

The OPINION

William Mitchell College of Law Student Newspaper

Minnesota's Only Law School Student Newspaper

January 2003

25-Year-Old Law Has Ripple Effect On Environment

(NAPSI)-A law on the books for 25 years is having a nice ripple effect on our environment. Since The Surface Mining Control and Reclamation Act was passed in 1977, mine operators now reclaim the land as they go, returning and replanting land that was previously dug up.

Reclamation leaves mined land as good as, if not better than it was before the mining process began. Under the Law, mine operators must have a permit before developing a

ties, including hiking, camping, fishing and boating.

- Ecosystem Restoration-Cleaning up watersheds allows an opportunity for native plants and animals to once again inhabit their natural environments.

- Community Involvement-By combining citizen, private and government resources, everyone can help ensure that cleanup efforts bring about tangible benefits to local residents and the environment.



surface or an underground coal mine. Moreover, the Law prohibits mining within national parks, forests, wildlife refuges, recreation areas, and within a restricted distance of occupied dwellings and public areas.

The 1977 Surface Mining Control and Reclamation Act also authorized the cleanup of problems from past mining. The problem ran from Pennsylvania west to Oklahoma, and south to Alabama.

Existing funding sources are being identified, and new sources are being developed. These include combinations of local, state and federal government agencies, plus private matching funds and in-kind services for cleanup projects. Thus far, the major benefits of coordinated cleanup are:

- Environmental Cleanup-Acid mine drainage negatively impacts people's lives and the vitality of the local economy. The benefits of cleaning up the rivers and streams can be clearly observed and coordinated success produces significant long-term benefits.

- Local Economies-Cleaning up acid mine drainage promotes economic development and recreational activi-

For more information about the the Surface Mining Law, visit www.osmre.gov.

The environment is thriving under the 25-year-old mining law that leaves land and streams as good as, if not better than before the mining process began.



No Entiendo

By Alfredo Lorente

Recientemente, el Richmond Times Dispatch publicó un artículo describiendo como el banco Wachovia le ofrece a inmigrantes ilegales mejicanos la oportunidad de abrir cuentas bancarias, establecer historias de credito, y reducir el riesgo de ser victimizados.

Was that first paragraph offensive? I ask because on November 24, Jerry Finch, the Richmond Times Dispatch ombudsman, wrote about the furious reaction of a good number of readers had to an article published in the paper. The Times Dispatch printed a story about how Wachovia Bank allows illegal Mexican immigrants to open bank accounts and establish credit histories, thus reducing their chances of being victimized. The story ran on the front page and continued on inside. In the same page where the story concluded appeared a shorter version, written in Spanish.

According to Mr. Finch, many Virginians called and wrote to the paper. Most complained about the bank offering services to illegal aliens. Some even took issue with publishing the shorter Spanish-language story. The most vociferous critic suggested replacing the Statue of Liberty's inscription ("Keep, ancient lands, your storied pomp!" cries she / With silent lips. 'Give me your tired, your poor, / Your huddled masses yearning to breathe free, / The wretched refuse of your teeming shore. / Send these, the homeless, tempest-tost to me; / I lift my lamp beside the golden door!") with a simpler message: "Go home!"

Later on, in a follow-up story, The Times Dispatch reported that Wachovia is not the only bank that provides banking services to illegal immigrants. According to the paper, more than 80 financial institutions accept "matrícula consular" ID cards - cards issued by the Mexican embassy to Mexican citizens residing - legally or not - in the US.

The claim that publishing this story or allowing banks to do business with illegal immigrants encourages more "indocumentados" seems hardly credible. I don't believe that those who have decided to enter the country illegally will change their mind and return to their homelands if banks stop allowing them to open accounts. An argument can be made about why would any institution do business with a law-breaker, but the other option is allowing human beings to be more easily victimized and allowing some other institution to make

money on these clients. And furthermore, should we now have private institutions policing immigration laws? What's next? Should we have groceries stores watching for terrorists? (Actually, this has already happened. The Village Voice reported it on its July 24 - 30 issue, archived on the web at <http://villagevoice.com/issues/0230/baard.php>.)

