

THE OPINION

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THE
OPINION
OFFICE

WILL
GO
BAN
IN
PRI

“Abandon all hope
ye who enter”.

Dante, The Divine Comedy

DO YOU HAVE AN OPINION?

- ARE YOU A JOURNALIST?
- IF NOT, DO YOU STILL WANT TO DO SOME REPORTING ANYWAY?
- DO YOU LIKE TO WRITE?

OR...

- DO YOU THINK YOU'RE FUNNY?
- WERE YOU THE CLASS CLOWN?

- Did you think you were funnier than the class clown, because he was a complete hack and you were handing your high school classmates comic gold and their only response was "uh...i don't get it" because they had the collective intelligence of a number 9 steel lock washer but they still pushed you so far over the edge you decided to sell your soul and go to law school and study patents, trademarks and copyrights*?

**WE'RE LOOKING FOR REPORTERS AND HUMOR WRITERS!
E-MAIL michael.vogel@wmitchell.edu IF YOU ARE INTERESTED.**

* THE OPINION would like to apologize to all copyright and trademark attorneys everywhere. PATENT ATTORNEYS KNOW WHAT THEY DID!

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Legal Eyes Patrol RNC Protests

Mitchell students, staff on scene in St. Paul during police-protester show downs

by Jeff Schroeder



Teargas, pepper spray and rubber bullets: This not your average day in normally idyllic downtown St. Paul. The brouhaha brought on by the Republican National Convention, particularly the protests and show of police force that came with it, mercifully spared the William Mitchell campus up on Summit Avenue. But it did capture the close attention of a handful of students, alumni and faculty who acted as legal observers throughout the tumultuous week.

“There is all kinds of media spin right now about what went on, but the bottom line is that nobody knows the real story yet,” Gena Berglund, a 2005 graduate

of William Mitchell, member of the National Lawyers Guild and Legal Observer Coordinator, said about the scums of St. Paul that occurred the week after Labor Day.

Save the untimely arrival of Hurricane Gustav, the party line from the RNC and city officials is that the convention went off without a hitch. However, with law enforcement topping more than 3,700 officers on duty and more than 800 people arrested during the event, the hangover remains for many who were outside the Xcel Energy Center.

“It was very bizarre to see so many police in riot gear either lining the streets or blocking bridges,” said Jonathan Brandis, a third-year student

who was one of roughly a dozen Mitchell students who earned Minnesota Justice Foundation credit for volunteering as legal observers. “I grew up in St. Paul. It was very disappointing to see St. Paul and Minneapolis police acting in that way, basically creating a police state in my city.”

By providing training space for legal observers, William Mitchell played an important part in providing some remedy for those caught up in the confrontations with law enforcement. The weekend before the big event, organizers from the National Lawyers Guild held two 1 ½-hour training seminars in the Mitchell Auditorium. There, volunteers – mostly

lawyers and law students, but some civilians, too – learned how to observe and record the interactions between protesters and police in as safe and efficient manner as possible.

Employing still and video photography as well as written records of events, the tactics used by legal observers were designed not only to gather evidence of potentially wrongful police activity, but to act as a mollifying force on the ramped-up law enforcement effort.

“Studies show that having legal observers present minimizes the conduct of the police presence,” Berglund said. “Plus, in the heat of the moment at protests, it makes people feel safer.”

“Even though I didn’t personally happen to witness an arrest, it’s still very worthwhile for observers to have a presence there,” said Rebecca Desnoyers, a third-year William Mitchell student volunteer who observed the protests on the first day of the convention. “It’s good for the police to know that people are out there watching for First Amendment violations, and it’s good for protesters to know somebody is watching out for their First Amendment rights.”

“They’re not there to intervene in anything,” Berglund said. “We told our legal observers to keep an eye on illegal behavior by police and protesters, but we wanted them to focus their observations on the police because the police were already focused on the protesters.”

