

The OPINION

William Mitchell College of Law Student Newspaper

Volume 14, February 2004



The American Constitution Society sponsored a talk by Ted Mondale on January 10, 2004. Ted spoke on land use and public policy. Pictured are ACS Public Relations Melissa Manderschied, Ted Mondale, ACS President Mary Kilgus, ACS vice-president Michael Welch, and ACS Secretary Sara Dady.

Four Des Moines Peace Activists Subpoenaed for Federal Grand Jury

By Carla J. Magnuson

On February 3, Polk County Sheriff's Office delivered a subpoena to Des Moines peace activist Brian Terrell at the Catholic Peace Ministry's office where he is the Executive Director. He along with Elton Davis of the Catholic Worker House, anti-war activist Wendy Vasquez and Patti McKee, past coordinator of Iowa Peace Network are scheduled to testify before a Federal Grand Jury next Tuesday, February 10.

The government also subpoenaed records including membership lists and annual reports of the Drake University student chapter of the National Lawyers' Guild.

The grand jury is looking into allegations of possible violations of federal criminal laws. The subpoenas are vaguely worded, giving the activists no clue as to what they could be charged with or what they were allegedly witness to. The specifics they do have: the violations allegedly occurred in connection with a November 15th conference held at the university. The "Stop the Occupation! Bring the Iowa Guard Home!" conference was hosted by the NLG students at Drake. The next day police

arrested 12 protesters at an anti-war demonstration at the Iowa National Guard Headquarters held in conjunction with the conference.

There is no specific information regarding what the feds are fishing for though the investigation is apparently being done out of the FBI Terrorism Task Force. Terrell expressed some concern that the activists may be approached with an immunity offer which might then be used to compel their testimony incriminating others.

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WM Students Clean Up in Regional Competition

By Rong (Christy) Yang

Some WM students are quietly making names for themselves in moot court and negotiation competitions. Doug Heeschen and his partner, Joy Gullikson are two of them. They placed first at the 2004 ABA negotiation competition at the regional level, and are preparing for the national competition. I spoke with Doug about his competition experience and his plans. Here are his responses.

Opinion: Who is the director of the competition here at WM?

Doug: Karen Olson and Ned Ostenso are WMCL graduates from several years ago who were involved in the program while students. They run the

class. Heide DeFord, another grad, helps coordinate the competition in this region.

Opinion: How did you get involved?

Doug: There was a competition last spring to determine who would be selected for the Negotiation class of which is limited to 16 students. Approximately 70 people participated in two-person teams. Each team was given a page of general facts and a page of confidential, client-specific facts. The team would negotiate some deal with the other team which had their own set of client-specific facts. Based on that competition, 16 individuals were selected to participate in the

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The Five Love Languages

by Melessa Henderson

My husband Curt loves wheeling and dealing, and is actually pretty good at it. Several cars ago, we were busted, so with a thousand bucks Curt and I hit the cheapo section of the Sunday paper. Let me tell you, we went to some pretty scary parts of town. One of the deals the love of my life found was in the heart of the worst area of down town. Try telling a red-blooded man a car will never be a bargain if we both get killed trying to find where this car is!

Well, we finally found the rust bucket and decided we wanted to test drive it. Curt got in the driver's seat, the seller got in the front passenger seat, and I was in the back seat. Curt was fiddling with the different controls and then started to test the air conditioner. Not feeling any cool air he said to the seller "Does the air conditioner work?" The seller, only six inches away from my husband looked at him blankly. Then Curt asked much louder "Does the air conditioner work?" Again,

the seller did not respond. Then my husband screamed passionately, but very slowly, to the perplexed seller, "DOES THE AIR CONDITIONER WORK?" Finally, I interjected, "Curt, please stop screaming, he is not deaf, he just does not speak English!" The seller was Russian, and knew only a very few English words. Curt could have screamed to him all day, and he would not have ever understood. Curt was not speaking in his language.

This episode was so much like many of my relationships before I read an awesome book called *The Five Love Languages*, by Gary Chapman. For example, when we were first married, Curt always seemed to lay on the compliments pretty thick. I became suspicious because they were so syrupy; I thought he could not possibly mean all the nice things he said. Then I learned that Curt's love language was words of encouragement. He spoke to me in the language he knew and in which he hoped to be spoken. So, I began telling him I loved him in his language. For instance, I would say "Curt, I am so

honored to be sitting next to a fine man like you." Sounds pretty thick, right? If so, words of encouragement are probably not your love language. This was much more effective in conveying how much he meant to me than communicating my love in my language.

My love language is gifts. I love to give gifts and receive gifts; as Valentine's Day is around the corner I remind my husband that my love language is gifts, specifically jewelry or money. When we were first married, I would find Curt neat shirts, ties, etc., and give many gifts as an expression of my love for him. This was not his love language. As a matter of fact, being the frugal (tight!) man that he is, he would have preferred had I bought him nothing! I could have screamed I love him by buying him sweaters galore but he, like the Russian car seller, would never be able to hear me until I spoke in his language.

The book describes the five love languages as 1) words of encouragement, 2) gifts, 3) quality time, 4) affection, and 5) acts of service. One way to tell what someone's love language is by closely observing them. Does your friend constantly ask to go out to eat, shop, go to a game, or hang out together? Probably a quality time person. Does your mom ask you to do a million little projects around the house, and like to make you special lunches or sweaters? Perhaps she speaks in acts of service. Is your wife a huggy person, who loves salon massages, and melts when you rub her feet? Well, you probably need to start speaking affection.

It seems so elemental, but

believe me, knowing the love language of those closest to you will definitely enhance your relationships. Knowing the five love languages has also helped me cope with the time crunching of law school. I no longer have the time to spend with friends and family that I once did. Once I read the book, I realized that spending a lot of time with friends and family is not always what is needed to maintain strong relationships. For instance, one of my best friends is a gifts person. To save precious study time, what I have found is more effective for time and relationship management is to send her a nice gift for her birthday, instead of spending the day together.

So in the spirit Valentine's Day, give the gift of love... just make sure you speak it in the right language!



Lawyer Joke of the Month

A gang of robbers broke into a lawyer's club by mistake. The old legal lions gave them a fight for their life and their money. The gang was very happy to escape.

"It ain't so bad," one crook noted. "We got \$25 between us."

The boss screamed: "I warned you to stay clear of lawyers – we had \$100 when we broke in!"

From the Editor

Running a law school student newspaper is not easy. Just imagine trying to please every lawyer on the planet and you'll know what I mean. Everyone has their opinion, after all.