But let's ignore for a moment how financial institutions should operate. Let's focus on how immigrants, illegal or not, have been completely dehumanized. It is true that illegal aliens are breaking the law. Does that mean they deserve no protection? Are we willing to say they can be victimized? Should we deny them medical care? Should we exempt them from police protection?

Some of this is a question of being a "bleeding heart liberal" (known in other circles as "concerned citizen"). I don't think people should take advantage of others - be they aliens, elderly, illiterate, or even well-to-do people who are misled by CEOs, CFOs, corporate bankers, and auditors. That violation of trust breaks down even further our societal bonds. But this is also a question of "enlightened self-interest." Simple medical problems that can be dealt with inexpensive preventive medicine can quickly become expensive medical problems. People afraid of the police still yearn for justice, and if it can't be adjudicated by the courts, other methods will make themselves apparent. The

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“You Have To Be Insane Not To Take PMBR...”

January 12, 2000

Dear Law School Graduates,

PMBR is an absolute must! My state review course was good for the essays, but I didn't rely on them for the Multistate. I found the PMBR questions to be much more difficult and very representative of the actual questions on the MBE.

I was worried about the MBE because I had experienced problems with standardized tests in the past. That's why I enrolled in both the PMBR 6-Day and 3-Day courses in order to maximize my performance on the MBE.

Thanks to PMBR I received a scaled score of 175 on the MBE and only missed 32 questions. Hands down, PMBR has the best materials for MBE preparation. I have told all of my friends that they would be insane not to take PMBR. I highly recommend it to everyone who wants to get an “Edge” on the Bar Exam!

Sincerely
Dave Risk
William Mitchell College of Law

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The OPINION

William Mitchell College of Law Student Newspaper

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

Parties interested in advertising space should contact Sara Dady at sdady@wmitchell.edu.

From the Editor

Welcome back, everyone. Here we go again. (Ok, well, some of us haven't stopped.) But, here's to everyone, back at Willy's again, to partake in a legal regimen that makes you crazy.

First years, you have your first finals behind you and are looking at the process of having, oh, at least 5 more chances at doing finals. Good news, huh?

Graduating seniors, you have a scant 5 months and you're outta here. Time to panic!

Everybody else, it's time to slough through another semester of notes, meetings, Socratic head banging, and generally darn good fun.

Oh? Did I say meetings? Oh yeah, here we go again trying to keep our student groups together and doing something productive during a time in our lives where there just aren't enough hours in the day.

My hat is off, if I wore one, to all those tired leaders trying to keep the flame going. I know it's hard. Believe me, I know.

Some say this school is simply a commuter school, one in which the students couldn't care less about school activities. They drive their car from the hinterland, go to class, park their butts in a chair in the library for a few hours, and drive back to the hinterland, as if they are doing time.

When I'm outside, in the legal community, lawyers will fondly recall (ok, not everyone---some are still traumatized.) law school hockey games and intramural sporting events. One lawyer proudly told me he was the "business manager" for The Opinion. Another told me they had a blast helping out at Street Law and tutoring high school students.

So, I don't think it's true about us all being disconnected. In fact, I was in a courtroom a couple weeks ago where the judge, the clerk, the defense attorney and the prosecutor

were all William Mitchell graduates. We were all tickled that William Mitchell had such a grand showing that day. When everyone but the legal community left the courtroom, all the graduates sat around for 20 minutes talking about this school and how great it was. It was obvious to me that William Mitchell lived on, even after graduation.

Work, work, work makes Jackie a dull girl. Find something to do. Go to Green Acre. Join a group, do some street law....something. That's what you'll remember about law school, not the long hours in the library.

By the way, The Opinion will feature Valentine messages in the February issue. Watch for the table in Hachey and send messages to loved/liked ones. February can be a dull month around here. It's way to brighten it up.

