student Handbook", and then click on "student organizations". A list of all current student groups will appear before you. As for the time issue, you'll find out when you get involved that there are different types of

students in each group; those who devote many hours to the group, those who attend meetings but can't work on projects, and those who's time commitments prevent them from attending meetings but allow them to work on a one-day event, or to help out in some other capacity. The point here is, everyone understands the time constraints on law students, so it's no problem just to do what you can. No one expects you to spend every waking hour working for a student group.

But how important is involvement in a student group? I'll list a few good reasons for you. First, a student group is a great place to meet people who will probably become your colleagues at some future date. Second, it is a good mental health prescription to have some time away from studies and talking to like-minded people. Third, student groups provide you with connections in the community, connections that will help you once you graduate. Fourth, various groups offer different things. Some offer community involvement, some offer policy debates, and some offer involvement in the legal community and more. There is something for everyone, and there is a group that will provide something for you. You just have to decide which one.

After you settle in your study pattern for the semester, see if you can take an hour out and explore a student group. After all, case law and the Socratic method aside, law school should be an enlightening experience.



Submissions to The Opinion

Articles for the November issue of *The Opinion* are due October 15, 2003



Rumor Control...

There have been rumors circulating about the number of first year students this year, saying that there has been a huge increase in the number of students. 450 new first years was heard, as well as 422, juxtaposed with the numbers 300 and 289 for former years. This is not true! According to admissions, there were 359 new faces on campus for 1st year orientation this year, and last years class numbered 331—only 28 more this year.

Setting the record straight!



Lawyer Joke of the Month

A doctor told his patient that his test results indicated that she had a rare disease and had only six months to live.

"That's such a short amount of time, doctor. Isn't there anything I can do?" pleaded the patient.

"Marry a lawyer," the doctor advised. "It will be the longest six months of your life."

Liberalism Reclaimed continued from page 1

Clinton further argued that the Supreme Court's surprisingly progressive decisions this summer supporting application of the Family and Medical Leave Act to state government workers, upholding nonquota based university affirmative action programs and striking down Texas' sodomy law – should not be allowed to belie that fact that the Rehnquist Court remains a "very activist, quite radically conservative court... [that is] generally hostile to civil rights, selectively protective of state prerogatives, and unabashedly devoted to economic freedom." In an effort to continue turning back the clock to an era before the Warren Court expanded citizens' rights under the Constitution, she noted, the Bush administration is committed to filling federal benches with judges vetted by the strict constructionists of the Federalist Society and emulating Antonin Scalia and Clarence Thomas - the only two justices who dissented in all three of the cases cited.

Justice Ruth Bader Ginsburg's keynote address at the ACS convention was decidedly less political than Clinton's. But she nonetheless made her support for a progressive jurisprudence exceedingly clear. Justice Ginsburg, who celebrated her 10th year on the high court just days after the convention, emphasized the relevance of worldwide interpretation of fundamental rights and basic liberties to U.S. law. The gravity of that approach when it comes to the death penalty – which is widely abhorred in other developed nations - was the tacit undercurrent of Ginsburg's address. Ginsburg noted that the Declaration of Independence made the case for the new nation to the rest of the world, as well as statements by John Marshall and John Jay, the first chief justice of the U.S. Supreme Court, referencing the importance of international opinion to legal interpretation in the U.S. Still, she observed, the U.S. Supreme Court has cited the Universal Declaration of Human Rights, adopted shortly after World War II, only six times, and only twice in a majority opinion. Still, she said the most recent term may indicate that "our island or lone ranger mentality is beginning to change... The term just ended may have marked a turning point."

Ginsburg noted two other specific areas in American jurisprudence in need of improvement: the dynamism with which we interpret the Constitution and the common law, and extraterritorial application of fundamental rights. She decried other jurists' focus on a "frozen in time" interpretation of Constitution by noting that courts, in their "sometimes heroic" efforts to implement the public school desegregation mandated in Brown v. Board of Education, issued decrees beyond the contemplation of the 18th century chancellor. On the second point, she said the Bill of Rights is nation's hallmark and pride, and as such it should guide U.S. officialdom wherever it acts.