You might have noticed that there are at least 25 student groups active on campus. We have over 1,000 students coming in and out every day, and they come in all shapes, sizes, colors and flavors. Trying to please all those people with articles we print in the paper would be a daunting task. The trying part, that is. The actual accomplishment part would be impossible.

So, it's a good thing we don't have to please everyone. It makes our life much easier. Any editor will tell you, finding articles and writers and the rest of the newspaper business takes up enough time without having someone else, someone not working on the paper, tell you what to print. Plus, having to pass muster before we print goes against my editor/writer grain – in a very big way.

Everyone here is educated, so I assume they've heard of the concepts of the "Fourth Estate" and therefore understand that protecting criticism of government by ideas is fundamental to the First Amendment.

(www.nicholasjohnson.org/writing/masmedia/USIA2001.html)

Every editor has a few rules when selecting articles to print. Generally, the rules reflect the type of publication and the quality of articles received. My rules are as follows:

1. I feel this newspaper is the students' forum, so I

print anything a student gives me, as long as it is signed.

2. I don't print defamatory articles.

3. I print articles written by non-students if they are pertinent to a law school community. This community, in particular.

As you can see from my short list, nowhere does it indicate that I decide what articles to print based on content. I don't have to agree with what a student writes, I just have to edit it. Even if I do agree with the article, it doesn't matter, I print whatever a student wants to say. As I have said on numerous occasions, *The Opinion* is the ONLY FORUM on campus for students to voice their opinions, or write about something they are interested in.

So, when I get complaints about an article, I take it in stride, given my take on the situation outlined above. In fact, I fully expect to take flack about articles. People always come to the editor to complain or to compliment. What they don't do, usually, is harass and lecture the writer.

Which is why I was particularly outraged when a student wrote a letter to the editor in the December issue and was subjected to weeks of email harassment from other students.

If one accepts the premise that a person has a right to their opinion and that expressing that opinion is their right, then one should realize writing a letter or article in a newspaper is their right, as well. You may hate

The OPINION

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The Opinion reserves the right to edit for clarity, space and editorial content.

Please contact the Editor at mkilgus@wmitchell.edu for specific questions or comments.

Parties interested in advertising space should contact Scott Kissinger at skissinger@wmitchell.edu.

Submissions to The Opinion
Articles for the March, 2004 issue of
The Opinion are due February 20, 2004

their opinion. (I just read a letter to the editor the other day with which I absolutely disagree – and intend to respond to by writing my own letter to the editor.) But, they have the right to say it.

The Opinion will print articles by students and letters by students regardless of certain students' opinions on the matter, because that's what we do – you know, news, opinion, entertainment – all that stuff. The proper reaction to seeing something in the paper is to take the matter up with the paper, not

the writer. Write your own article. Write a letter to the editor. But leave the writers alone. They are the most cherished members of *The Opinion* community. You have to pamper them, compliment them, not alienate them. After all, without writers there would be no paper, no editors, no free and open discussion.

Here's to writers! And special kudos to the student who took all the abuse, and took it in stride.





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Negotiation...

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Fall 2003 class.

Opinion: How many schools involved in the regional competition?

Doug: Sixteen, including UMKC from Kansas City, Missouri, Creighton from Omaha, Nebraska, USD from Vermillion, SD, Hamline from St. Paul, MN, Drake from Des Moines, IA, WMCL from St. Paul, MN, St. Louis University from St. Louis, MO, John Marshall Law School from Chicago, IL.

Opinion: How did you prepare for the competition?

Doug: Class work involved breaking into various combinations of two-person teams and negotiating a wide variety of arrangements. Some were about Family Law, others were about Employment Law. Teams were expected to research each topic and determine a strategy that would satisfy the client's wishes while moving the deal forward. Every week there was a new set of facts and a new partner. After every negotiation there was a critique of what went right and what went wrong. Guest attorneys were brought in every week to help critique the teams.

After about 10 weeks of that, an intra-school competition was used to select the four members who would compete at the regional level. After we received the new fact pattern for Regionals, the two WMCL teams practiced against each other or against guest negotiators from previous years. Regionals were held at Drake University Law School in Des Moines, Iowa. It was a very nice school, much smaller than WMCL. There were 1 or 2 teams from each of the schools. Teams came

from Chicago, South Dakota, St. Louis, Omaha and elsewhere. Hamline sent two teams. The competition was split into three rounds that related to a loose set of general facts. Each round had its own additional facts and deal to negotiate. Round one was negotiated Saturday morning by combinations of teams, and round two was done in the afternoon by different combinations of teams. The negotiation lasts 50 minutes, followed by a 10-minute self-critique and a short debriefing by the judges. Teams could not watch other teams compete, and strict secrecy ensured confidential facts remained confidential until each round was completed by all teams. At the end of that first day, four teams were chosen to compete in the Final Round, to be held Sunday morning. At that time the confidential facts for the final round were given to the teams. Since both WMCL teams were chosen to go on, they were each given the confidential facts for the same side of the negotiation. We worked while we ate dinner, we worked late after dinner, and then got up early and worked some more Sunday morning before the competition. We discussed strategy, called friends who might know about obscure accounting practices, re-read over all the prior fact patterns looking for leverage. There was very little "hard" research to do at that point. Rounds one and two required on-line and library research, but the final round was written to avoid that — the final round was all strategy and style, using only the facts you had.

Opinion: What do you think was most important in winning the competition?

Doug: Partnership was a key ingredient. My partner, Joy Gullikson, was skilled at negotiation before ever entering the class. We worked together many hours, finding out what each of us was good at or weak at, and then finding ways to blend our abilities. The practice schedule was grueling, like preparing for a sporting event. In fact, the theme of the competition was a sports contract — getting a player out of one contract, into another one, and then arranging some product endorsements. None of us knew anything about it before, but we sure learned a lot. We talked to sports agents, law school professors, sports fans, family members and everyone else we could think of, to gather information. Joy even talked to a film crew that was staying at the same hotel, to find out what it costs to make a television commercial. Preparation was the other ingredient. Karen Olson and Ned Ostenso made sure we drilled on every possible argument and every fact we might

need. They also helped us with style and presentation, to make sure we used our emotions to our benefit. I had a habit of being sarcastic, so I worked on keeping things more up-beat. Sometimes we would talk too much, and not give the other side time to respond. We practiced on all of that. The guest negotiators helped us a lot, by spinning the arguments new ways and by forcing us to deal with a wide variety of negotiating styles we would not have seen if we only practiced with each other.

Opinion: Did you enjoy the competition?