During and after the event, the mainstream media highlighted the confrontations between police and protesters. But as evidence-gatherers in a legal capacity, the legal observers hope their own reportorial efforts will help provide a bulwark for protesters against future police confrontations. Volunteers like Renate Behrendt, an administrative coordinator at William Mitchell, identified and catalogued the evidence brought in by observers in the field. Items like empty teargas canisters, spent shells from plastic bullets and concussion grenades, not to mention plenty of video and photos from the scene, flooded back into the legal observers’ staging area at the Neighborhood Justice Center located on Laurel Avenue.

“I think they have things that will be useful (in defending some of those arrested),” she said. “Maybe not necessarily the physical evidence, but some of the video and photos we collected are very compelling.”

In the group of observers put together by the Guild, between 60 and 100 of them hit the bricks each day of the convention, with the heavy lifting coming the first and last days when the protests heated up. Inevitably, some of them were caught up in some of the police sweeps that occurred in heavily fortified downtown St. Paul. Berglund said police detained, handcuffed and ultimately released six of her legal observers – none of them affiliated with William Mitchell – during a sweep on the Marion Street bridge the last night of the convention.

“We were down on the south end of the Marion Street bridge,” Behrendt said. “All of a sudden, over a loudspeaker the protesters were given a 10-minute warning to disperse or

(law enforcement) was going to start using pepper spray. Then the police cars and stuff came in and started shooting pepper spray and rubber bullets. This was a big crowd and people didn’t want to walk into that, so it forced people onto the Marion Street bridge; they basically penned them in there. They made them all sit down on the curb and put their hands on their heads. I’d estimate there were maybe 150 to 200 people on the bridge. The videographer I was with was in tears because he was so upset by what he saw.”

Despite the scores of protesters detained and arrested, including some well-publicized pre-convention house raids in Minneapolis and St. Paul that volunteers observed the weekend before, those involved in the legal-observation effort found the experience more than gratifying.

“I wouldn’t necessarily consider the week a success simply because there were so many people arrested,” Brandis said. “But I think everyone out there worked really hard, did a professional job and took in as much evidence as they could.”

“I’d give the legal observers themselves an ‘A’ if I could grade them,” Berglund said. “Some of them stayed out there for 10 to 12 hours at a time. And some teams we put out there endured one confrontational situation after another, including having to avoid the teargas. It was just a tremendous effort.”

CALENDAR OF EVENTS

-October 10th, evening, Work/Life Balance Week Social Event: St. Paul Law School Bowling--William Mitchell and Hamline students go bowling, e-mail sba@wmitchell.edu to sign-up

October 11th Excellence PLP Festival:

-October 11th, 9:00-9:50am, Civic Engagement Excellence Presentation One: Excellence in Volunteering/Engaging in Communities through Organizations, By Jane Evans, in Room 225, Everyone Welcome, RSVP to Elise.Peterson@wmitchell.edu, Excellence Development Certificate Credit, Diversity PLP Credit

-October 11th, 10:00-10:50am, Academic Excellence Presentation Two: Academic Excellence In Law School-Cracking the IRAC Code, By Sally Zusman, Director of Academic Achievement, in Room 225, Everyone Welcome, RSVP to Elise.Peterson@wmitchell.edu, Excellence Development Certificate Credit, Perspectives PLP Credit

-October 11th, 11:00-11:50am, Professionalism Excellence Presentation One: Excellence in Work/Life Balance and Stress Management, By William Mitchell Counseling Services, in Room 225, Everyone Welcome, RSVP to Elise.Peterson@wmitchell.edu, Excellence Development Certificate Credit, Stress Management PLP

-October 11th, 1:30pm, Student Bar Association Board of Governors Meeting, by the SBA, in the Kelley Boardroom, SBA Board of Governors must attend, Everyone Welcome.

-October 16th & 17th, Fall Break, no classes

Submit Calendar Events to Elise.Peterson@wmitchell.edu three-four weeks in advance of the event.