"Recognizing that forecasts are risky, I nonetheless believe we will continue to accord a decent respect to the opinions of human kind, as a



U.S. Congressman Robert C. "Bobby" Scott



U.S. Senator Maria Cantwell

matter of comity and in a spirit of humility," Ginsburg said. "Comity because projects vital to our well being – combating international terrorism is a prime example – require trust and cooperation among nations the world over, and humility because, in Justice O'Connor's words, 'other legal systems continue to innovate, to experiment, and to find new solutions to the new legal problems which arise each day, [and] from which we can learn and benefit."

For her part, former U.S. Attorney General Reno aimed her remarks at the students in attendance specifically, urging them to go into public service. She called for some semblance of balance between the country's national security needs and the civil liberties it affords. Reno said it was time to start a "drumbeat of questions about what is going on with our civil liberties," under Ashcroft's reign.

Reno called for more transparent collaboration among the branches of government, so we as a nation don't go to war on casual comments, we protect civil liberties, and we give every person the opportunity to be the best person they can be. "We can do it with the enthusiasm and the energy in this room," she said. "Let's go do it!"

While the convention's major speakers provided inspirational messages of support and invigorating calls to action, the intervening panel sessions (of which there were more than a dozen) offered vigorous explorations of both the complexities inherent in and the justification for a progressive jurisprudence. Carol Browner, who ran the Environmental Protection Agency in the Clinton administration, and John Podesta, who served as Clinton's chief of staff, debated Professor Jonathan Adler from Case Western Reserve University about whether the Bush administration's environmental policies represented a real, substantial regression from conservationist policies. (Amazingly, Adler was able to main-



Former U.S. Attorney General Janet Reno



U.S. Congresswoman Eleanor Holmes Norton

tain a straight face while espousing his belief that Bush's rollbacks were mere minor adjustments, at best.) As part of a panel titled

"Underregulating Economic Power," commentator Paul Begala railed against the left-wing interests' insistence on liberal politicians' complete and public fealty to their positions at the expense of a common effort toward establishing a progressive political order. The panel charged with discussing "Originalism, Original Intent, Original Meaning" promptly illustrated the point as three liberal professors launched into impeccably researched but esoteric, nuanced critiques of originalism, while Stephen Calabresi, the amiable token representative of the Federalism Society on the panel, laid out an equally well-reasoned but far simpler list of justifications for originalism. In the most impressive session, participants in a panel seminar titled "Reclaiming Constitutional History" brilliantly framed the intellectual and scholarly challenge facing the American Constitution Society: What are the solid, established constitutional principles supporting a dynamic and evolving interpretation of United States' obligation to guarantee certain liberties and rights?

With that message still ringing in their ears, student chapters gathered on Sunday before the convention broke up to share strategies for growth and action. The focus for many, not surprisingly, will be on monitoring and writing about conservative judicial activism as displayed in the opinions of both state and federal judges around the country; an ACS publication – "Judicial Activism Monitor" – is in development. Clearly, the intent is to steal a page from the conservative movement's strategic plan and create a body of scholarly vet opinionated work that articulates a unified liberal vision of jurisprudence and perhaps even lawmaking.

Finally, no report on the first ACS convention would be complete without some recounting of what will no

doubt be one of the more surreal legal meetings of the year: Janet Reno's Dance Party, the sole purely social public function of the convention. As the former attorney general, long renowned for her Gore-like lack of funkiness, took the stage to thank everyone for coming, the students bumping and swaying under the mirror ball broke into the chant, "Go Janet, go Janet..." Reno actually hung around and danced a little bit, giving her all to what seems to be a concerted effort by national Democratic figures to prove that they're 'fun.' In retrospect, I can't believe I didn't take advantage of the chance of a lifetime to ask Janet Reno to dance. But somehow I just couldn't bring myself to it.

Maybe next year.

(Recordings of comments at the ACS convention by Janet Reno, Justice Ruth Bader Ginsburg and Sen. Hillary Clinton are available at http://www.acslaw.org/Conventionvideo.htm.)

Michael Welch is a fourth-year part-time William Mitchell student and vice-president of the school's chapter of the American Constitutional Society.



