

# The OPINION

William Mitchell College of Law Student Newspaper

May 2003

## William Mitchell Students Rank First!

By Mary Kilgus

Jessica Bushman and Alexandra (Alex) Carlone ranked first this year in the regional negotiation competition. What is that, you ask?

The negotiation competition is held during the school year to help students hone their negotiation skills—something every lawyer needs. Intra-school competitions are held in the spring and regional competitions are held in the fall.

highlight. “I enjoyed that part of the process. I was pleased and encouraged by the number of attorneys, professors and professionals who were very willing to help.” said Jessica.

“The skills that I learned from Karen Olson and Ned Ostenzo (our coaches) are invaluable!” said Alex, “The ability to negotiate effectively and ethically is imperative.”

Winning the competition isn't half



Back Row - Left to Right: Karen Olson, Ned Ostenzo  
Front Row - Left to Right: Alex Carlone, Jessica Bushman

Faculty and practitioners critique the negotiators. As they move through the process, other negotiators fall by the wayside. Jessica and Alex excelled at the competition and came away winners.

“I thought the competition was a learning experience and I would recommend it to others—with the warning that it is far more time consuming than one might expect,” said Jessica.

In most other school competitions, like Moot Court, the student has almost a semester to prepare. Not so with the negotiation competition.

“Jessica and I received the fact patterns for the National Competition three weeks before we left for Seattle,” said Alex. “During those three weeks, our first priority was preparing for the competition. We performed research, spoke with professors, interviewed attorneys, strategized with one another, and spent a lot of time with our coaches.”

Competing against other students was the interesting part. “It was interesting to see how other teams dealt with the ethical issues presented in the factual situation. I was aware that not every attorney or law student has the same ethical bar, and this competition solidified that thought in my mind,” said Jessica.

Getting to talk to practicing attorneys in this field was another

bad, either. Jessica says “the preparation process and practice rounds were not always particularly enjoyable, but winning the regional competition and getting to compete at the national level was rewarding.”

When asked if she would participate in the negotiation competition again, Alex said, “Sadly, this is my last semester at William Mitchell. I will be graduating in June. However, this semester was my favorite semester! Preparing for the competition, learning from talented and devoted coaches, and forming friendships with new people made my final year an incredible experience.”

## A Letter From Olympic Gold Medalist Sarah Hughes: Annual Food Drive Aims to Stamp Out Hunger!

by Sarah Hughes, 2002 Winter Olympics Gold Medal Winner



(NAPSI)-I have traveled the globe to compete. I have realized my dream to win an Olympic gold medal. And, along the way, I have met many of my heroes. But I did not need to travel the world to meet all of my heroes because many of them live in my own neighborhood, like my letter carrier.

On Saturday, May 10, you can become a hero yourself by simply leaving a sturdy bag of non-perishable food items, such as canned soup, canned pasta or cereal, next to your mailbox before your letter carrier arrives. Your letter carrier will do the rest, collecting and delivering your donation to a food bank or pantry that serves your own community.

It's all part of the National Association of Letter Carriers' (AFL-CIO) and United States Postal Service's 11th annual food drive effort to help Stamp Out Hunger!. On May 10, the nation's 240,000 letter carriers will collect non-perishable food items to benefit local food banks and pantries across the country in America's largest single-day food

drive.

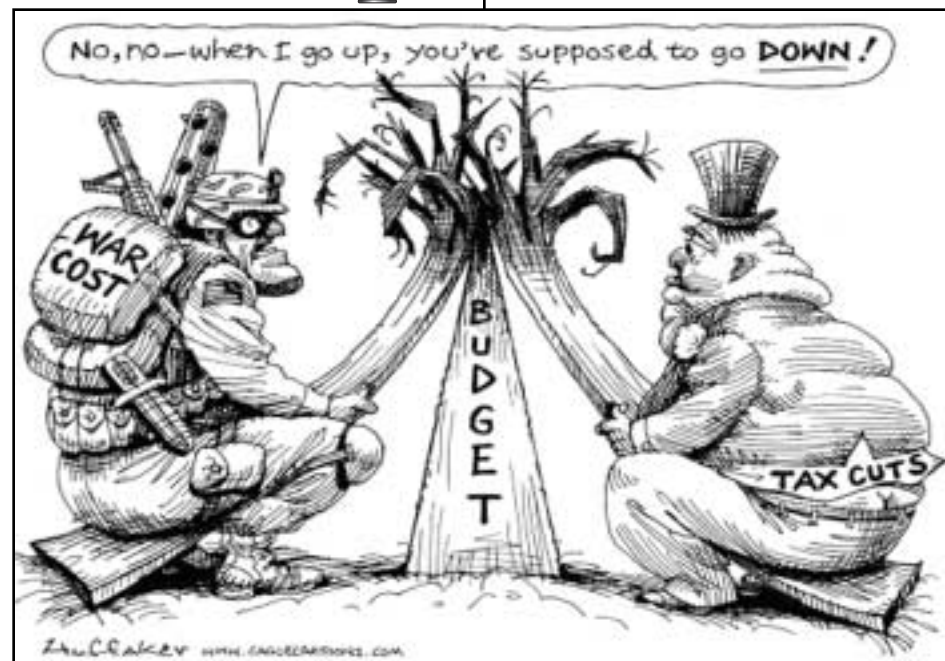
This effort is important because every day millions of Americans—many of them children—rely on food assistance programs to provide needed nourishment. A growing number of them are from working families who have to make tough decisions between shelter, medical needs, clothing and food on a daily basis.