CAFE AMORE

by Elise Peterson

Cafe Amore is located at between Summit and Grand on Milton Avenue, just a short half-block walk from school. They serve coffee drinks, soups, sandwiches, and desserts. You can find a quick snack like a yogurt or a banana, or you can purchase a meal of soup or a sandwich. You can even get a healthy breakfast such as a yogurt parfait, fruit, or breakfast sandwich with egg cheese and ham. They have three coffees of the day, including one decaf, and often including one fair/trade organic option. They also have a variety of coffee drinks. Two of the daytime

baristas told me their favorites. One barista said he liked the double-shot americano because it gave him a jump-start in the morning. Yet in his opinion the peach iced tea is the best drink at Amore. The second barista said the best drink is the restretto, a traditional Italian espresso. The second barista said that this time of year he would recommend the Amore caramel latte, especially for people who like sweet drinks. The baristas at Amore pride themselves on making good drinks, frothing the milk just right, and adding ingredients in a way that produces the best drink. Amore is one of the few coffee shops in the Twin Cities that have single-origin espresso shots. They're not blended like most shots; instead, the beans used to make the shot are

from a specific area or country. Amore is independently owned, and does what they can to be green. They use greenware, made of 100-percent corn and compostable, for their iced to-go beverages. Amore composts much of their waste, including coffee grinds. The atmosphere is cozy with seating at table or on couches, and there's outdoor seating. Patrons can play board games, including scrabble. They also have a small conference room that can be rented for \$10 an hour, and comes with a pot of coffee or tea. Overall it is a nice place to grab a bite to eat, talk with friends, or work on homework.

The O-PIN-YUN: The Humor Section

This section of the paper bears no resemblance to reality. In a way, this paper is to reality what law school is to legal practice.

Professor Bans Laptops in Classroom *Fears online ratings*

by Jeremy Byellin

William Mitchell associate professor Paul Marshall announced on Tuesday that he will no longer allow the use of laptop computers in his classes, effective immediately.

Marshall's rationale behind the decision is to prevent students from accessing the website "ratemyprofessor.com."

Said Marshall, "It is my hope that banning laptop use during class will greatly decrease the number of students accessing the site."

The change was not received well by his students.

Frank Kelser, a 2L enrolled in Marshall's Constitutional Law – Powers class, considers the change disastrous.

"Without Facebook, how am I going to get through next week's lecture on quasi-judicial bodies?"

"I mean, I don't even go on that professor-rating website.

"Most people don't until they get their grades back after the semester is over."

2L Gail Plume was livid about the new policy.

"I paid for a service in attending law school.

"Would you expect someone who you paid to clean your car to tell you that you aren't allowed to use your cell phone to call a friend about their performance?"

"No, that would be outrageous!"

The new policy has prompted many professors to follow suit.

"When I'm standing up there lecturing, I just can't stand the thought of the students not hanging on my

every word, much less judging me on my performance." stated Nancy Piett, associate professor.

"Banning laptop use in my classes would be an excellent way to counter these activities.

"Professor Marshall may be on to something."

In fact, the school administration itself has received several requests from professors to simply ban the use of laptops in the classroom.

"Many professors have come to us explaining that they do not feel their students are paying enough attention to them during class." said Dean of Students Greg Drummond.

"We also are aware that professors feel distracted when teaching their classes with thoughts of being constantly evaluated by their students who are accessing 'ratemyprofessor.com.'

"If the problem becomes significant enough, we will take the implementation of such a policy into serious consideration."

When questioned if his instigating this policy has any ulterior motives, such as curbing non-academic computer usage entirely, Marshall simply denied such an assertion.

"Actually, I just can't stand the thought of being rated on that awful website.

"I know that many students use their laptops during class for non-academic purposes, but I recognize that they are adults and are paying for this education themselves.

"It's just too much pressure being rated.

"With every keystroke I hear, I find myself checking if my fly is down."

