

FOREWORD

Honorable Helen Meyer[†]

The *William Mitchell Law Review* has decided once again to dedicate one issue of this annual volume to *Recent Decisions of the Minnesota Supreme Court*. This issue reviews some of the court's more important decisions from the 2003-04 term. If tradition is honored, the articles and notes you find in these pages will be thorough, well-written, and thoughtful in their analysis of each decision. This annual review is a tradition that gives our legal community a wonderful opportunity to publicly comment on the work of the court. This public testing of the court's work is a healthy part of the development of our state's law.

In walking up the grand staircase to the Minnesota Supreme Court in the State Capitol Building, one is drawn to the artistic and historic grandeur of the entrance to the courtroom. The stairways are adorned with polished marble: Hauteville and Echaillon from France, Skyros from Greece, and Old Convent Siena and Breche Violette from Italy. The sky-lit hall is graced by Kenyon Cox's famous mural *The Contemplative Spirit of the East*. The mural depicts three women in classical draperies. The winged central figure is in deep study, with the figure "Letters" at her right and the figure "Law" at her left. Appropriately, "Law" holds a bridle and staff, traditional symbols of restraint. Quotations on law and justice in Roman capital letters adorn the high ceilings and walls. A sense of tradition, permanency, and continuity permeates this beautiful entrance to the court.

As we, the members of the court, approach the courtroom and prepare to take the bench for oral argument, we are mindful of the need for permanency and continuity in the law. Each decision we

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make, each draft we edit, each opinion we publish, begins and ends with an abiding love for the permanency and continuity of the law. This “love affair,” if you will, is what binds each member of the court to our common purpose. We each have differing values and philosophies, but without the common discipline of the law and fidelity to the court, we would be an ineffective institution.

Our fidelity to the work of the court is driven by a shared sense of the importance of collegiality. “Collegiality” descends from the Latin word *collegium*, meaning a body of coworkers. As an institution we work so closely together that we know each other’s values and thoughts better than most any other group of people. Each opinion of the court is reviewed and commented on by all members of the court. This creates a kind of intellectual intimacy that is singular. The ego must give way to the important need to accommodate a colleague’s criticism when it is possible to do so without giving too much ground. Yet collegiality also recognizes the importance of “voice” in each opinion; the particular way of telling a story, analyzing an issue, or stating the holding that is unique to each judge. To write a clear, concise, and well-reasoned opinion is an intense, all-consuming and fulfilling experience.

My favorite writing on the subject of writing is *The Elements of Style* by William Strunk Jr., a tiny book published for the first time in 1935 and later published with an introduction by E.B. White. I find myself in common agreement with Strunk on two key points about the qualities of good writing. First, a good writer is sympathetic to the reader. It is the duty of the writer to write with clarity and purpose so as not to leave the reader floundering. Strunk advises to be sure of where you stand and to be bold in saying what is to be said. This is good advice for all kinds of writers, but particularly so for appellate judges, because so many people depend on the court to give clear direction to judges, litigants, and lawyers. Second, Strunk advises the writer to omit needless words:

Vigorous writing is concise. A sentence should contain no unnecessary words, a paragraph no unnecessary sentences, for the same reason that a drawing should have no unnecessary lines and a machine no unnecessary parts. This requires not that the writer make all his sentences short, or that he avoid all detail and treat his subjects only in outline, but that *every word [count]*.¹

1. WILLIAM STRUNK JR. & E.B. WHITE, *THE ELEMENTS OF STYLE* 23 (3d ed. 1979) (emphasis added).

Making every word count is what this law review issue is really all about. Where has the court excelled at opinions that are clear and bold? Have any opinions fallen short in clarity or purpose? Have we made every word and sentence count? We try to write interesting, logical, and well-crafted opinions. Few of our writings will leave the reader with the same sense of artistic and historic grandeur that we see in the beautiful entrance to our courtroom, but each is our attempt to honor the law's need for clarity, permanence, and tradition.

Thank you for this issue of the *William Mitchell Law Review* and congratulations to the staff and editors in maintaining the law review's important role in the development of the law in Minnesota.