Last year, with donations from millions of generous Americans, letter carriers delivered more than 60 million pounds of food to help those in need. Again this year, Campbell Soup Company is kicking off the drive with a donation of 1 million pounds of food. I hope the letter carriers can count on your help, too!

Campbell Soup Company and the Postal Service's Priority Mail are sponsoring special postcards being sent to nearly 100 million U.S. homes to remind postal customers about this important effort. If you have any questions about the Stamp Out Hunger! drive, just ask your letter carrier or contact your post office.

Please take a moment to make a difference on May 10 and help needy children and families in your own community. Thank you for your support!

Olympic Gold Medalist Sarah Hughes and her neighborhood letter carriers urge Americans to participate in the 11th annual Stamp Out Hunger! Food Drive on Saturday, May 10.



### In This Issue

William Mitchell Students	
Rank First! . . . . .	1
Annual Food Drive Aims to Stamp Out Hunger! . . . . .	1
Poe-etic Justice . . . . .	3
The Hijackers of 9/11 . . . . .	4
Law Review Competition is Just Around the Corner . . . . .	5
Float Away . . . . .	6
Columns	
From the Editor . . . . .	3
Needed: Committee Members . . . . .	3
Congratulations Go To . . . . .	4
Hearsay . . . . .	5
Dear Editor . . . . .	5
Dear Students . . . . .	5
The Opinion's Opinion Page . . . . .	6
Career Column . . . . .	7



# Top Designers Terrific Selection

Always at Discount Prices

### Interviews? First Impressions Count

Since 1916, Nate's has been the original Twin Cities men's discounter that still gives you the personal attention you deserve, including free alterations.

Show Your WMCL Student ID and Mention This Ad to Receive an  
**Extra 10% Off**  
Lowest Marked Price on Any Suit or Sportcoat

## NATE'S CLOTHING

27 North 4th St., Mpls., 55401  
Mpls Warehouse District  
612-333-1401

Free Parking with purchase at 4th St. or 5th St. City Garage

# Need Help Communicating? You're Not Alone.

Thankfully you don't have to worry about it. For over 90 years we have been helping doctors, attorneys and Fortune 500 companies communicate with their clients and customers.

Whether you need business cards, letterhead, a logo or website we can help you too.



## Seven Corners Printing

www.7cornersprinting.com  
651-222-8381

230 West Seventh Street  
Saint Paul, MN 55102



# Used Law Books!



### Cheapest Used Law Books In Town !

At the SBA Bookstore, a consignment bookstore run by the Student Bar Association at William Mitchell College of Law and is open to Hamline and U of M students to buy and consign their old books. We make only 20% of the price of books, definitely a good deal for students. You can consign your books ANYTIME and we're open all year round. Students often save hundreds of dollars!

**Regular Hours:**  
3-7 p.m. M,Tu,Th  
Wed.: 12-4:30  
Fri: Noon-5 p.m.

#### Credit for Books Sold

We are proud to offer in-store credit for consignees. You may now apply the proceeds from any books sold towards your next purchase and no more two months of anxious waiting.

#### T-Shirts

Only \$12 with funny attorney quotes: "The first thing we do is kill all the lawyers." -Shakespeare's Henry VI. "May your life be full of Lawyers" Albanian curse.

#### Discount Movie Passes

We have cheap movie tickets to General Cinema (\$5.50 to HarMar, Mall of America, etc.), and Mann Theaters (\$4.50 to Grandview, Highland, Eagan, Cottage Grove, Hopkins, etc.).



#### ✚ Conquistador Museum

"the nation's premier conquistador museum"—Minnesota Law & Politics

"dredge up memories of your parents' rec room or a tacky family restaurant."  
—Highland Villager

"brimming with bordello kitsch masterpieces"—Minnesota Public Radio

# SBA BOOKSTORE

USED BOOKS & CONQUISTADOR MUSEUM  
WM. MITCHELL COLLEGE OF LAW  
875 SUMMIT AVE. ST. PAUL  
Call us! (651) 290-6378

# The OPINION

William Mitchell College of Law Student Newspaper

**Editor-in-Chief: Mary Kilgus**

**Managing Editor: Sara Dady**

**Contributing Writers: Chad Collins, Shawn Bakken, Alfredo Lorente, Sara Dady, Mary Kilgus**

© 2003 The Opinion, William Mitchell College of Law Student Newspaper

The Opinion is an independent publication of the Student Bar Association of William Mitchell College of Law. The views expressed in The Opinion are those of the authors and do not reflect the views of The Opinion editor, William Mitchell College of Law, its employees or its Board of Trustees, unless otherwise noted.

The Opinion will always consider quality content submitted for publication. Interested authors may forward copy of not more than 1500 words to [theopinion@wmitchell.edu](mailto:theopinion@wmitchell.edu).

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

Please contact the Editor at [mkilgus@wmitchell.edu](mailto:mkilgus@wmitchell.edu) for specific questions or comments.

Parties interested in advertising space should contact Sara Dady at [sdady@wmitchell.edu](mailto:sdady@wmitchell.edu).

## From the Editor

Well, this has been a rock-and-roll year for *The Opinion*. As the last issue of the 2002-2003 school year, I'm going to use my editor writing time to say a few things.

**First things first:** Congratulations to all graduates of 2003. I hope you throw yourselves and your friends a big party before you settle in for the bar exam study time. You deserve a break.