NATIONAL BEAT

by: Shmuck MacCallister

MINNEAPOLIS:

Yesterday concluded Twin Cities Interesting Things Festival. Peter Benson took top honors with a gourd that looked remarkably like Jesus Christ as depicted in Leonardo Da Vinci's The Last Supper. The item took the awards for "Thing of Things" and "Gourd of Gourds".

ST. PAUL:

In an unfortunate confusion of terms, 2L Oliver Benson replaced every occurrence of the phrase "Model Penal Code" with "Model Penile Code" on his Criminal Law final exam. Luckily for Benson, however, the fallout from this mistake will not be as great as was the case with Benson's Torts II final exam in which he misspelled every incidence of the word "duty" as "doodie."

WASHINGTON D.C.:

This week, the Internal Revenue Service announced the most popular uses for the tax rebate check in each state. Minnesota's number one ranked use was "paying for a meal at the State Fair".

ATLANTA:

CNN received a \$300,000 FCC fine this month due to what the FCC characterized as "depraved news anchor banter." This is referring to an incident in July when an on-air game of "You know what? Chicken butt!" declined into "You know whesticles?"

CHICAGO:

Yesterday, the American Bar Association released a copy of the Bar Examination for the prior year. A spokesperson commented, "This is what the ABA means by a comprehensive test of the legal intellect we feel a lawyer requires." The entire content of last year's exam was the following question:

1. Who owns the fox?
 - a. Pierson
 - b. Post

NEW YORK:

The U.S. Attorney's Office has begun an investigation into MTV for what it's describing as, "egregious violations to federal law." The investigation was triggered when MTV's Video Music Awards, in the words of the spokesman, "failed to be offensive on an adequate number of levels." 46 U.S.C. 3245. Viacom(b)(2) requires the VMAs to offend all that is good, decent and legitimate. The spokesperson further commented, "The host only offended all that is decent. In order to fully comply with the law, MTV would have had to show either an uncensored ugly buttocks, or have James Blunt win the top honors." If found to have violated the law, MTV could be required to do 120 hours of federally mandated "offensive community service", in which it will have to give a 5 day marathon of the television show Jackass.



Bush learns to read from an elementary school class, in preparation for teaching Constitutional Law.

BUSH TEACHES CLASS ON CONSTITUTIONAL LAW (LESSNESS).

by: Stuart Stendahl

St. Paul— President Bush accepted an open invitation this past week to teach a class titled “Constitutional Law(lessness)” at William Mitchell College of Law.

The outgoing President was in town to speak at the RNC, but his own party told him to, “STAY THE HELL AWAY.”

And since he could neither get congressional authorization to declare war on the two hurricanes bearing down upon America’s shores, he came to law school instead.

Bush told *The Opinion* that he thoroughly enjoyed his time at Mitchell, and he hopes to come back here and teach a class or two next term since he will be unemployed soon.

“I have so much to offer a law school,” Bush exclaimed. “I could even team-teach a class

with Berkeley’s Prof. Yoo, an old friend of mine – we could do even more to change the law.”

“And I can write the best law school exams around, (at least better than most of the con law professors did here last year, from what I heard). In fact, I am a walking examination. All I have to do is offer handouts of my Executive Orders from my first two years in office -- this alone will give the 2L’s enough legal issues to write about for three hours... Maybe even three years, hmmm”

“Instead of learning how the U.S. Constitution was interpreted for the first 212 years, I have my own “original” interpretation.” For example:

- (1) The War Powers Clause – “This means that I am the decider, and Congress and the Judiciary are not.”
- (2) Habeas Corpus – “They’re all guilty – why waste the jet fuel to give them proper trials?”

(3) Treaties and Executive Orders – “As long as the ‘Axis of Evil’ exists, I will not negotiate with terrorists.”

(4) Wiretapping and The Patriot Act – “You should just hear some of the things law professors say to each other over the phone!”

(5) Separation of Church and State – “Americans, we can cut our dependence on foreign oil if the church and the state were moved closer together.”