Rape Crisis Center Needs Volunteer Advocates

By Tru H. Thao, Program Assistant/ Volunteer Coordinator

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 responding to people who call nights and weekends on the crisis lines, and also providing outreach to victims seeking medical attention. Volunteers can also help provide community education, a valuable contribution to sexual assault prevention. A training session for new volunteers begins September 29, 2003. Anyone interested should call S.O.S. for further information at 651-643-3022.

LAW 15 ORDER,

AND GOOD LAW

15 GOOD ORDER.

AR15TOTLE

Hollywood FRE answer key!
1. C; 2. E; 3. D; 4. H;
5. C; 6. E; 7. B; 8. F
The Entire Exercise: A



Shawn
Bakken's **Sports**

arm or leg and miss, though, the rope will wrap around that appendage and act like a tourniquet, trapping the blood inside until something pops. Obviously, trying to hit the ball with your head is highly discouraged.

But there's a sport that's been held close to our hearts for many years, one that has its own style of violence size of my head probably thought I looked like a yummy treat. It was survival of the fittest out there, so it was only a matter of time before I ran into a nearby building to preserve some of my blood and thus ensure my continued survival.

Alas, I wasn't the only one suffering out on the field that night. Remember how the campers were dragging around). The camp director drove her to the hospital to have her spine pulled back through her ribcage; then on the way back, a deer jumped onto the road and it was RUN OVER BY THE TRUCK! It broke both its... arms and... both its legs... okay, maybe not.

Does that make camp the tragic comedy of the summer? The best of

G000000000000AAAALLLL!!!

By Shawn Bakken

Summertime is over. I know, it hurts, but it had to be said and I'm mean enough to say it. Classes are starting, professors are lecturing, students are falling asleep and life is as close to normal as it gets in law school.

I hope you all managed to enjoy the last few months by doing more than just scrounging for money, thereby granting you access to the halls of William Mitchell (without trespassing). There is certainly no shortage of places to get away from it all. All except the places you're going to, that is.

Perhaps you went to an amusement park, a lavish display of consumerism at its finest. A place where you can spend two hours standing in line for a three-minute ride. A place where you can spend a full day's wages to buy a corn dog. A place where college students can dress up like animated characters, receiving hugs and kisses from young children while trying in vain to avoid developing a deepseated feeling of contempt for the entire human race.

Perhaps you took a trip into the wilderness, an effort to pit yourself against Mother Nature. A place where you can find out just how well an air mattress floats when the lake rises two feet while you're sleeping. A place where you can develop hand-to-hand combat skills, defending your food against squirrels, bears and really hungry park rangers. A place where you can learn how to survive for a week and a half after running out of toilet paper. (Pine cones or poison ivy, it's a toss up...)

Or perhaps you were like me and went to summer camp.

It's an annual week-long event that has spanned many years. During that time, a variety of sports have come and gone, each bringing its own form of pain and suffering brought on by friends and relatives. There aren't any trophies or awards passed out at the end of camp, but as far as I'm concerned, surviving the experience makes all winners.

We've played kickball when most players can send the big red rubber ball soaring into acres of weeds capable of tearing acres of skin off your arms and legs. If the ball stays in the field, though, that's when it gets thrown like a bullet at various players, resulting in welts that match the size and color of the ball.

We've played tetherball, but that's not what we called it. Who cares if you can wrap a rope around a pole? That doesn't hurt! No, we developed a game called "killball." All it takes is a bunch of people standing around the pole, punching and kicking the crap out of the ball as hard as they can. If you take a swing with your

that we can all appreciate. It's everyone's chance to barrel shoulders into
other people's backs and pound
spinal columns through the front of
their ribcages. Drive heads into the
field so deep that they feed the
worms. Slide feet-first into shins to
make their legs bend like a chicken.
(And it turns out that worms *do* taste
like chicken. Go figure.)

Yep, we participate in bar brawls. Wait, that's not right. That's when we use broken bottles to slash open people's jugular veins, watch them bleed to death in the street and then hide behind dumpsters when the cops come. We stopped playing that a few years ago when... well, the former cook should be out on parole in a couple months. But as much fun as that sport was, at camp these days, we play soccer. And not just during the day.

No, it adds some extra thrills to be playing under... next to car headlights at night: you can't see your opponents, you can't see the ball, you can't see the field and, if you look directly into the headlights, you can't see anything at all. Needless to say, there are plenty of opportunities for disaster during the course of the game.