**Second,** thanks to all the writer-contributors to *The Opinion* this year. I know it was hard to get articles in while trying to keep up with your schoolwork, but *The Opinion* appreciates all your hard work. We had a lot of writers, but I specifically want to thank those that always came through—Shawn Bakken, Chad Collins, Sara Dady and Alfredo Lorente.

**Third,** thanks to the SBA for supporting *The Opinion* all year, especially Jon Schindel, Lori Bower, Kelly Olmstead and the rest of the executive board. Even when times were tough, they knew *The Opinion* was a worthy endeavor.

As you know, *The Opinion* has stepped up the pace compared to recent years. We published 9 issues this school year. We had some ups and downs, but overall, it was a good year. And, we raised over \$7,000 in ad revenue, the most ever.

We are on track to be a better paper next year. Our staff has increased by 800%, due in part to

William Mitchell admitting many newspaper editors and writers into the student body. (Here's to the school!) In the past, *The Opinion* has relied on a few die-hard upper class-people and 1st years to write for the issues. Next year, the staff will be in place before school even starts and will be comprised of mostly 2nd and 3rd years, with a few 4L thrown in for diversity. Look for more school news and more topics of interest to students, as well as the fabulous opinion pieces we usually get. Don't forget, after all, that *The Opinion* is the ONLY place on campus for students to write expository pieces. If I lost you, that means students and other interested parties can write whatever they darn well please and they don't have to cite something every other line. (well, unless you're using someone else's work, of course)

So, hats off to everyone involved in *The Opinion* this year, especially our lay-out person and our printer, who supported us through it all.

And watch for 2003-2004 starting in August. The instruments are tuning and we're getting the drums out already.



## Poe-etic Justice

In case you think judges don't have a sense of humor....

**In re Robin E. LOVE, Debtor**  
**Bankruptcy No. 85-03011-BKC-AJC**  
**UNITED STATES BANKRUPTCY COURT**  
**FOR THE SOUTHERN DISTRICT OF FLORIDA**  
**June 9, 1986**

ORDER DENYING SUA SPONTE MOTION TO DISMISS UNDER 11 U.S.C. § 707(b)  
 A. JAY CRISTOL, Bankruptcy Judge.

This cause came on to be heard sua sponte upon the court's own motion to dismiss this chapter 7 petition pursuant to 11 U.S.C. § 707(b) and the court having received the inspiration for the motion from a little old ebony bird and not from any party in interest or any other person and having considered the presumption in favor of debtor provided in 11 U.S.C. § 707(b) and not deeming it appropriate to take evidence, the court finds:

Once upon a midnight dreary, while  
 I pondered weak and weary

Over many quaint and curious files  
 of chapter seven lore

While I nodded nearly napping,  
 suddenly there came a tapping

As of some one gently rapping,  
 rapping at my chamber door,

"Tis some debtor" I muttered,  
 "tapping at my chamber door--  
 Only this and nothing more."

Ah distinctly I recall, it was in the  
 early fall

And the file still was small  
 The Code provided I could use it  
 If someone tried to substantially  
 abuse it

No party asked that it be heard.  
 "Sua sponte" whispered a small  
 black bird.

The bird himself, my only maven,  
 strongly looked to be a raven.

Upon the words the bird had  
 uttered

I gazed at all the files cluttered

"Sua sponte," I recall, had no  
 meaning; none at all.

And the cluttered files sprawl,  
 drove a thought into my brain.

Eagerly I wished the morrow--  
 vainly I had sought to borrow

From BAFJA, surcease of sorrow--  
 and an order quick and plain

That this case would not remain  
 as a source of further pain.

The procedure, it seemed plain.  
 As the case grew older, I perceived  
 I must be bolder.

And must sua sponte act, to deter-  
 mine every fact,

If primarily consumer debts, are  
 faced,

Perhaps this case is wrongly placed.  
 This is a thought that I must face,  
 perhaps I should dismiss this case.

I moved sua sponte to dismiss it  
 for I knew I would not miss it

The Code said I could, I knew it.  
 But not exactly how to do it, or

*continued on page 7*

### Submissions to The Opinion

Articles for the August issue of *The Opinion*  
 are due July 15, 2003

## The Opinion

Announces its staff for 2003-2004

Editor: Mary Kilgus

Managing Editor: Carla Magnuson

Assistant Managing Editor: Christy Yang

News Editor: Lori Bower

Business Manager: Scott Kissinger

Assistant Business Manager: Jason Krause

Staff writers: Sara Dady, Chad Collins, Shawn Bakken,

Andrew Roth, Michael Tierney

## Needed: Committee Members

Do you have some free time? Want to make a difference? Volunteer to work on one of many school committees open to students. Committees include Academic Affairs, Student Affairs, Admissions and Financial Aid, Appointments, Code, Curriculum and Library, as well as Educational Facilities, Technology, Faculty Programs, College Awards and Tenure Committees. There's something for everyone, and you can make a difference for your fellow students.

There is an application process. You can pick up an application in Student Services after April 17, 2003. A description of each committee is included in the application packet.

Interested students should submit their application and resume to the SBA mailbox in Central Services (past student mailboxes). Applications and attending documents must be sent in by May 10, 2003.

Make a difference. Sit on a committee that affects students at William Mitchell and give them a voice.