As is plain to see, students at Mitchell were enthralled to learn about what the law is not from such a great teacher. As Chaucer wrote: “And gladly he did learn, gladly he did teach...” As one professor explained, “for Bush has been to Constitutional Law(lessness) what O.J. Simpson has been to criminal procedure and evidence law(lessness).”

Profs Say the Darndest Things

We've all been there. You are sitting in class, innocently taking notes, when your professor says something hilarious. While this effectively prevents many of us from learning for the rest of the day, it is also, undeniably, one of the best parts of law school. As a public service, The Opinion will publish these gems of legal education.

Send us your profs' quotes!

(referring to a casebook author) "This is a dean of a major law school. Even deans can be a--holes."

"I should be an anarchist, but I'm a little too old for it."

"I know some anarchists, but they think they are good lawyers."

"What if I'm not very bright, though... which we've established."

"The Duluth News Tribune... That's where real men go to get their news north of 210."

(On the Miller Plant) "If you're not going to give me a substantial amount of free beer, I'm not going to go."

"How can we compete with St. Thomas when they've got G-d on their side?"

"If an attorney sees 5 million dollars on the ground, will the attorney pick it up?"

"This course gets pretty dull without strong feelings"

(referring to 1L's) "They still have respect for (professors), it's remarkable."

"Anyone dealt crack before?"

"Shoot. I gotta find another marker. Um, this one's probably out, too. I think Murphy comes in here and sniffs these things. Don't tell him I said that."

by: Valeska Okragley

1. plural noun
2. verb
3. verb ending in "ing"
4. adjective
5. plural noun
6. name of Professor
7. name of law student in the room
8. name of other Professor,
9. fancy law word
10. noun
11. verb
12. first fancy law word
13. new fancy law word
14. number
15. verb
16. plural noun
17. adjective
18. plural noun
19. adverb
20. name of first professor
21. same name of law student
22. superlative
23. verb
24. verb ending in s
25. adjective
26. adjective
27. adjective
28. verb
29. adjective
30. color
31. adverb
32. adjective
33. Latin word
34. adjective
35. verb
36. noun
37. verb
38. an emotion
39. verb

In today's legal world, there are many __1__ that __2__ a young law student. While __3__ for a cause of action, they may get __4__ by __5__ between the statutes and the common law.

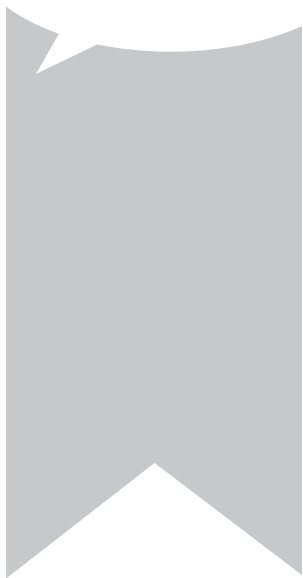
For example, in the famous case of __6 v. __7__, Judge __8__, found that in cases of __9__, __10__ may not always __11__. Instead, the court analogized that __12__ is similar to __13__. In cases such as these, the cause of action should follow a __14__ prong test and __15__ soundly, verify all __16__, and follow the __17__ rule.

Due to economic __18__, the legislature __19__ decided that it may be a good idea to overturn __20__ v. __21__. Instead, it is in the __22__ interest of the state to change the law to best __23__ the people of their jurisdiction. Hence, the new statute now __24__ over the land and not the __25__ case.

When trying to understand __26__ legal concepts, it is __27__ to __28__ all parts of the law. It is important to follow these __29__ hints:

1. Look for __30__ flags on Westlaw. If there is a flag, then you can __31__ know that the law is now __32__.
2. Ask your librarian for important secondary resources such as: __33__ Juris Secundum or __34__ Law Reports. These would __35__ you in your __36__ for knowledge.
3. When researching print sources, always __37__ the pocket part.
4. Finally, as always, when you are feeling __38__, make something up. The law will __39__ eventually.

THE OPINION



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