Good luck this semester, and have some fun.



The Opinion Submission Dates

Submission for the spring quarter issues are:

February Issue	1/15
March Issue	2/12
April Issue	3/12
May Issue	4/16

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

To anonymous letter writer:

The Opinion does not publish unsigned letters to the editor where there is possible defamatory content. Please contact us if you would like to talk further. Your anonymity is assured. Call 290-6462, or email theopinion@wmitchell.edu or drop us a line in the Opinion mailbox with meeting time suggestions.

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FAIRLY TRADED HANDICRAFTS FROM AROUND THE WORLD

The 9/11 Excuse



Identity Crisis... What to Do If Your Identity is Stolen

"I don't remember opening that credit card account. And I certainly didn't buy those items I'm being billed for."

Maybe you never opened that account, but someone else did...someone who used your name and personal information to commit fraud. When an imposter co-opts your name, your Social Security number (SSN), your credit card number, or some other piece of your personal information for their use - in short, when someone appropriates your personal information without your knowledge - it's a crime, pure and simple.

The biggest problem? You may not know your identity's been stolen until you notice that something's amiss: you may get bills for a credit card account you never opened, your credit report may include debts you never knew you had, a billing cycle may pass without your receiving a statement, or you may see charges on your bills that you didn't sign for, didn't authorize, and don't know anything about.

First Things First

If someone has stolen your identity, the Federal Trade Commission (FTC) recommends that you take three actions immediately.

First, contact the fraud departments of each of the three major credit bureaus. Tell them to flag your file with a fraud alert including a statement that creditors should get your permission before opening any new accounts in your name.

At the same time, ask the credit bureaus for copies of your credit reports. Credit bureaus must give you a free copy of your report if it is inaccurate because of fraud. Review your reports carefully to make sure no additional fraudulent accounts have been opened in your name or unauthorized changes made to your existing accounts. In a few months, order new copies of your reports to verify your corrections and changes, and to make sure no new fraudulent activity has occurred.

Order credit report

- Equifax**
800-685-1111 • 800-525-6285
- Experian**
888-EXPERIAN (397-3742)
- Trans Union**
800-916-8800

Report fraud Web site

- www.equifax.com
- www.experian.com
- www.tuc.com

Second, contact the creditors for any accounts that have been tampered with or opened fraudulently. Ask to speak with someone in the security or fraud department, and follow up in writing. Following up with a letter is one of the procedures spelled out in the Fair Credit Billing Act for resolving errors on credit billing statements, including charges that you have not made.

Third, file a report with your local police or the police in the community

where the identity theft took place. Keep a copy in case your creditors need proof of the crime.

Next, Take Control

Although identity thieves can wreak havoc on your personal finances, there are some things you can do to take control of the situation. Here's how to handle some of the most common forms of identity theft.

If an identity thief has stolen your mail for access to new credit cards, bank and credit card statements, pre-approved credit offers and tax information or falsified change-of-address forms, (s)he has committed a crime. Report it to your local postal inspector.

If you discover that an identity thief has changed the billing address on an existing credit card account, close the account. When you open a new account, ask that a password be used before any inquiries or changes can be made on the account. Avoid using easily available information like your mother's maiden name, your birth date, the last four digits of your SSN or your phone number, or a series of consecutive numbers. Avoid the same information and numbers when you create a Personal Identification Number (PIN).

If you have reason to believe that an identity thief has accessed your bank accounts, checking account or ATM card, close the accounts immediately. When you open new accounts, insist on password-only access. If your checks have been stolen or misused, stop payment. If your ATM card has been lost, stolen or otherwise compromised, cancel the card and get another with a new PIN.

If an identity thief has established new phone or wireless service in your name and is making unauthorized calls that appear to come from - and are billed to - your cellular phone, or is using your calling card and PIN, contact your service provider immediately to cancel the account and calling card. Get new accounts and new PINs.