# Congratulations Go To...

The Career Services Team congratulates all of the students graduating this June, and would like to send a special congratulatory message to our current and former workstudy students from the June graduating class:

- Renee Clerk**
- Ryan Dreyer**
- Stacia Driver**
- Kate Ecklund**
- Melissa Giernoth**
- Ana Gomez**
- Bissy Kremer**
- Heidi Nguyen**
- Jamie Polovitz**
- Carolyn Ramus**
- Holly Wildenborg**
- Vanessa Wood**

We would like to thank each of you for your contributions to the Career Services Office, and wish you all the best of luck in your future endeavors!

With congratulations and best wishes, Gina, Kari and Colleen  
Career Services

Congratulations on your graduation **Gretchen Randall!** You have been a fantastic president and we will miss you. Thank you for all your work.  
-SIPLA

To **Karen Andrews:**  
Congratulations, Karen! You're an inspiration to all law students!  
- Mary-Helen

## The Opinion

### CONGRATULATES

All graduating seniors 2003.

Good luck in your future lives.

Prof. Moy, Port and Schaumann congratulate the participating members of the Student Intellectual Property Law Association (SIPLA) who are graduating this Spring 2003. SIPLA students have been and continue to be active partners in William Mitchell's intellectual property law studies -- by volunteering at Public Square IP-focused events, participating in IP moot court competitions, and coordinating IP law firms' participation in various career services events. It was our pleasure to have had you in our classes. Good luck!

The Student Bar Association would like to thank **Jon Schindel**, **Renee Clerk**, **Suzanne Digney**, **Heidi DeFord**, and **Denise Rahne** for their years of service to the student body. Congratulations on graduating and good luck! We'll miss you!

To **Renee Clerk-Texan:**  
Congratulations, Renee!  
WAY TO GO! YEA!!  
- Mary-Helen

# The Hijackers of September 11

By Alfredo Lorente

Year and a half ago I might have written about the eighteen Arab men who changed America. But today, the hijackers of September 11 are an entirely different group.

The new hijackers of September 11 are all those people who are working hard, day and night, at changing America into something completely different -- a nation where dissent is seen as an act of treason and where you are either with the administration or against. A nation where the benevolent leaders know better and do not care that their duty is to represent the public -- ignoring completely that the system established by the founding fathers depends completely on not trusting the elected officials, otherwise there would be no need for checks and balances.

America has been hijacked, and while the new attacks aren't nearly as painful as the loss of close to three thousand Americans and a symbol of our economic might and clout, it is very much in tune with the goals of Al-Qaeda and the original eighteen. The land of the free is becoming more and more the land of the blind followers -- a place where the federal police can investigate you simply based on who you associate with, reading certain books can make you a suspect, and the idea of allowing our military to keep tabs on every single one of us wasn't repulsive and unthinkable from the start. At least

the third amendment is still in place!

The most disappointing aspect of this turn of events is how we the people have been manipulated. Patriotism has been hijacked -- you must wear a little flag on your lapel and blindly follow the administration, asking no questions. If you disagree, certainly you must be some kind of un-American monster. False dichotomies abound: why must those of us who believe in what America is -- freedom of religion, association, and expression; innocence until guilt is proven -- must be seen as un-American at best and traitors at worst? Believing that a war is to our detriment and that the accelerated erosion of our civil rights must be stopped does not make us un-American -- quite the contrary. I'd go as far as saying we are the true patriots, concerned for what America means and is quickly being forgotten. And how could it be that not wanting to put our troops in unwarranted danger makes us be the ones not supporting our troops?

In these times, we all must speak loudly. We all must participate to the best of our abilities in the political process. Voting alone was never enough, and now it is even less than before. It is time we write to our representatives and our newspapers. If we don't let our government know we don't want amendments four through seven ignored, we might very well lose them in order to protect us.

continued on page 5



**15% off with ad**

GARDENING • GIFTS  
ANTIQUES • COLLECTIBLES

## PLANTIQUÉ

Distinctive Annuals & Perennials  
Vintage Gardenware  
Concrete Statuary & Architectural Elements

Seasonal Gift Certificates Available



5152 Hiawatha Ave.  
Minneapolis  
(2 blks. north of VA Hospital)  
(612) 722-3155



### Only U.S. Bank gives you More Than Free Checking.

<b>Much</b>	Competitive Interest
<b>Much</b>	Free Internet Banking
<b>Much</b>	Free Check Card
<b>Much</b>	No Monthly Fees
<b>Much</b>	No Minimum Balance
<b>MORE.</b>	Five Star Service Guaranteed

**Earn interest and get more, only at U.S. Bank.**

You can check all you want -- you won't find a checking account with more. U.S. Bank offers competitive interest, free Internet Banking and a free Check Card. Plus, there are no monthly maintenance fees or minimum balance requirements. And it's all backed with our one-of-a-kind Five Star Service Guarantee. For more information, stop by your local U.S. Bank or check us out at [www.usbank.com](http://www.usbank.com).



**1071 Grand Avenue**  
**St. Paul, MN 55105**  
**651-229-6171**

www.usbank.com

\*Some low fee checking accounts per customer. All regular account opening procedures apply. \$100 minimum deposit for open checking account. No monthly maintenance fee or minimum balance requirements. Non-cashier transaction fees such as overdrafts, wire transfers and other payments may apply. Fees could reduce earnings on the account interest earned on fully collected balances of \$0.25/line/year. Fees are subject to change at the bank's discretion, and may change daily. Customer qualification required for U.S. Bank Check Card. Transaction fees may apply when used as an ATM card. Member FDIC.