First, we have to pick teams. The camp members are usually divided into three groups:

- 1. People who are really good. (Kinda like me.)
- 2. People who are okay and really big. (Very much like me.)
- 3. Kids who are small and want to get as far away from you and the ball as possible. (Umm... no.)

Since I'm in the second category and there were a high number of 3's this year, I got stuck playing goalie. It didn't take very long for me to realize that I shouldn't specialize in that position anytime soon.

The first sign came when the other team started scoring goals. A *lot* of goals. It definitely doesn't help that I still try to avoid using my hands, so I spent most of the game trying to stop the ball with my feet—I think I did the splits often enough to tear both of my groin muscles and a couple of my teammates' as well.

Later on, the ball was arcing high up into the air and I tried to slap the ball away with my hands—it hit my fingers and bent them back in a way that turned them into chicken fingers. (If we hadn't been in the middle of a game, I might have tried to see how they tasted.)

In the end, I don't think the game was a total loss. The other players may have been running around on the field, but I think I got more exercise. I had to run to the back of the goal and fetch the ball a bunch of times, but there was a large forest behind me as well. It was nighttime, I was all sweaty and mosquitoes the

divided into three categories? Well, the game eventually led to a collision between a 2 and a 3. I think that event is best described by a slightly modified monologue from *Do Black Patent Leather Shoes Really Reflect Up?*:

"Number three stepped onto the field and was RUN OVER BY A NUMBER TWO! It broke both her arms and both her legs! It crushed her skull and cracked all of her ribs! It ruptured her spleen and her lower intestines EXPLODED and she was bleeding all over the field!" If you'd heard the pitch and volume of her shrieking, you would have thought it was at least that bad, too.

The nurse on staff, "Ouchie," ran down and quickly wrapped up her wrist (he insisted that a couple of Advil would take care of the rest, but don't step on any organs she was still times and the worst of times in July? *The Hulk?* Maybe a bit of all three. The one thing I'm sure of is that there's a lot of love in those open wounds. And worms are more than happy to feed off that kind of love.



Hollywood for FRE

By Carla Magnuson

Ah the leisurely days of my youth when I lounged around watching videos of classic court dramas. They all came back to me during Spring Evidence class. Now, for your enjoyment, here are some of the examples used to illustrate the various Federal Rules of Evidence. See if you can match the scene with the rule it corresponds to. You'll get the answers later when you take the class so The Opinion doesn't spoil the ending.

- 1. Audrey Hepburn's character reads a name scrawled on the floor in *Charade* (1963).
- 2. Carriers from the U.S. Post Office deliver hundreds of letters postmarked for Santa Claus to a New York court room in *Miracle on 34th Street* (1947).
- 3. Neighbor describes the arm of Bill Ward as kinda cool & floopy like in **Brother's Keeper** (1992).
- 4. Fred MacMurray's character recounts a conversation between his boss, Edward G. Robinson and a suspected arsonist in *Double Indemnity* (1944).
- 5. Judy Holiday's character describes her relationship with her husband in *Adam's Rib* (1950).
- 6. "Why didn't he pack?" wonders the JAG lawyer played by Tom Cruise in *A Few Good Men* (1992).
- 7. Harrison Ford's character apparently isn't *Presumed Innocent* (1990), given a former colleague's reaction to his sarcastic "yeah I did it".
- 8. The archdiocese offers to make things right with a check for the comatose client of Paul Newman's character in *The Verdict* (1982).

- A. **Rule 403 Exclusion** of Relevant Evidence on Grounds of **Prejudice**, **Confusion**, or **Waste of Time**.
- B. **Rule 801 (d) (2)(A)** Statement is not hearsay if it is an **Admission** by the **party-opponent**.
- C. **804 (b) (2) Statement** under belief of **impending death** is exception to hearsay exclusion.
- D. Rule 701 Opinion Testimony by Lay Witnesses admissible as long as not based on scientific, technical or other specialized knowledge.
- E. **Rule 801 (a) (2) Definitions** A Statement is non-verbal conduct of a person if it is intended by the person as an **assertion**.
- F. Rule 408 (1) Evidence of Offers to Compromise is not admissible to prove liability.
- G. **Rule 801 (c)** Statement is not hearsay if used to show **State of Mind** of the declarant.
- H. **Rule 801 (d) (2) (D)** Statement is party-opponent's if it is made by the **party's agent** concerning a matter within the scope of the agency & made during the existence of the relationship.

