

**A THIRTIETH ANNIVERSARY TRIBUTE
TO THE *WILLIAM MITCHELL LAW REVIEW***

Michael K. Steenson[†]

This is the thirtieth anniversary of the law review, although the process of publishing the law review began a little earlier. Publishing a law review when the review is established is difficult enough. Starting a law review is harder. Remember that when the law review was started, William Mitchell was exclusively a night law school. There was no full-time program. Classes started at 6:30 p.m. and ran four nights a week. Students were required to take ninety-six credits to graduate. That added up to twelve credits per semester for four years. Tuition had not yet reached the \$1000 mark. Most of the students worked at other jobs during the day. The law school had two publications. One was the *William Mitchell Commentator*, which consisted of the best of the legal writing papers written in each year. Legal writing was a third-year course at the time. The *William Mitchell Opinion*,¹ the law school newspaper, was the other publication. There were no moot court competitions and the law clinic was also just getting started.² Summer school had just been instituted. The full-time faculty was relatively small and even some of the full-time faculty had significant outside jobs. Scholarship was not required of faculty.

One of the major issues we had to consider was whether it would be possible to publish a law review in a night law school where students already had their hands full with families, jobs, and heavy credit loads during the school year. We tested the waters with student meetings, just to determine whether there was interest. A surprising number of students turned out for those

[†] Margaret H. and James E. Kelley Professor of Law, William Mitchell College of Law. Professor Steenson is the law review's faculty adviser.

1. How the *William Mitchell Opinion* became *The Opinion* is the subject of another story.

2. See *Essay Collection: Thirty Years of Clinical Legal Education at William Mitchell College of Law*, 30 WM. MITCHELL L. REV. 1 (2003).

meetings. We decided to go ahead with the experiment. The dean and a small group of faculty selected the first editorial board, naming Marcy Wallace as the Editor-in-Chief,³ which was a fortunate decision for the law school. Marcy, with her drive and intelligence, effectively willed the publication of the first volume, which consisted of a single issue that contained six student comments.⁴ There were no lead articles in that issue. The rationale was that if the law review failed, at least no lead article authors would be disappointed and the failure would be little noticed. Aside from the excellent quality of the student articles in that first issue, we had a striking cover. It was made of heavy gray stock, with an embossed figure of Justice William Mitchell on it because if nothing else, the cover would be eye-catching. The cover remained until recently, when the law review changed the cover and put the contents of each issue on the outside, which brought it into line with other law reviews. The first issue took a little more time than anyone had anticipated.

The law review started with a single issue per volume. In 1978, it went to two issues. It jumped to three in 1980 and four in 1984. It has generally remained at four since that time, although there have been periodic discussions about increasing it to five. It typically publishes between 1000 and 2000 pages each year. The editorial board consists of thirteen members, including an editor-in-chief and four executive editors. Each board chooses its successor from the staff members for that year. The board is

3. Besides Marcy Wallace as Editor-in Chief, the board included William E. Macklin as Managing Editor and Donald H. Gjerdingen as Research Editor. Staff members included Stephen R. Bergerson, Parrel A. Caplan, J. Mark Catron, Douglas E. Klint, David W. Lee, James T. Martin, Steven P. Oman, Larry J. Peterson, Jerry O. Relph, Kay T. Silverman, Patrick R. Sweeney, Robert B. Varco, Dwight S. Wagenius, Michael J. Wahlig, and Robert D. Walker.

4. These six comments were: Note, *The Minnesota Tax Title: An Argument for Its Marketability—the 1874 Forfeiture System From a 1974 Perspective*, 1 WM. MITCHELL L. REV. 1 (1974); Note, *The “Poor Man’s Will” Gains Respectability: Using the Minnesota Multi-Party Accounts Act*, 1 WM. MITCHELL L. REV. 48 (1974); Note, *Cubes of Air: Planning a Condominium Development Under the Minnesota Act*, 1 WM. MITCHELL L. REV. 89 (1974); Note, *The Third Party’s Dilemma: The Exclusive Liability Doctrine, Comparative Negligence, and the Minnesota Workmen’s Compensation Act*, 1 WM. MITCHELL L. REV. 134 (1974); Case Comment, *Civil Procedure: Seider with a Minnesota Flavor—A Federal Court Imports Quasi in Rem Jurisdiction Based on Garnishment of Liability Insurance Obligations* [*Rintala v. Shoemaker*, 362 F. Supp. 1044 (D. Minn. 1973)], 1 WM. MITCHELL L. REV. 161 (1974); Case Comment, *Torts: Contribution and Indemnity in Cases of Absolute Statutory Liability—In Search of the Minnesota Rule* [*Zerby v. Warren*, 297 Minn. 134, 210 N.W.2d 58 (1973)], 1 WM. MITCHELL L. REV. 185 (1974).

supported by a cadre of assistant editors.