Doug: You can tell I enjoyed the experience, by how much I just rambled about it. We had a great time working with the coaches and with Trina Alvero and Mike Berger, the other team from WMCL. There was a lot of work, but a lot of humor, too. My team couldn't have done it without Trina and Mike.

Opinion: When is the National competition?

Continued on page 6



Rugby is the subject of this year's National Competition in Austin, Texas.

Soul Food

By Gina Sauer, Class of '90
Assistant Dean
for Career Services

If an admittedly touchy-feely discourse dedicated to your future happiness is just not something you're up for right now, it's probably best if you skip this month's column and dig back into your Torts book. But if you have even a modicum of interest in creating a career for yourself, as opposed to just finding a job, read on.

As lawyers, we are trained to dissect the facts with the precision of a surgeon, to spot the issues, and to propose efficient solutions. The more expeditiously we get to the right answer, the better it is for our clients, and the more likely we are to receive the accolades of our supervisors (and a hefty year-end bonus). So it's not surprising that law students and lawyers alike are often eager to take the same commando approach in their job search. But I challenge you: before you rush to give a name to the job title or employer you are targeting, or nail down the area of law in which you want to concentrate, start with the most basic building block. Define the "soul of the job" you are searching for.

I can't take credit for coining this phrase – it actually comes from my friend and colleague, Pat Comeford, who is not only a Mitchell alumna and founder of The Esquire Group, a legal placement firm, but is also the author of the soon-to-be-published *Lessons from a Headhunter-with Heart*. So what is the soul of the job, and why is it so important? The soul of the

job has a lot to do with self-actualization. It's how a job makes you feel about yourself, what you take from that job, what it allows you to experience, what essential functions it enables you to perform, or what unique gifts it empowers you to share. If that makes it sound like we should all be applying for Mother Theresa's job, that's not the case at all. Each of the following is an example of how someone could define the soul of their desired job.

"What is most important to me is that my hard work be rewarded by ample amounts of money."

"I want to work in an environment where creativity and free thinking are encouraged."

"I am looking for a job in which I am challenged and stretched intellectually every day, and where I have time to thoroughly think through problems and solutions."

"In the perfect job, I am considered an expert in my field, and I am encouraged to take on as much responsibility as I can handle."

Notice how very basic – and yet different – each of the "soul" statements is. More significantly, nowhere is there a single mention of a job title, or even area of law. Only once we have a firm grasp on the soul of our desired job can we start filling in the blanks with respect to position descriptions and potential employers. Later on, once we have actually identified and begun applying for particular jobs, the soul of the job as we've defined it will serve as the yardstick by which we measure the jobs that come our way.

So I challenge you, before you draft your resume or revise your writing sample, do as Ms. Comeford recommends in her upcoming book. Jot down 3 or 4 thoughtful, powerful sentences that describe, at the most basic core, what it is you want from a job. Can you find a job without engaging in this little exercise? Of course. But I promise you that if you don't do this first, you'll be job hunting again in short order. Or you'll stay in your job – and be unhappy. Because unless and until your job title and description, and the environment in which you perform that job, are consistent with the soul of the job you really want, it's never going to feel right. Defining the soul of your right work is the essential first step from which every other phase of your job search should flow; yet it is the one step we are the most likely to skip over in our haste to get out into the marketplace.

OK, discourse is over. Back to Torts. Here's hoping that you'll find a job with the right soul, and one that feeds your soul.



ERRATA...

In the Career Services article in the December issue, it was erroneously reported that up to 1/2 of a student's wages at a public employer can be reimbursed through work study. The correct information is that 3/4 of a student's wages can be reimbursed.

Negotiation...

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Doug: The National Competition is February 7-8 in San Antonio, Texas. We don't know what the facts will be, yet. The new facts show up in a few days. It will be sports-related; that's all we know so far.

Opinion: Could you let us know something more about this National Competition?

Doug: We learned last week that the new facts revolve around rugby, which is one of the world's most popular games, though it is completely ignored by the American press. We'll try to get a player into a contract with a professional team, and negotiate tournament broadcast rights on behalf of a network. This set of facts is difficult due to the scarcity of public information about sports contracts and broadcasting finance. Of course, the other teams will struggle with the issues, too. Approximately twenty teams will compete, and the competition is during the ABA Mid-Year Conference, so San Antonio will be inundated with legal minds. Lawyers attending the ABA Midyear Conference and those that live in San Antonio act as judges. The competition is structured the same way as the regionals — there are two sessions Saturday and four teams advance to the final round on Sunday. The winning team will advance to the International Competition.

I hope everyone has paid their liability insurance premiums. We'll let you know how it all turns out when we get back from Texas.



The Opinion's Opinion Page

Letters to the Editor

Dear Editor,

I appreciated your article about Dean Brooks' departure/expulsion. It was refreshing to actually hear a complete story about what did or did not occur. It was also good to see *The Opinion* honoring Dean Brooks' accomplishments and contributions to WMCL.

I was personally offended by the shabby treatment of Dean Brooks and the apparent lack of necessity in having him escorted off the campus. That was obviously for someone else's benefit and not for the benefit of the student body.

Part of the reason I chose to go to William Mitchell was because of Dean Brooks. He seemed to care more about your law school experience than the majority of faculty

and administration. While I may never have met with him personally, I'm sure that if I had needed to he would have been available, and I would not have sought his termination if it was scheduled at his convenience.

Truly, this is one of the most offensive displays I've witnessed and will forever color my memories of WMCL. There had to have been a better way to handle what appears to be merely a petty squabble.

Thanks for a well-written and thorough article. I hope the SBA doesn't do anything to endanger *The Opinion*. In times like these, it is necessary to have *The Opinion* reporting on the sordid tales of WMCL administration and the assorted SBA screw-ups.

Caroline Holien - 4L

Applications for editors, business manager and staff writers for 2004-2005 are being accepted. Please forward your resume and a writing sample (if you're applying for an editor or writer spot) or just your resume and a letter indicating your interest (if you're applying for business manager) to theopinion@wmitchell.edu.

Applications due by March 15, 2004. If you have any questions, contact the editor at mkilgus@wmitchell.edu



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Foxes and Henhouses

By Sara Dady

How many times have various legislatures voted through legislation that's the equivalent of letting a fox guard a henhouse? Just being elected to a public office is usually enough for a normally well-meaning, clear headed person to throw common sense right out the window. Even at the lowest level of politics, there is plenty of opportunities for forehead-smacking. I have no doubt that every single member of our very own SBA started out with the commendable aspiration of serving the best interests of the students. However, our student government has achieved new highs in making very questionable decisions. The SBA's initial decision to deny full representation to the 4Ls, and its reversal of that decision four months later, is a perfect example of the corrosive effect that even a little bit of power has on the human thought processes.