If it appears that someone is using your SSN when applying for a job, get in touch with the Social Security Administration (SSA) to verify the accuracy of your reported earnings and that your name is reported correctly. Call (800) 772-1213 to check your Social Security Statement.

In addition, the SSA may issue you a new SSN at your request if, after trying to resolve the problems brought on by identity theft, you continue to experience problems. Consider this option carefully. A new SSN may not resolve your identity theft problems, and may actually create new problems. For example, a new SSN does not necessarily ensure a new credit record because credit bureaus may combine the credit records from your old SSN with those from your new SSN. Even when the old credit information is not associated with your new SSN, the absence of any credit history under your new SSN may make it more difficult for you to get credit. And finally, there's no guarantee that a new SSN would-

n't also be misused by an identity thief.

If you suspect that your name or SSN is being used by an identity thief to get a driver's license, report it to your Department of Motor Vehicles. Also, if your state uses your SSN as your driver's license number, ask to substitute another number.

Stay Alert

Taking the steps outlined here should, in most cases, resolve your identity theft problems, but identity theft or related credit problems may reoccur. Stay alert to new instances of identity theft. Notify the company or creditor that's involved immediately. Follow up in writing.

Order a copy of your credit report from the three credit bureaus every year to check on their accuracy and whether they include only those debts and loans you've incurred. This could be very important if you're considering a major purchase, such as a house or a car. A credit bureau may charge you up to \$9.00 for a copy of your report.

Complaint Clearinghouse

If you've been a victim of identity theft, file a complaint with the FTC by contacting the FTC's Identity Theft Hotline by telephone: toll-free 1-877-IDTHEFT (438-4338); TDD: 202-326-2502; by mail: Identity Theft Clearinghouse Federal Trade Commission 600 Pennsylvania Avenue, NW Washington, DC 20580; or online: www.consumer.gov/idtheft. Ask for a copy of ID Theft: When Bad Things Happen to Your Good Name, a free comprehensive consumer guide to help you guard against and recover from identity theft.

For More Information

The FTC works for the consumer to prevent fraudulent, deceptive and unfair business practices in the marketplace and to provide information to help consumers spot, stop and avoid them. To file a complaint or to get free information on consumer issues, visit www.ftc.gov or call toll-free, 1-877-FTC-HELP (1-877-382-4357); TTY: 1-866-653-4261. The FTC enters Internet, telemarketing, identity theft and other fraud-related complaints into Consumer Sentinel, a secure, online database available to hundreds of civil and criminal law enforcement agencies in the U.S. and abroad.

No Entiendo

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alternative to the rule of law has never been as civilized.

Ultimately, these people are members of the community. Every community has members who break the laws - from jay-walkers to violent criminals. Most immigrants come to the U.S. with dreams of a better life, for them and their families. The managing editor of the Times Dispatch described the Spanish article as a public service to help people open bank accounts and avoid being targeted by criminals. Given the severity of the illegal aliens crime, it seems a lot of misplaced anger is floating around in Richmond, Virginia. Are we to believe that there are no unsolved murders, all burglars have been apprehended, and there are no other criminals loose in Virginia? Or are we to believe all crimes are committed by illegal aliens?

Should illegal aliens be deported if caught? That is the law; that is what must be done. If we do not agree with the law, there are telephones, faxes, e-mail, and mailboxes we can use to lobby our elected representatives. But to make a fellow human being an easy target for abuse seems to me most un-American.

¹ Recently, the Richmond Times Dispatch published an article on how Wachovia Bank was offering illegal Mexican immigrants the chance to open bank accounts, establish credit histories, and reduce their risk of being victimized.



Putting a Lid on Deceptive Spam

When Joe Mastruserio of Cincinnati got fed up with “spam” email containing unsavory offers he did not want – like adult entertainment and pyramid schemes – he clicked on the “remove me” or “unsubscribe” links in the text of the email messages. Much to his dismay, those links often led nowhere. So Mastruserio did what more than 200,000 consumers did last year: He complained to the Federal Trade Commission (FTC).