Manuscripts were initially produced on self-correcting electric typewriters. The publisher set the law review in hot type, and the editors had to work through galleys and page proofs on the way to publication. Now, of course, students use computers and the manuscript is transmitted electronically to the publisher. The editorial process is much simplified in that respect.

Students initially qualified to write for the law review based on a writing competition. That continues to be the primary method of qualifying, although students now may grade on, if their first-year grades place them in the top five percent of their class. The grade-on method of qualification is relatively recent, but most students write on because grades come in late enough that most students choose not to take the chance that they might miss if they try to qualify through their grades. Each year eighty to 100 students submit papers in the writing competition. Those papers are reviewed by the editorial board. They select approximately forty to fifty staff members, based on the quality of the submissions. Those staff members perform the same functions they have always performed. They write their own papers and perform authority checks on others.

When the *William Mitchell Law Review* got its start more than thirty years ago, its mission was simple. The goal was to publish a law review that would get used by judges and lawyers. Each editorial board has adhered to that mission. A Westlaw search reveals that the law review has been cited several hundred times by the Minnesota appellate courts.⁵ The first time was in 1975.⁶ Those references are just one measure of the utility of the law review. The point is not whether the positions taken in those articles in any way influenced the courts. It is that the information contained in the articles was a research source for judges and lawyers, working their way through various legal thickets. The major purpose has been and continues to be achieved. We always wanted to publish a law review that would be used. The law review adheres to the basic

5. Absolute accuracy of the count may vary, given the variety of ways in which the law review has been cited. At a minimum, however, it appears that the law review has been cited by Minnesota courts and federal courts applying Minnesota law on at least 335 occasions, and other appellate courts more than 100 times.

6. See *Holman v. Gen. Ins. Co. of America*, 304 Minn. 312, 317 n.5, 231 N.W.2d 81, 84 n.5 (1975) (noting a comment on *Rintala v. Shoemaker*, 362 F. Supp. 1044 (D. Minn. 1973), in 1 WM. MITCHELL L. REV. 161 (1974)).

mission, as evidenced by each year's issue devoted to recent Minnesota Supreme Court decisions, along with articles that have as their primary focus Minnesota law, but it has published a broad variety of other articles as well.

The law review has been built one year at a time by the hard work and dedication of each year's student editorial board and staff. It is a work in progress, as is the case with any publication. Each staff and editorial board has stood on the shoulders of its predecessors, yet each staff and board seems to improve the law review every year.

The law review has moved, or been moved, a number of times. It has occupied all three floors of the main building and one location in the LEC building. By my rough count, it has been in at least seven different locations, not counting temporary locations due to construction. It has been moved around to accommodate the expansion plans of each administration. Former sites include what are now the clinic, the faculty lounge, and a second-floor classroom. The current location, on the first floor in the east end of the 1931 building, is where the child care center used to be. The basic office configuration is substantially the same, with the editorial offices open so that all the editors are working in two rooms, but with an opening between the rooms. That's the way it has always been.

The law review has seen six deans come and go. It has traditionally celebrated its success with a year-end banquet. The first banquet speaker was the Honorable George Scott, of the Minnesota Supreme Court. Other speakers have included distinguished members of the bench and bar, including United States Court of Appeals Judges Leon Higgonbotham, Ann Williams, and Donald Lay. Many members of the Minnesota Supreme Court, past and present, have spoken at the banquet.

The law review staff members and editors have been successful by most measures. They are leaders of the bar. Some have become judges. They practice throughout the country. None of this is surprising to me, after having watched their dedication in publishing the law review year after year. They were successful in ways that I suspect they did not imagine during the time they were working so hard to put out the law review. They contributed in a significant way to the success of the law school. The law review helped to give the law school legitimacy during its transition from an exclusively evening law school to the more flexible educational

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program it currently offers. I think that it assisted all of our students, not just the members of the law review, in establishing that William Mitchell College of Law students not only knew where the courthouse was, but that they could think once they were inside. The law review experience has assisted students in obtaining clerkships with a variety of state and federal courts throughout the country. They had an opportunity to demonstrate their writing ability through traditional scholarship. Judges noticed. So did law firms.

The thirtieth anniversary of the law review is a time to celebrate the achievements of the students who have made it possible. The law school owes them a great debt of gratitude for the work they have done and their contributions to the success of William Mitchell College of Law.