I'd venture that most students A) have no idea what the SBA does except extract and hike student fees from our accounts or B) are too busy to care or C) are not too busy but still don't care or D) all of the above. Unfortunately, between my above assumption and the SBA's hesitance to publicize its decisions, the SBA board can pretty much do as it likes. My short but eventful tenure on the board (where I was only slightly less popular than the Red Death at a party), reinforces my long

held opinion (formed from my inherently American right to be suspicious of government power and confirmed by Constitutional Law second year) that lack of oversight or any external check on officials who make decisions for and about other people ultimately ends poorly for the for and about people. Aha, you may be thinking, but doesn't the SBA have a constitution and by-laws to which it must adhere?

Yes and no. The SBA does have such documents but adherence appears to be optional:

Last fall both of the 4L reps resigned from their positions (me being one of them). The SBA by-laws lay out a three step process for filling vacant positions: "when a vacancy arises due to either resignation or removal, the chair shall notify the student body in the previous representative's class year of the board vacancy. The Chair shall allow a reasonable amount of time for these students to provide the names of possible replacements. The remaining Board members shall then conduct a vote to elect the replacement." It seems pretty clear cut — step one, notice to the section, step two, allow a reasonable amount of time for the section to submit names and step three, the board



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The Opinion's Opinion Page

HEARSAY

Now we at *Hearsay* have spent many (maybe too many) years registering and tracking down our various classrooms every semester. We've been one of fifty odd students crammed into itty-bitty rooms that have a maximum capacity of three students and an instructor, only to go to our next class of three students and an instructor in a room that has a maximum capacity of fifty-one. In this age of building deconstruction, we've inhabited rooms with boarded up windows, floors that shimmy and shake and doors that lead to a 100-foot drop into pile of rubble. Just when we thought we could say that we've been in every classroom within these hair-raising walls, we at *Hearsay* were thrown a curve. Our spring semester schedule lists a previously unheard of address: LLR.

We scratched our heads- LLR? Lawyers Last Resort? We walked in a daze around Hachey muttering: "Where's the Lower Life-form Room? Ludicrous Lawyers' Rehab?" Finally, one thoroughly annoyed soul informed us that LLR probably means Lower Library Room. So we ventured into the one place that, after first year WRAP, we vowed never to return. Sure enough, tucked away in the southwestern bowels of the library we found

something we never would have expected. There is a new room down there- actually two- one has walls made of black plastic that drape from the ceiling and rustle menacingly at your approach. We struck up enough nerve to peek through a slit in the plastic and discovered viciously sharpened pieces of wood and metal stacked precariously around several skeletal shelving units. We decided that we didn't want any part of a place where John Wayne Gacy would feel right at home.

Door number two revealed a more classroom-like structure that we at *Hearsay* have dubbed "The Bomb Shelter". It's not the absence of windows but rather the stale air quality of the room that gives one the distinct feeling that he/she is buried deep beneath the earth's surface. Not a single noise can be heard outside the room; we at *Hearsay* fully expect to emerge from class one night and find that we are the only survivors of world disaster. This crazy room has three distinct features that make it an ideal place in which not to learn. First, it has a big column that plunges conveniently down through the middle of the room. This ensures that there is not one seat in the entire room

from which a student can see all other students. We've heard of no less than 25 students who've sought emergency chiropractic services after spraining their necks in attempts to look around the column during class discussions.

Second, the sounds emitted in this room have all the clarity of a bell ringing in the deep end of a swimming pool. This marvel of modern acoustical design means that the sound of your voice will travel no further than three inches from your mouth – no matter where in the room you are! There a few exceptions to this phenomenon – occasionally, sounds will suddenly emanate not from the area immediately surrounding their source but from a space about twenty feet away. This is what contributes to the third, and in some ways, most unnerving characteristic. There are five rows of your average classroom tables but these tables have been fitted with a metal sheet in the front. While this does make the tables appear more desk-like- it also seriously restricts your ability to stretch out your legs. During the first few classes, strange metallic thumping noises could be heard above us. It took a while but we eventually figured out that the noises

weren't coming from a 1L trapped in the ductwork but rather it was the reverberation of students inadvertently kicking the metal sheets. Unless you are sitting right next to the student whose foot crashes into it (causing everything on the table top to shake uncontrollably), the bizarre acoustics of the Bomb Shelter make sounds coming from below sound like they're raining down from above.

We at *Hearsay* think whoever designed this crazy room – at the very least – should be required to keep it stocked with Hershey bars and distilled water.

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Common Cents for the Broke Law Student *presents*

Games Every Student at Mitchell Should Know How to Play

(all of these are Special Editions for law students at Mitchell, and have not yet been released)

“Common sense often makes good law.”

—William Orville Douglas

By Deborah Arndell

The holidays are over, and the days of gift giving are behind us. However, when gifts get this good, you almost have to look for an occasion to purchase one. Valentine's Day is coming up, if you need to drop a hint with your significant other. For some of us, there is an approaching graduation. In addition, if you are truly desperate, there is the celebration of the Supreme Court coming back into session or the arraignment of Martha Stewart.

Nevertheless, the reality is, you can't buy these. They are simply creations from the creative mind of a law student who has had enough with red and brown covered case books, and decided instead to go into the deep recesses of her mind and invent some nifty new games for those with a legal prowess, or a disdain for the law, whichever. The games are close enough to be siblings, and on some days, twins. And since I am going to be kind enough not to slap any intellectual property restrictions on these, please feel free to

try them at home, in the Commons or at parties. (But please, whatever you do, don't mention my name. The only way to know what it's like to be naked under one of those robes is to actually make it to graduation.) Until March, welcome back and party on!

Chutes and Ladders:

NEW! Features maps to assist in maneuvering around campus during construction. Platinum Edition comes with hardhat, ear plugs and a Bobcat.



Duck, Duck, Dean:

This version is currently being updated, as there is really only one Dean.

Duck, Duck, Lame:

This version is currently being created as a replacement for Duck, Duck, Dean.

Trivial Pursuit:

New categories include, Classes that Conflict, Exams that Conflict, Conflicts that

Conflict, and Unacceptable Conflicts on pages 18, 19 of the Student Handbook.

Heidenreich's Jeopardy:

Answering a question with a question is the only way to arrive at an answer.

Risk:

In order to take over the world, you have to get by Student Services first.

WARNING: before beginning this game, consult a physician, and damn it, read your Handbook.