In response to complaints like Mastruserio’s, the FTC investigated and found that the allegations were true. In April, the FTC warned 77 online marketers to discontinue their bogus “unsubscribe” links or face possible legal action.

The warnings represent the FTC’s latest effort to crack down on deceptive spam. In the past four years, the FTC has brought more than 30 law enforcement actions against marketers who used spam to promote get-rich-quick scams and other misleading schemes.

For many consumers, any kind of spam is annoying and time-consuming. But deceptive spam is especially troublesome because it can cheat consumers out of their money, undermine consumer confidence in online commerce and harm legitimate Internet marketers.

There are steps consumers can take to help reduce the amount of spam they get – from keeping their email address more private to reporting spam problems to the FTC.

“Con artists have seized on email’s capacity to reach millions of consumers quickly and cheaply,” says Eileen Harrington, Associate Director for the FTC’s Division of Marketing Practices. “It’s time to wrest this tool from rip-off artists.”

A Study of Spam

The technical term for spam is “unsolicited commercial email” (UCE) – that is, email messages sent in bulk without prior request or consent.

Not all spam is fraudulent. However, spam is frequently used by scam artists because it is low cost and allows them to hide their identities, says Eric Wenger, an attorney in the FTC’s Division of Marketing Practices. “Fighting deception is often an effective way to fight spam,” he says.

Spammers obtain email addresses by buying lists from brokers who have “harvested” addresses from Internet newsgroup postings, chat rooms, websites, and online services’ membership directories. The spammers then use special software to send hundreds of thousands – even millions – of email messages with just one click of the mouse.

Exactly how much spam they send is unknown. But it is increasing. The FTC receives about 40,000 pieces a day in a special mailbox it set up in 1998. Three years ago, the mailbox received about 4,000 a day.

“Spam is a big problem, whether it’s deceptive or not,” Harrington says. “Consumers complain about it, and Internet Service Providers say it burdens them. To many, it’s the bane of cyberspace.”

Enforcement Action

The FTC has taken several steps to curb deceptive spam. It maintains

and monitors its spam database to identify emerging trends and developments. The database already has served as the basis for FTC cases involving pyramid schemes, money-making chain letters, credit card scams, credit repair scams, bogus weightloss plans, and fraudulent business opportunities that were promoted via email.

The FTC also has helped train 1,700 law enforcement agents throughout the U.S. and Canada on investigating deceptive spam and other Internet fraud. As an outgrowth of that training, the FTC is helping create regional “netforces” – groups of local, state and federal agencies that work together to fight deceptive spam and other Internet fraud. One group – the Northwest Netforce, comprised of eight state law enforcement agencies, four Canadian agencies and the FTC – announced in April the results of 63 Internet-related law enforcement actions and the issuing of more than 500 warning letters to spammers for promoting illegal chain letter schemes.

In addition, the FTC, along with other U.S. and Canadian law enforcement agencies, investigated complaints from consumers about spammers who failed to honor their offers to remove consumers’ names from future email solicitations. Consumers indicated that they were unable to follow through on messages that said “click here to unsubscribe” or “reply for removal.”

When investigators tested several of the questionable links, they found that the removal hyperlinks often did not function.

As a result, the FTC sent warning letters to 77 marketers and will continue to monitor “remove me” offers to ensure that they do what they say they will.

Consumer Action

The FTC’s advice to consumers who want to reduce the amount of spam they get is:

- Avoid displaying your email address in public spaces, including newsgroup postings or chat rooms, on websites, or in an online service’s membership directory.

- Check a website’s privacy policy before submitting your email address. Make sure the website doesn’t plan to sell your address. If possible, “opt out” of any such plans.

- Read and understand website forms before you transmit personal information. If possible, select the “opt-out” choice if the website plans to share your information.