## Law Review Competition is Just Around the Corner

### What is Law Review?

The Law Review is a legal journal run by law students who review and select articles for publication. Every accredited law school publishes a Law Review. The journal's leadership is composed of a 13-member Editorial Board and a Faculty Consultative Board.

### Why become involved?

Law Review provides the opportunity to collaborate with students, professors, and practitioners to produce a high-quality legal publication. Potential employers, including judges, view Law Review as a key qualification because it hones research, writing, and citation skills. Law Review long papers satisfy William Mitchell's "long paper" requirement, and all staff members receive two academic credits.

### How do I become a staff member?

Staff members are selected through either a "write-on" or "grade-on" competition. The write-on competi-

tion is open to any student with at least one year remaining of law school, regardless of class rank. A small amount of students who have completed their first year of law school will be invited to join law review based on their class rank.

### What does a staff member do?

Staff members perform "authority checks" (checking citations on documents in preparation for publication), "collateral service" hours (various tasks needed to get articles ready for publication), and write a paper of publishable quality at least 50 pages long.

### Where do I learn more?

For more information, contact Steve Aggergaard at [SAggerga@wmitchell.edu](mailto:SAggerga@wmitchell.edu). The write-on competition starts on May 14, and papers are due on June 6, at 5:00 PM. If you have not already chosen a paper category, please contact Steve to sign up.



## Dear Editor,

By Gena Berglund, 2L

As a student leader of The National Lawyers Guild I was stunned to find that someone had removed from the National Lawyers Guild Bulletin Board several flyers that I posted.

As I recall, one of the flyers was a copy of a photo of three or four Native Americans bearing arms. The caption read, "Fighting Terrorism Since 17xx."

Another flyer displayed a quote by Hermann Goering excerpted from the following longer quotation: "Why of course the people don't want war. Why should some poor slob on a farm want to risk his life in a war when the best he can get out of it is to come back to his farm in one piece? Naturally the common people don't want war neither in Russia, nor in England, nor for that matter in Germany. That is understood. But, after all, it is the leaders of the country who determine the policy and it is always a simple matter to drag the people along, whether it is a democracy, or a fascist dictatorship, or a parliament, or a communist dictatorship. Voice or no voice, the people can always be brought to the bidding of the leaders. That is easy. All you have to do is tell them they are being attacked, and denounce the peace-makers for lack of patriotism and exposing the country to danger. It works the same in any country."

This flyer-removal incident was preceded by a similar incident that occurred during the fall term. At that time I was instructed by personnel in Student Services to remove a flyer about NLG's monthly "Rebellious Bar Review" that referred to "rich white guys". I was informed that some...students complained that the flyer caused offense. After this incident a fellow NLG member (and the author of the flyer) wrote to me in an e-mail that "by exaggerating a generalization, [she] intended humor not offense ... but that she advocate[s] the use of the rule of law to protect those of us who do not have

access to [the rich white guys'] power and wealth. [She] think[s] that's what the NLG is about" and was simply trying to communicate that in a humorous way to those who might be like-minded.

Although it may be hard to hear the points of view of others, a democracy demands no less. Outside the walls of WMCL, dissent is under attack every day and as a result I wonder whether it is safe for me to dissent from my government's policies. It is clear that WMCL is a microcosm of the political tensions present in our country right now. Although the incidents I describe here are tiny compared with what has happened to other dissenters, they are my personal barometer for determining how willing others' are to withdraw civil liberties and I have to admit these incidents make me nervous and angry. Nonetheless, I won't stop posting flyers about what I think are important ideas to consider even when they are critical of U.S. foreign and domestic policy and even when they might cause offense to others' political viewpoints.

Students and others are free to agree or disagree with the positions of the NLG. They are free to express their agreement or disagreement in The Opinion, to me or others. I respectfully request that all postings be left intact so that those who might be interested in the National Lawyers Guild can get to know us better.



## The Hijackers of September 11

continued from page 4

I fear that in the name of protecting America we are becoming easier targets. It is a well known fact that the FBI had leads about the attack it did not pursue, and that a message indicating the attack was a go was not analyzed until September 12. – in other words, our failure wasn't in data gathering, but data analysis. Instead of improving our data analysis tools we are working hard at swamping our analysts with even more information to sort through. Our war on terrorism has become a war on civil liberties in the home front and a war on Iraq on the international front. And just like it is hard to explain how weakening our civil liberties helps us better fight terrorism, it is hard to explain how fighting Iraq helps us fight terrorism – in particular since the links between Saddam Hussein and Osama bin Laden are tenuous at best and inexistent at worst. Yet, asking these questions has become a sign of the existence of a seditious conspiracy. Could someone explain to me how?

Senator Mark Dayton can be reached at:

SR-346, Russell Senate Office Building  
Washington, DC 20510  
Phone: 202-224-3244  
Fax: 202-228-2186

Senator Norm Coleman can be reached at:

B3 Dirksen Senate Office Building  
Washington, D.C. 20510  
Phone: (202) 224-5641  
Fax: (202) 224-1152

To contact your Congressman, go to <http://www.house.gov/writerep/>



## Dear Students,

As the semester comes to a close, we would like you to reflect on the men and women at William Mitchell who have gone above and beyond their teaching duties - perhaps it is someone who has inspired you, encouraged you, or excited you about a particular area of the law. Please take a moment to nominate an outstanding professor (full-time OR adjunct) for the 2002-2003 school year. Send your e-mails with the teacher's name AND a brief explanation on why he/she should be the teacher of the year to [sba@wmitchell.edu](mailto:sba@wmitchell.edu). Please respond by May 21. We appreciate your nominations and encourage everyone to respond. Thank you!