Clue "the Who Fired Dean Brooks" edition:

this game has been recalled upon discovery that there is only one possible answer: Dean Downs did it in his office with the permission of the Administration.

Rock 'Em and Sock 'Em Robots:

This game comes complete with a list of all OCI interviews that will take place. Each player gets to dress up, brags about his or her rank, and then knocks the shit out of the other players until only one person is standing. Comes with first aid kit and the book "Social Aptitude: Try It Because It's Good to have Friends and a Life While in School." Only available to those in the top ten percent of their class, with proof by official transcript.

Hungry, Hungry Hipposocrates:

A milder version of *Rock 'Em and Sock 'Em Robots*. Designed for night students with lives and a sincere desire to learn. This game includes knowledge and a general appreciation for careers, including the book "I Can Do Great Things with a Personality and not Work for Someone Without One." The first aid kit is not included, but we do provide some strong duct tape to hold your families and marriages together while you pursue your dreams.

Sorry:

Designed as the game for those students who fall between *Rock 'Em and Sock 'Em Robots* and *HHH*. Yes, we are sorry, but mediocrity is not so bad. You were the same kids who wore *Garanimals* years ago, so your low point has already taken place.

Monopoly:

For those students who won at *Rock 'Em and Sock 'Em Robots*. Now you can go on to make lots of money, let greed control your every roll, and insist that the game not be over until you own everything. Included is an extra Get of Jail Free card because some of you may need it.

Continued on page 14

Old Man Winter Takes No Prisoners

By Shawn Bakken

I'd like to offer a formal apology to all the students here at William Mitchell, all



**Shawn
Bakken's
Sports**

the other people who might read *The Opinion*, all the citizens of the Metro Area... pretty much everyone. Things weren't supposed to be like this and it's all my fault. I was feeling frustrated over Winter Break, so I wrote an article that began like this:

"This is really depressing. We're a few days into 2004 and everything outside looks as brown as the cover of a West Group textbook. Unless you drive past Buck Hill or Afton Alps or Colorado, there's almost no snow on the ground. No snow in January in Minnesota. It feels so wrong.

"Meanwhile, I hear stories on the news about blizzards hitting the East and West Coasts (i.e., brief two-inch flurries) that blow everything to hell... What have we got here in comparison? Nothing. Nada. Diddly-squat. I don't even need to worry about getting my ankles wet when I'm running out to the mailbox in a jacket and shorts. Well, maybe in subzero temperatures, but that's just because any melting snow has turned to ice and I could slip, fall down, crack my tailbone and start bleeding down my legs."

You think God appreciates that kind of criticism?

Apparently not. I get upset and He responds with, "You want to see snow? Here you go!" SPLAT! Now *everything* outside is covered in white. I've heard rumors about brown trees in my backyard, but you couldn't tell just by looking at them.

So I messed up. I accept responsibility for these not-so-brief flurries. It's my fault that it now takes ten minutes of spinning the car's tires just to pull out of the driveway. I'm to blame for anyone who drives down the interstate at 35 mph, spins around 180 degrees, crashes into the median and gets his face crushed by an overly enthusiastic airbag. (Note: Accepting blame for this event does not mean I'm accepting legal liability.)

So I caused the accidents, but that also means I'm responsible for classes getting cancelled and providing you all with a good excuse to sleep in and not bothering with going to school in the morning. Yay for me! I think.



Experts tell us this is insane.

If you ignore all the traffic accidents and spinouts, though, there are a few upsides: you don't have to drive to Colorado to see real snow. That's right, all of the ski hills and resorts have put away their fake-snow-making-jet-blaster-engines for the season and I think we're all safer as a result. Just think about how far they launch snow across the slopes. If a squirrel bounds into its path or if someone's coworkers at the hill feel mischievous and turn the blaster just a bit, you *might* find a pair of boots in the aftermath. They'd be tiny boots if a squirrel was wearing them, but you might be able to find them.

Personally, I don't think I'll be making use of this fresh stuff on the ground. I have some bad memories from a few years ago that occasionally come back to haunt me and I'd rather not relive them. After all, if my skills didn't improve the first time I tried it and I know it's going to hurt just as much, why

torture myself by strapping on a snowboard for the second time?

I imagine some of you are quite adept in the sport, cutting up the half-pipe and spinning around in the air as much as your car did on the highway earlier in the week – more power to you. I, on the other hand, would have plenty of whitewashes to look forward to. I didn't like having bullies provide those during grade school and I don't like the idea of having physics provide those in the future.

If some of you (or most of you, for that matter) are braver than me and opt to don your snow boots, jump on a rounded-off Plexiglas board and careen down a hill at speeds that can rip the skin off your face, take my advice: wear protection. And when I say "protection," I mean "padding." Wear three extra pairs of underwear, stuff a large pillow into the back of your pants or bundle yourself up like you've got overprotective parents. (You've seen those kids: they're the ones who have been zipped into so many jackets and pairs of snow pants that they can't move their arms and legs – they have to waddle around to move anywhere. They'd definitely be safe going snowboarding.)

If you decide not to use some sort of cushioning, you'll know just how I felt every time I fell down on the hill. And you will fall. I've been on skis plenty of times and it doesn't look all that much different. You glide down, shifting your weight back and forth to make a

Continued on page 11

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Sports...

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smooth descent... that's not how it works on a snowboard, my friends.

If you're on skis, every time you turn, you've got two edges—if one starts to slip or doesn't move quite right, you can support yourself with the other leg. A snowboard has one edge: if you tilt the wrong direction at the wrong angle, you're slamming into the ground and kicking up a cloud of snow almost as big as one of those jet engines makes.

What's worse, there's only one safe side to fall towards. If you're leaning forward, you can stick your arms out and come away from the crash with a sprained wrist or two.

Unfortunately, it's tough trying to go down a hill by spinning in really large circles, so you're stuck leaning backwards half the time.

Remember what I said about protection? If you cut the back edge into the slope just a little too far... imagine that picture of me slipping on the driveway, except this time, I'm tumbling backwards, head over heels down the hill in a cloud of snow, continually smashing my head against the ground, spewing brain matter all over the inside of my stocking cap, bleeding down my legs from a cracked tailbone and getting cold teeth because I was moving so fast that my face got ripped off. When I finally stop, my body is in a crumpled heap halfway down the

slope, but people find my boots quite easily. Because the snowboard is still attached.

Trust me, crashes like that hurt. And I had more than one. Consequently, I spent a lot of time leaning forward with my butt towards the bottom, scraping my way down to the chair lift so I could accompany my friends back to the top of the hill and begin the whole process all over again.