Just kidding about waiting—the answers are upside down at the bottom of page 4.



THE OPINION'S OPINION PAGE

Dear Editor

Dear Editor,

Thank you for Carla Magnuson's two articles in 8/03 addition of *The Opinion*.

As a "1L" they both were what my psyche needed during this auspicious laugh into broader possibilities.

To influence the world on any scale in a positive way often seems like a daunting task, and "Dicta Dreams" does just that – it immediately quenched my thirst for a forest-fromthe-trees perspective, and also had a much needed cathartic effect.

The second, on Grutter left me with an acrid taste in my mouth at first, being a white male who was rejected from the U of M's program. On further reflection which allowed it to pass the sentry (ego) posted at the gates to consciousness, however, one comes to realize that there is (usually) a certain amount of wisdom inherent to our systems of justice. It's a good thing.

The experience of reading your articles capped off a first week whereby any question of "Is this the right place for me?" was answered with a resounding Charlton Hestonesk [sic] (god forbid!) "YES!"

Thanks Again, Jim Lund, 1L

Comic Relief





Hearsay

William Mitchell a school of drunks?

An overheard conversation in an elevator downtown revealed such a sentiment. (OK, it's called eavesdropping, but when "William Mitchell" was heard, we tuned right in.) The two speakers were connected somehow with the river boats, and in a discussion as to the "wildest party" they'd seen, one man mentioned a law school party last spring when "people were puking over the sides of the boat." It was "that St. Paul law school on Summit—William Mitchell, is it?"

Parties are good things. And don't get us wrong, having a few beers with friends is good for you, once in a while. Law school parties are good, too. Greenacre and Blackacre are especially important, because they provide a social event to which students can bring a significant other and take a break from studies and isolation while talking to people who are in the same boat as they are.

It should be noted, however, that about 300 people attended the riverboat party in question, less than 1/6 of the entire student body at William Mitchell.

And the entire student body paid for that party, literally and, now, by association.

As Ben Franklin said (or maybe it was The Buddha), moderation in all things is the key. Maybe some people should pay a little more attention to how they are representing the school. Unfortunately, things like this paint all students with a black brush.

The SBA put a lot of time and effort into the spring party, and this isn't meant to denigrate all their hard work. This is intended to chastise those people who can't control their drinking in public, at a school function.

Go to Billy's and get trashed, if you want to. Don't drive, and it's none of our business. God knows there are plenty of bars around campus ready to take your money. But part of being grown up is realizing where you are and taking steps to act appropriately, if the time and place call for it. Tying one on at a nearby bar, while not recommended, is entirely up to the person doing the tying on. It is tying one on at a school party, in full view of non-William Mitchell people we have a problem with. People who will look at you and then the school and see a connection.

To reiterate, we're not opposed to a good party. We love a good party. Cringing at the back of an elevator car while people say disparaging things about WM, wondering what the other people in the car are thinking, is not where we want to be anytime soon, however. People should have respect for the school, fellow students, and themselves when they are in a position to represent WM students.

Some people realize that once you're over the initial thrill of being able to drink, becoming senselessly intoxicated and doing embarrassing things one regrets later, or, worse, one doesn't remember later, is not what it's cracked up to be. This is called a reality check.

We highly recommend reality checks, especially when we suffer for someone else failing to take one.

The Opinion wants to know YOUR opinion. Tell us what you think: theopinion@wmitchell.edu

Be part of the Annual Fund Phonathon 2003 October 5-October 9, 2003

You are invited to help us at the Annual Fund Phonathon 2003, October 5–9, 2003. The Phonathon is an annual event directed by the Alumni & Development Office. William Mitchell students will have the opportunity to contact graduates and friends of the college to support the Annual Fund. The Annual Fund provides resources to support financial aid, enhanced academic programs, and expanded library holdings and technology resources.

You will have a chance to talk with attorneys and judges about William Mitchell and earn extra money. Complete training is provided and no previous experience is required. Past callers have earned hundreds of dollars in just a few days! This is a fun, annual tradition at the college and a great way to meet fellow students too.