Jill Sonnek  
Faculty Committee  
Student Bar Association



## Hearsay

And here I thought WM was a school for working people—ever check out the history of this school? Since its inception, this school has lit the way for working people to further their education and lives. Heck, Warren Burger worked his way through law school. So did many other graduates from William Mitchell who have made names for themselves in the legal world.

You'd never know of this mission given the class offerings after 5 p.m. for the Fall semester. Why is it, one might ask, that two new—and interesting—class offerings are given in the middle of the work day? Sure, working people might be able to make a 7:30 class and still get a full day in at work. But a class at 10:30? Smack in the middle of the day?

And why is it that classes that ARE at night are scheduled on consecutive nights, precluding the intending taker from other classes and making it impossible to schedule other classes to get all the credits they need? And why are the night classes mostly first year classes?

And, by the way, why is it that December graduations have no ceremony, when part-time students who wish to accelerate law school to 3.5 years instead of 4 years will graduate?

Could it be that the school is abandoning its time-honored tradition of providing an education to working people? Could it be that the school as its eye on making only day law school available? Is making a national name and reputation worth giving up a worthy mission? If "making legal education of the highest quality available to diverse, talented, and goal-oriented individuals," is the goal, then surely having talented, ambitious and high-achieving people who work in the community in classes at night is an essential part of the education here at William Mitchell.

Maybe someone should think more carefully about abandoning night students. This mission has already created a legacy in the Twin Cities and elsewhere. The College should keep this lamp lit.



## Voice Your Opinion!

The Opinion welcomes letters to the Editor.

Letters to the Editor may be submitted to [theopinion@wmitchell.edu](mailto:theopinion@wmitchell.edu)



## The Opinion's Opinion Page

### Corporate Ethics is a No-Brainer---isn't it?

By Sara Dady

Be reassured, fellow investors, you can now pull the wad of bills stashed under your mattress and dump it back into stocks. Renew your trust in business, at least in some Minnesota businesses, because 38 of our captains of industry have pledged to be ethical. Nothing inspires more confidence than a pledge does for something that should be done anyway. It's sort of like a surgeon promising not to be mentally car shopping while you bleed to death on the operating table.

So when I read that the Twin Cities very own Center for Ethical Business Culture has created an ethics pledge for business leaders, I was amused to say the least. According to the Pioneer Press, the pledge covers executive compensation, corporate responsibility, corporate governance and balancing short-term gain with long-term value. Intrigued, I had to know where the pledge came down on these issues- but the actual pledge was not printed in the story so I went to CEBC's website: [www.cebcglobal.org](http://www.cebcglobal.org). It's homepage provided links to the Pioneer Press story and to an Associated Press story about the Pledge- but strangely no link to the Pledge itself.

I did learn that CEBC is dedicated, among other things, to helping business leaders understand the "critical importance of business ethics". I browsed through lists of its board of directors, academic partners, global alliances, leadership team- all very impressive credentials and names from the Carlson School at U of M to current and retired CEO's, PhD's and even a few J.D's. The CEBC's wealth of academic scholars and top business leaders devoted to its mission is staggering. As I scrolled through the prides and joys of Minnesota indus-

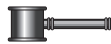
try, I also came across the various products and services that CEBC offers.

There is a whole range of seminars and workshops designed to saturate businesses with ethics. My favorite is a workshop designed to help managers teach their front line workers (read- the lowest paid employees who have the most customer contact) to make ethical decisions. Last time I checked the business section, it wasn't cubicle dwellers that were playing the hide-the-losses-and-inflate-the-profits shell game. I mean, these are the people who are subject to but have the least power over creating the corporate policies. They have the unhappy lot of being micromanaged, harangued by performance plans and the first to lose bonuses.

I can just picture a manager telling a roomful of these employees "Honesty is more important than money." I promise you after a full day of being told to be honest by upper management; the employees would happily rush into the arms of a union organizer.

As I continued my cursory tour of CEBC's website, the Pledge continued to elude me. I thought I struck gold when I saw the ETHICS tab on the cite index. Where else would this Pledge exist? Finally, I would view this code that hints at the dawning of a new age in corporate integrity, accountability, and stability. So I clicked on ETHICS. And found: "This site is currently under construction. Please check back at a later date. Thank you."

The only thing better than promising to do something that you should already be doing is making sure that no one knows exactly what you promised



## Float Away

By Alfredo Lorente

Midori's Floating World Café  
3011 27th Ave. S  
612-721-3011  
<http://floatingworldcafe.com/>

Most of us wouldn't think of "nice and quiet" as a way to describe our meals. If it isn't a quick bite on the go it is a loud dinner - at home with the kids and the TV or at some two-bit restaurant where its garishness is the main attraction and all the food comes out of their industrial-size fry-lator. Sometimes we just have to leave all that hurry and noise behind. For those times, there is Midori's Floating World Café.

Midori's Floating World Café is the place to go for peace, quiet, and good sushi. Just off of East Lake Street on 27th Avenue South, in Minneapolis, entering the restaurant is entering a different world. The service is impeccable, always with a smile and making you feel welcome - far above what is acceptable or even expected.