It was a good time, but not quite good enough that I'd be willing to undergo a repeat performance—I've only got so many clean stocking caps left. As for the rest of you, by all means, go out and enjoy the slopes. Just remember, if you cut an edge the wrong way, take a dive and lose some

important body parts or internal organs, I'll still accept the blame. But I'll also take some credit because you'll be getting out of a *lot* of classes this semester.



Valentine's Day!

What's Hot and What's Not

By Kristen Romstad

Just when you think you've survived the holidays, you go to Target, and you can tell by the array of red and pink that Valentine's Day is just around the corner. I still have my Christmas decorations up, so I guess I better prepare for the transition. Plus, for anyone who had difficulty finding a gift for that special someone for the holidays, the prospect of finding another sentimental something is daunting. For those individuals who choose to be single, even though it's a choice every person makes, it's still annoying to see all of the hearts everywhere.

Never fear fellow students, I have a list of HOT and NOT gift ideas for the loves in your lives, or even the flavor of the week. And for the swinging single crowd, I have fun suggestions of how to spend the dreaded day.

HOT – Lingerie

NOT – Court room inspired lingerie

Lingerie is a popular gift choice this time of year. Just ask the poor Victoria's Secret employee working on February 13. However, leave your love of the law for the time being, as well as the bailiff's outfit.

HOT – A simple necklace

NOT – A cheesy heart birthstone necklace after dating for less than two weeks

I wish I could say that I made this one up, but a friend of mine, who shall

remain anonymous, suffered this very gift. Shortly after receipt of said gift, she referred to the "What to do on Valentine's Day if you're single section" of this article. A gem like that, how could she let him get away?

HOT – Candlelit dinner, movie

NOT – Dahlco Chicken Tender Wrap and Advocacy Video Tapes

The quiet, romantic dinner and movie was a popular response from those I asked about happy Valentine's Day memories they had. However, a good way to ruin that is to see the fluffy hair and giant glasses sported by the Advocacy Playhouse and the Thursday Special – Chicken Tender Wrap. It's a good Thursday choice, but not so much for the big V-Day.

HOT – Bathrobe

NOT – Judicial Robe

This one should be readily apparent, but as much as you may love Justice Brennan or O'Connor, your significant other may not share the same affection for the High Court that you do.

HOT – Soft music and a massage

NOT – Criminal Procedure CDs and 4th Amendment Violations

I loved criminal procedure as much as the next person, but not every one is as fascinated with the grab area and searches incident to arrest as we are-poor fools, they don't

know what they're missing. Until they see the error of their ways, relish those moments with classmates from Professor Logan's class.

HOT – Taking time for someone you love

NOT – Webcam from the Burger Library

If I have to explain why you need to leave the library, well then, never mind.

Other Good Gift Ideas

- A "Thank you for letting me share your finals week with you" bouquet, complete with gavel and sharp pencil for repeated eye ball stabbing; teeth gnashing ring extra.
- The I Love You yesterday, today, and forever diamond ring (but finals is open season)

For the **swinging single crowd**, no worries: Valentine's Day can be fun, and in most cases better than being attached. My favorite single memory involved dressing in black and defacing conversation hearts with more appropriate sarcastic phrases. For the less cynical:

1. Make reservations at the local White Castle for the white linen tablecloth Valentine's Dinner.
2. Go out dancing with a group of friends. After all, it's on a Saturday night. There will be others doing the same. Shake it like a Polaroid picture.
3. For the seriously bitter, go and volunteer at a shelter



or soup kitchen. What a great reminder of there are worse things than being single on Valentine's Day. Or you could just ask me or some of my friends about our Ex's.

Whatever you do on February 14th, with a soul mate or a room mate, just take five minutes out of your day to show or tell someone you love them, especially those closest to you. May isn't that far away, and those will be the people that will be abused the most during those three dreaded weeks.

Thanks to my dear friends for contributing to this article, you know who you are, and special thanks to Lonestar, the inspiration for this article. May the Schwartz be with you.

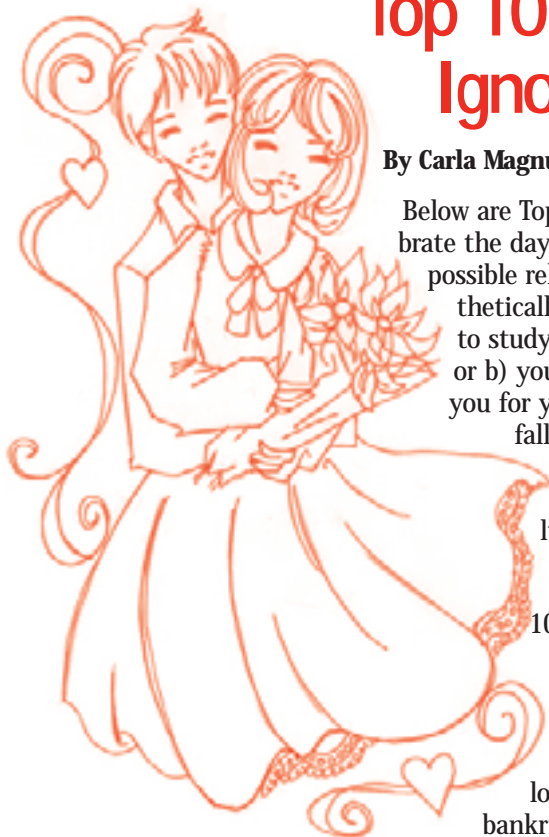


Top 10 Best Reasons to Ignore St. Valentine's Day

By Carla Magnuson

Below are Top 10 reasons why not to celebrate the day of pink hearts. Cites to possible relevant classes listed parenthetically. Besides you either a) need to study and don't have time for love; or b) your sweetheart hasn't forgiven you for your lack of attention during fall finals. Or maybe that last one is a reason to do the whole candy & flowers deal. Good luck either way.

10. Cupid's not potty trained. (health law, ADR, juvenile justice)
9. There's no where to go to get an exchange or refund if love doesn't fit. (UCC Sales, bankruptcy)
8. Watch 10 minutes of a "my mom slept with my boyfriend" episode of any afternoon tv talk show. (family mediation, mental health law, argumentation and persuasion)
7. Those tacky red and white boxer shorts. (consumer rights, closely held businesses)
6. Mayo Clinic has yet to perfect human heart transplant. (health law, intellectual property, food drug & medical device law)
5. Inadvertent support of Malthusian theory is environmentally correct. (environmental law, estates and trusts)
4. Two words: Celine Dion. (entertainment law, immigration law).
3. Holiday is actually a profit motivated conspiracy between candy manufacturers and the American Dental Association. (health law, employee benefits law)
2. Any holiday celebrating sexual love and named after a saint is suspect. (professional responsibility, feminist jurisprudence)
1. Famous way to commemorate St. Valentine's Day — Line up your rivals against a wall and gun 'em down. (criminal law-sanctions, constitutional criminal procedure, evidence)



Des Moines Activists...

continued from page 1

In another First Amendment snubbing move, a judge orders under seal (a.k.a. secret), to a request by the Des Moines attorney general's office, is rumored to be a gag order demanding Drake University employees keep quiet about the investigation.