There will be catered meals, snacks, prizes, and the opportunity to earn bonuses. The compensation is \$9/hour for training and calling sessions. Calling will take place on campus.

If you are interested in participating, please contact Maura Mitchell, Alumni Relations and Annual Giving Officer via e-mail (mmitchell@wmitchell.edu) by **Monday**, **September 15**, **2003** with the shifts you would like to work, your e-mail address and phone number. Each caller will receive a confirmation notice to clarify calling hours.

Thank you for your interest in the 2003 Phonathon!

TRAINING SESSIONS: Choose ONE (attendance at one session is required for all callers): Sunday October 5 □ 12:30 to 1:30 p.m. **□** 5:00 to 6:00 p.m. **PHONING SESSIONS:** Choose as many as you wish: Sunday October 5 \square 2:00 to 5:00 p.m. Monday October 6 \square 10 a.m. to 12 p.m. □ 6:30 p.m. to 9:00 p.m. **□** 2:00 to 5:00 p.m. □ 6:30 to 9:00 p.m. **Tuesday** October 7 □ 10 a.m. to 12 p.m. Wednesday October 8 □ 10 a.m. to 12 p.m. **□** 2:00 to 5:00 p.m. □ 2:00 to 5:00 p.m. □ 6:30 to 9:00 p.m. □ 6:30 to 9:00 p.m.

Thursday

October 9

□ 10 a.m. to 12 p.m.

□ 2:00 to 5:00 p.m.

□ 6:30 to 9:00 p.m.

School Construction to Begin in October



By Mary Kilgus

There is good news and bad news about the coming construction. First, the good news. Mitchell will begin a great new student center starting in October. Hachey and Oppenheimer will be revamped, re-arranged, knocked down, and spruced up in time for Fall 2004 classes. Plans include a new kitchen and dining area, as well as a "Cyber Café", with hookups galore for all you technoguys and gals.

The hallway between Hachey and the Portland entrance will be the most stunning change. They're going to knock down the bricks and replace them with a three-floor glassed in area, which will provide more meeting space and more sunlight for the book-buried, pale faced students.

You want a coffee bar, you say? Just how cool would it be to walk into school and grab a yummy latte or whatever your espresso-hobby is? How would you like to sit on a comfy couch, guzzling your caffeine, while using your lap-top hooked up to conveniently placed wireless connections, all while warming by a fireplace?

It is not a dream; it is going to be reality. All you 1Ls, 2Ls and future 4Ls will be able to enjoy just that, and more. Imagine decent, healthful food from the kitchen. How about a revamped bookstore right on the main floor—one that doesn't gouge you at every turn?

Now the bad news: Construction begins on or about October 1 this year. After that, all bets are off until September 2004 for a comfortable environment as you attend class. Strange noises, pounding and dust will abound. Parking, already dismal, will probably suffer as construction trucks and machinery take the spaces. We'll all be walking over wires and timber and other such things on our way to class. And, of course, those graduating this year will miss all the good stuff entirely, unless they somehow find their way back to campus in another sphere.

Hopefully, we can weather the coming storm. Just try to think of all the benefits you'll reap next year. Moreover, for those short-timers, maybe the idea of graduating will carry you through.



"I Cannot Imagine Taking The MBE Without PMBR...

Dear Mr. Feinberg:

I am writing to thank you for your excellent 3-day course which I attended here in Minneapolis, Minnesota this past July. I am happy to report that not only did I pass the July bar exam, I scored 175 on the MBE! As you know, because I received such a high score on the MBE, I am eligible for admission to the bar in my home state of North Dakota without further examination. Needless to say, I am quite relieved at not having to take another bar examination.

I took PMBR as a supplement to my regular bar review course. While the regular course provided a good overall review and preparation for the essay portion of the examination, PMBR was extremely valuable in preparing for the MBE. Not only did the practice exams and review materials give me confidence in approaching the MBE, I also recognized many similar PMBR questions on the actual exam. I cannot imagine taking the MBE without PMBR!

Thank you for helping me conquer the beast!

Lisa Edison-Smith

Hamline Law School

hankYou For Helping Me Conquer The Beast!



Obviously We Have The Best Multistate Questions!

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