The food is also far above what is expected from that particular intersection. Fish shipments arrive three

times a week from Chicago, and the chef, Ben Todoroki, works his artistry right before your eyes. Mr. Todoroki was the head chef at Kikugawa and has 36 years of experience. It shows. On a slow night, Mr. Todoroki illustrated what experience, imagination, artistry, and sharp knives can create. Apples and oranges were transformed into beautiful and edible spring-themed sculptures, and you would not believe that inside every carrot there are butterflies trying to escape. Yet, I saw with my very own eyes how Mr. Todoroki set them free.

The sushi selection tends toward the more conservative, but given the restaurant isn't in the middle of downtown Minneapolis, that shouldn't come as a surprise. All the classics are there - tuna, salmon, shrimp, eel and the rest. There are weekly surprises too - like the fabulous lobster roll that was creamy and spicy but didn't overpower the lobster - and one unexpected menu entry likely unique to Midori's Floating World Café: Spam. (Yes, the canned meat product.)

"We were originally going to be a tea shop with a Japanese/Asian deli,"

*continued on page 7*

### State Run Churches?

By Chad Collins

Recently the United States Supreme Court handed down a decision that held that school vouchers redeemed at religious schools was not a violation of the Establishment Clause as long as the money was not directly given to the school and the choice to attend was a private decision on the part of the parents.

As should be expected, Justices Souter and Stevens filed their normal dissents to any relationship between the government and religion and Justices Rehnquist and Thomas took issue with their brothers. The proper relationship between the government and religion has been a topic of much debate among the four justices and the majority has gone back and forth.

While it is clear that the First Amendment prevents the government from establishing a religion, it should now be clearer that it also does not prevent the government and religion from having a neutral relationship. It is this fact that Justices Souter and Stevens refuse to acknowledge. Luckily, the conservative side of the court persuaded the middle to allow religion to exist in our society while at the same times living within the requirements of the Constitution.

This decision will finally arm the children of our society with a realistic chance at gaining an education that will enable their success in life. Vouchers will now be a real tool at the disposal of school districts and state legislatures. These organizations have been in drastic need of help for some time now. A look at the Cleveland school district illustrates the problem.

Only one in ten ninth graders could pass a basic skills exam in Cleveland and the district failed to meet ANY of the state standards for minimal performance. In addition 75% of all high school students failed or dropped out before graduation. Vouchers were regarded as real options to turn the state of education around in Cleveland. Fortunately, now vouchers will have an opportunity to prove their value to education.

I hope the statistics from Cleveland scare you because it is time we understand that to continue to pump money into school districts with as many administrative positions as teachers, makes no sense. We need get the priorities of local school districts back on the children rather than their own pocketbooks. Our teachers are already under paid and under appreciated and to continue to expand the administration at the expense of teacher salaries is a mistake.

Schools vouchers will cause all school districts to sit up and listen. They will be forced to pay the teachers, not the administration. They will finally be held accountable for their failure. If the school district does not have enough students, it will close schools.

The only real concern I have with vouchers is the need to avoid an unfair hardship being placed on some students. It will be important to

protect these children who might not have the financial resources to attend schools outside their immediate area. It will be important that vouchers have in place a provision to ensure any travel burden placed on the student is minimized.

As far as vouchers and the Establishment Clause, this decision will hopefully pave the way for the future. This future will be one in which the government and religion are capable of peaceful co-existence. The Establishment Clause does not remove religion from the public; it only provides guidelines for its interaction. When the founding fathers wrote the Bill of Rights, it was to only apply to the federal government. They wanted to ensure that the federal government would not tyrannize their religious worship. They had reserved the choice whether the state establishes a state run church to the state and its citizens. That right provided the states ability to have state- run and supported churches. That practice withered away over time because the citizens of the state chose a different direction, but they still had the choice to return.

Many years after the 14th Amendment was passed, someone had the creative idea that the doctrine of incorporation would apply to the First Amendment's Establishment Clause. They decided to challenge laws in the same manner that affirmative rights including free exercise, due process, and equal protection were challenged. Unfortunately, it worked and the courts sanctioned the application. With that they stomped all over the founding fathers real intention. It is a practice that our profession and the courts have all too often allowed. It is my hope that the Zelman decision signals reform in the court back to the founding fathers vision.

The Free Exercise Clause will be the next topic to be challenged. The issue will be, now that the court has clearly articulated that school vouchers redeemed at a religious school is not a violation, is a school voucher scheme that does not allow redemption at a religious school a violation of the Free Exercise Clause.

The debate will be heightened to the level that normally accompanies issues of church and state. Jefferson's Wall of Separation between church and state will again be measured. I hope it will be found to be much lower than history has shown.



The Opinion  
loves Opinions  
Everybody has one...  
Let's Hear it!

# CAREER COLUMN APRIL 2003

By Kari Jensen Thomas

## The Skills That Law Students Need!

As you are probably aware, today's legal marketplace is as competitive as ever. As the class of 2003 prepares to enter into the practice of law and many students venture into clerkships this summer, we thought it would be good to provide you with information on some of the skills you will need. In the March 2003 NALP Bulletin, a summary of the skills that today's law students need to be bringing with them to law school and future legal employers in order to survive and thrive in the changing legal marketplace was published. Here are the skills that were identified:

### Business Acumen

Too often law students fail to comprehend the business model

under which law firms operate. With such terms as client development, billable hours and partnership track, the language of law as a business often falls on deaf ears. Law firms will need to become even more savvy as they navigate the uncharted waters of an increasingly global marketplace, and this requires business-minded attorneys.

### Language and cultural awareness

As the marketplace becomes more international, law students need to add language skills and knowledge of overseas business practices to their toolkits. The law student who naively claims, "I want to practice international law," must also master the accompanying communication skills that global practice requires.