The National Lawyers Guild, an organization of lawyers, law students, and legal workers dedicated to promoting social justice by supporting peoples' movements, won't be easily intimidated. In a press release Executive Director Heidi Boghosian said, "The subpoena has nothing to do with national security and



everything to do with intimidating lawful protesters and suppressing First Amendment freedom of expression and association. In the 1950s our members suffered harm from disclosure of their associational relationship with the

Guild. The Guild is in the business of fighting illegal government activity and we will fight to protect our membership information. We will also work to support and defend the rights of the other activists targeted by these subpoenas." Guild attorneys are organizing to defend the student group and will be filing a motion to quash the subpoena of the student chapter's records. According to NLG President Michael Avery, "The law is clear that the use of the grand jury to investigate protected political activities or to intimidate protesters exceeds its authority. The government has no business investigating legal conferences held in academic institutions."

There is a call out to support the activists at a rally prior to their scheduled testimony.

Rally: Tuesday, Feb. 10 at 12:15 pm

US Courthouse, 123 East Walnut Street, Des Moines, Iowa 50309

Vigil outside of grand jury, 12:45-3:15 pm, US Courthouse Room 024

A group of Twin Cities law students is planning to attend. FFI send inquiry to lsc@nlgminnesota.org



Common Cents...

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Life:

Game devoid of politics, where two pinks, two blues, or a blue and a pink, or just a pink or a blue, can jump into a car (SUV, economy, hybrid, and – embarrassingly – minivans), create a family (adoption, fostering, artificial insemination, natural birth), make some money (bastard, philanthropist, pro bono, bitch with a hyphenated last name), and drive to your dream end (White House, coffin, Neverland, white house with a picket fence). This game is for everyone. All of the Constitutional Amendments are included, with interpretations on either side of the liberal/conservative lines. No state laws are followed, no one cares what the Supreme Court thinks, and there will be no Administrative Agencies to

wedge themselves between Courts and Congress in order to breach the separation of powers.

Operation:

This isn't actually a game; however, become familiar with it since it is one of the only excuses allowed when rescheduling exams.

Twister:

We've taken this old game and turned it into a fun kegger game for law students and their professors. Equal numbers of students and professors must play. Whichever professor you get "twisted" around is the one you'll date. Oh, RECALL – you don't need a game for this.

Memory:

This game is almost out of production. Since grading has become truly arbitrary, your ability to retain information and apply it really isn't useful

anymore. Pick a pretty color, toss out a few legal catch phrases, wow 'em with your sentence structure and you don't need no stinkin' recollection of the law, facts, or cases.

Scrabble:

Unlike the traditional game, this game of skill requires that only four letter words [or less] be used, and none of those words is allowed to be found in a standard dictionary, unless the context you are using it in is not included in the dictionary. For example, the word "ass," if used to describe one of your classmates who still feels compelled to talk in the computer labs when people are working, is okay, even though "ass" is in the dictionary to describe a beast of burden. A 12-pack of beer and your old exam papers with a B- or lower are included so you can get those four letter words rolling.


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Drop the Puck



By Mickey Tierney

It was a cold and winless December for your boys and girls in Black: the William Mitchell Fighting Eel Pout Hockey Team. After going nearly .500 for the month of November the Pouts entered what was by far the hardest stretch of their season's schedule and were tested both on and off the ice. "We always struggle through exam time," said all-star defenseman Patton Prunty at a New Years event for the Team. "It's a roll of the dice really. We do what we can, but when you have two or three finals in a row like on a Monday, Tuesday, Wednesday sort of stretch, the hockey really becomes only an after thought." And Patton, so was scoring goals.

After losing their last game of November to the St. Paul Blue's, the cream of the St. Paul Police Dept. in a harrowing, but unfortunate loss of 6 to 2, the Pouts faced last year's Highland League Champions turned St. Paul City League new-comers, the RAT's. They lost that one, too. But then on December 14th they played St. Martin's Landscape, a squad who, in the words of Pout forward Dan Gallatin, looked "like an army burying down for War, all chopping wood and throwing sticks up in your face!" For those of you not familiar with

such colorful language let me summarize for you, the men of St. Martin's were cheap. Not just cheap, but dangerous too. But that's what you can expect for your Hockey Team when they put on the Black jerseys, they'll give it their all against any odds. "Have you ever been hit in the face really bad by a hockey stick?" asks power forward, and one of the team's leading scorers in December, Michael Welch. "Next to giving birth to a child, it is one of the more distracting things that can happen to you during finals."

Sure our boys were a little timid, but who wouldn't be? They lost that game too, getting shut out 3 to 0.

The month ended with a true match up, pitting law school against law school, Black against Red, Judges against flute players in skirts. Yes folks, it was the regular season meeting between William Mitchell and the Hamline Law students. The stage was set, a new year was just around the corner and everyone was fattened up from eating Christmas Turkey and various holiday pastries. But a din could be heard from the Eel Pout locker room to unsettle even the hardest of skaters.

In hockey, there are only a few things that a team can't do without, and almost all of them can be compensated for in other ways with hard work. But there is one thing that even the hardest of work cannot replace and that is the goalie. "Where's Howard?" was the word going around the locker room. With only

minutes before game time Eel Pout goalie Brian Howard was nowhere to be found. Calls went out around the Twin Cities, but to no avail because your Fighting Boys in Black would end the night in a forfeit to their neighboring rivals.

"Well, sure it was a tough month for us. I mean, like Patton said though, around finals time and with people on winter vacation we tend to struggle. What's important is that we'll be rested and hungry for goals when we come back." Coach Mickey Tierney said in a press conference the first day back at school.

And hungry they were. On Dec. 12th the Pout faced the East Side All Stars in what would be one of the more exciting games of the year, getting a 4 to 3 victory over their opponents in the last second of the game. The goal came with less than a second on the clock after Alex Velitzik hit Tierney coming across the red line, who then dropped it to the trailing defenseman, Tom Wroblewski. Wroblewski skated the puck in hard along the side boards to have it eventually land on the stick of forward Ross Hussey, who with mere seconds left on the clock threw the puck to the front of the net. Wroblewski would crash the net and bury the game winner! "A fine way to begin the spring semester."

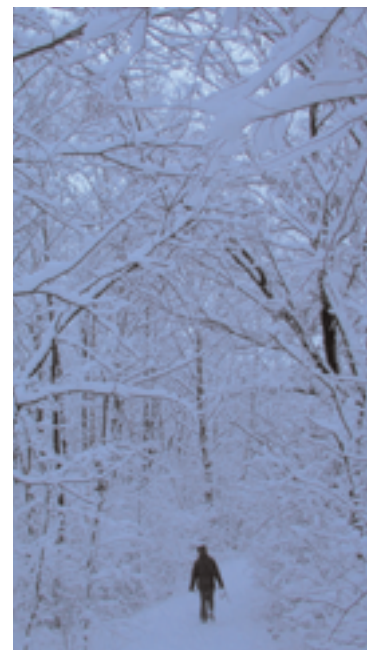
And in other news Coach Tierney has made initial contact with the hated GM of Hamline Law's hockey program to set up the annual Res Ipsa Charity Game. Each year at the end of the season the two teams come together

in one of the nicer rinks in town to battle it out for charity, and the bragging rights that come with possession of the Cup. The Cup, a silver chalice over 50 years old is the prize and tickets will be sold for the game, all proceeds going to the Boys and Girls Club of Minnesota. Last year your men and women of Mitchell Hockey stomped the Hamline students 7 to 0, and everyone had a great time. Except maybe the Hamline hockey players. But we're really looking forward to everyone coming out for a fun event. Tickets will go on sale in early March at a cost of \$5.



Ice hockey is a form of disorderly conduct in which the score is kept.

– Doug Larson



Foxes & Henhouses...

continued from page 7

elects a replacement from those names. Here's what the SBA did:

Shortly after the resignations, the idea was raised that the SBA Chair appoints a replacement and the Board confirms the Chair's appointment. The by-laws reference this type of Executive appointment for committees- not for replacing an elected representative. However, this- as it turns out- imaginary appointment power didn't sit well with then Chair, Chanel Melin, so the Election Committee decided to hold a special election to fill the vacancies. Potential candidates had from Oct. 1 to Oct. 9 to gather 15 signatures for their petitions, then voting took place from Oct. 13 to Oct. 20. Fall break happened to be Oct 16-19 leaving the 4Ls with only four actual days to check their emails and vote. This might have been okay if it weren't for the fact that only one 4L ran- leaving one position vacant. So what is the SBA to do when they hold a special election and there isn't a candidate?

Luckily, the by-laws address this very problem: the Chair

notifies the section of the vacancy, the section submits names and the board votes- sound familiar? Instead, the SBA decided to send out a "poll" to the 4L section. The poll asked 4Ls to select one of three statements to express their wishes: 1. Reopen voting. 2. Allow the Chair to appoint a new representative or 3. Leave the position open for the remainder of the year. These last two choices are not endorsed by either the SBA Constitution or the by-laws; in fact, the Constitution mandates that the 4L section shall have two representatives. Last time I checked, words like shall and must are not discretionary language.

Only 25 of roughly 120 4Ls participated in the poll: seven voted to reopen, six voted to have the chair appoint a rep and 12 voted to leave the position vacant. There's a bit of confusion on the SBA about the vote totals- the October meeting minutes state that 25 people voted to the leave the position vacant- but the Election Committee reports that 25 total voted with the break down as above. (Since the Committee oversaw the election, I'm using its numbers.) As I count the votes, that's 13

4Ls who want representation one way or the other and 12 who do not. Conor Tobin, who replaced Chanel Melin as chair on Oct. 25, and the SBA Election Committee sided with the minority- which is why the 4Ls went without full representation for over four months.

It wasn't until the January SBA meeting, and at sole 4L Rep. Chad Collins' urging, that the SBA revisited the poll numbers, discovered that more 4Ls than not actually wanted representation, discovered that the SBA was in violation of its own by-laws and voted to fill the 4L vacancy. However, even that meeting, the idea that the Chair appoints a 4L to the position was still being bandied about. So, the more interesting question is, if the SBA realized that it was in violation of its own by-laws then why was there still confusion about how to fill the vacancy? Honestly, it doesn't inspire a lot of confidence to think that even after reading enough of the by-laws to realize that it was in violation, that the SBA didn't read on to figure out how to handle it.

What is most disturbing, is the apparent disinterest that the majority of the SBA board members had in ensuring full student representation. The initial decision to deny full representation generated virtually no controversy on the board. Collins was the only board member to consistently hold that 4Ls require the same level of representation as the 2Ls and 3Ls- even at this late date in the school year. You'd think that a concept as fundamental as representation would resonate more deeply in a law school- of all places.

Of course, it's tough for the 4Ls or any student to know what their rights are. Any Mitchell student would be hard pressed get a hold of a copy of either the by-laws or Constitution- even though the Constitution mandates that a copy of both shall be kept on file in the library.

No wonder it's so easy for the SBA to violate the by-laws; board members seem to be the only ones who have copies. You'd think for a law school, the student government would be just a little bit more respectful of its own laws and exhibit an awareness that constitutional rights are not discretionary. The exclusion of 4Ls from full representation should far exceed SBA's comfort level- unfortunately, it didn't seem to.

So, dear students, the moral of this story is, if you aren't vigilant, your very own government can do some things that you might really not like. Remember, it's the SBA that has the discretion to hike up your student fees and increase its officer stipends; hypothetically- just hypothetically, the SBA could decide to raise student fees to \$200.00 a semester (because students could just take out more on student loans to pay for it) and award each officer \$10,000 a year. Even though stipends are supposed to be capped - as we've learned, the constitution and by-laws are optional. And without any oversight, common sense often gets tossed right out the window - and that's how foxes end up landing cushy jobs guarding henhouse- which always ends poorly for the hens.



“You Have To Be Crazy...

December 3, 2002

Dear PMBR:

I just received my July bar exam results and I am thrilled to report that I achieved a Multistate score of 190 which apparently was the **HIGHEST MBE score in Texas**. Upon the recommendation of many of my lawyer friends, I took PMBR as a supplement to my general Texas bar review course.

The PMBR program was “fantastic”. Your questions were right-on-target and covered the obscure mortgage and criminal procedure areas that my Texas review course did not address.

My recommendation to future law grads is simple: After investing a fortune in your legal education, you have to be crazy not to take PMBR!

Thanks for a great course.

Anthony Glenn Buzbee
University of Houston,

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