### Oral and written communication skills

Law students with informal vocabularies need to make sure they project a professional demeanor while on the job, especially when they interact with clients. "Like" and "you know" are fine in everyday conversation, just not sprinkled throughout oral arguments! And they should treat all written work as a final product; career counselors, law school professors, and attorneys are not personal editors.

### Networking

Whether considered a skill or an art, schmoozing is absolutely critical to becoming a successful attorney. And, as we all know, it's usually a key component to any successful job search as well. For client development purposes, it's not only important to create networks but also to maintain them. Regardless of whether networking can be taught,

it's something that law students desperately need to practice and refine.

### Technology

Today's generation of law students came of age in an era of widespread technology where email and cell phones are the norm, not the exception. They need to understand, however, the appropriate use of these tools – especially in the context of a professional work environment. Making online travel arrangements during class, recording funny or unintelligible voicemail messages, taking phone calls during OCI interviews, and instant messaging your colleagues at work are indicative of poor judgment currently exercised by some law students and new associates.



# Career Services Calendar of Events

Month	Date	Title	Time	Place
April	4/2	Getting Connected: Career Resources for Multicultural Students	12:00 p.m. - 1:30 p.m.	Kelley Boardroom
	4/2	Meet the Bar Law Student Reception	6:30 p.m.	TBA
	4/4	Dean's Round Table #12 Featured Speaker: Paul Hoedeman ('84) the Home Depot, Atlanta, GA	7:45 a.m.	Kelley Boardroom Sign up in the Anex
	4/9	Dean's Round Table #13 Featured Speaker: Daniel B. O'Leary ('76) Mansur & O'Leary P.A.	5:15 p.m.	Kelley Boardroom Sign up in the Anex
	4/10	Fall OCI & Judicial Clerkship Preview	5:30 p.m.	Kelley Boardroom Sign up in the Anex
	May	5/2 - 5/13	M & M MADNESS!! Stop by our office for a treat during final exams. Good luck on finals and have a great winter break!	During regular office hours (not on weekends!)

## Float Away

*continued from page 6*

said John Flomer, co-owner (with Midori Mori-Flomer) of the cafe. "One of our deli items to represent Hawaii was the Spam sushi. We retained the Spam sushi since there is a connection between Hawaii, Spam, and Minnesota ... It is not a gimmick in Hawaii – they're serious. We are presenting it more as a bit of fun – not a gimmick."

So how is the Wild Hawaiian roll? Spam, pineapple, egg, and cream cheese is not your traditional combination. The mix of flavors was unique – sweet, soft, and squishy. Like myself, you'll likely approach it with some trepidation, wondering how anybody could come up with such a concept. Yet, if you have a sweet tooth, you'll be pleasantly surprised. For most people this roll would be an acquired taste. For the rest of us, the Wild Hawaiian roll is the badge that identifies us as willing to try something different and unique.

And speaking of different and unique, tea is something else that separates Midori's Floating World Café

from other sushi restaurants in the Twin Cities. As Mr. Flomer mentioned, the original idea was to open a tea shop. The tea selection is extensive, with over 30 different tea varieties as well as more than a half-dozen specialty tea beverages – including their original creations: Midori's China and Africa Cloud Teas. Plans for the restaurant include a private room to perform the traditional Japanese tea ceremony but the completion date is still unclear. In the meantime, you can enjoy your tea at your table, or order a cup of Melitta-style coffee, lovingly brewed just when you order it and just for you. Beer and wine is forthcoming, perhaps as early as the end of the month.

There is much to explore in this Floating World. The full restaurant has promise, the service makes you feel like a part of the family, and the peace and quiet (like the sushi) is extraordinary. Treat yourself. Next time you need to relax after a long day at school, spend some time in a different world.



## Poe-etic Justice

*continued from page 3*

perhaps some day I'd rue it.

I leaped up and struck my gavel.  
For the mystery to unravel  
Could I? Should I? Sua sponte,  
grant my motion to dismiss?

While it seemed the thing to do,  
suddenly I thought of this.

Looking, looking towards the future and to what there was to see  
If my motion, it was granted and  
an appeal came to be,

Who would be the appellee? Surely,  
it would not be me.

Who would file, but pray tell me, a  
learned brief for the appellee

The District Judge would not do so

At least this much I do know.  
Tell me raven, how to go.  
As I with the ruling wrestled  
In the statute I saw nestled  
A presumption with a flavor clearly  
in the debtor's favor.

No evidence had I taken  
Sua sponte appeared foresaken.  
Now my motion caused me terror  
A dismissal would be error.

Upon consideration of § 707(b), in  
anguish, loud I cried

The court's sua sponte motion to  
dismiss under § 707(b) is denied.

61 B.R. 558 (S.D. Fla. 1986)

Bankr. L. Rep. (CCH) P71,201

14 Bankr. Ct. Dec. (CRR) 582



# Summer 2002 Bar Exam Pass Rate:

**WILLIAM  
MITCHELL**

**95%**

**Students Supplementing  
With PMBR (103 of 109 Passed!)**

***Increase Your MBE Score...  
Increase Your Odds Of Passing!***



***pmb*br**  
MULTISTATE SPECIALIST

A Membership benefit of the



We Simply Have The  
Best Multistate Questions

**NATIONWIDE TOLL FREE: (800) 523-0777 • [www.pmbr.com](http://www.pmbr.com)**