- Create two email addresses – one for personal messages and the other for public use, such as in newsgroups or chat rooms. Or, consider a disposable email address service; it creates a separate email address that forwards your email to your permanent address. If the disposable address begins to receive spam, you can shut it off without affecting the permanent address.

- Create a unique email address. Spammers often use “dictionary attacks” to sort through possible name combinations at large Internet Service Providers (ISPs) or email services to find valid addresses. So a

common name, like “jdoe,” may get more spam than a unique name, like “jd51x02oe.”

- Use an email filter. Some email accounts provide a tool to filter out potential spam or channel it to a bulk email folder. You may want to ask whether this option is available when choosing an ISP.

- Report the spam to the ISP – yours and the sender’s. Often the email address is “*abuse@[your ISP’s name].com*” or *postmaster@[your ISP’s name].com*. The ISP may be able to stop further spam.

- Report the problem to the FTC. Send the actual spam item to *uce@ftc.gov*. Be sure to include the full email header so that your complaint can be followed up. If your complaint has to do with “remove me” or “unsubscribe” offers not working, complete and submit the FTC’s complaint form at *www.ftc.gov*.

For more on spam and how to avoid it, visit *www.ftc.gov/spam*.

Says the FTC’s Harrington, “If each of us takes steps to can unwanted spam, collectively, we can do it.”

The FTC works for the consumer to prevent fraudulent, deceptive and unfair business practices in the marketplace and to provide information to help consumers spot, stop and avoid them. To file a complaint or to get free information on consumer issues, visit *www.ftc.gov* or call toll-free, 1-877-FTC-HELP

(1-877-382-4357). The FTC enters Internet, telemarketing, identity theft and other fraud-related complaints into Consumer Sentinel, a secure, online database available to hundreds of civil and criminal law enforcement agencies in the U.S. and abroad.



Hearsay

A real hearsay story! We were in court the other day (in an official capacity, of course) and the prosecutor was a new lawyer with a big-time firm, whose big-time firm had sent her to work for the public trial courts to get some trial experience.

The case was a “*failure to yield to a traffic signal*” case. The defendant was pro se. It was alleged that the defendant had driven through a red light, striking the victim’s car, as it turned left. The victim and his girlfriend, a passenger in said car at the time of the incident, were present to testify for the prosecution. The police officers who responded to the scene were there to testify for the prosecution.

Of course, the defendant heatedly denied the charge, stating the officers gave him a ticket because he was a kid and they could take advantage of him.

The victim righteously gave his testimony as to the extreme speed and disregard of the defendant, who plowed into him even though his light was green. The passenger testified to the color of the green light as they turned. The first police officer testified what he saw when he arrived at the accident, which by that time had moved to a nearby parking lot. It was established that the officer spoke to an independent witness that day. The conversation went like this:

Prosecutor: “Officer, what did the independent witness tell you about the accident?”

Our brain: “Hearsay!”

Judge: “Counsel, do you have an independent witness here today who will testify?”

Prosecutor: “No, your honor—they didn’t come to court today.”

Judge: “Well, I’m going to have to say that’s hearsay. The officer can’t testify as to what someone said if they aren’t here to be cross-examined.”

Obviously, the attorney did not go to William Mitchell and take advantage of our WRAP and Evidence classes.



Professorship 101

By Michael Salchert

My experience at William Mitchell is that only a small number of professors consider the styles of students' personality when teaching. Generally professors tend to teach based on their own personality style, or some hybrid based on a traditional Socratic method. By teaching with an understanding of student personality styles, professors may more effectively convey legal meanings to students. This enables students with differing learning styles to integrate the subject matter into their understanding in a way more comfortable to them.

On the other hand, making it easier for law students is contrary to the spirit of law school. The idea of shaping teaching methods to accommodate the diversity of their students' learning styles seems too soft for the serious nature of learning how to think about the law. The overriding theme of law school is to prepare students for the adversity of being a lawyer by making law school hell. For this reason professors should resist incorporating personality driven learning styles in the classroom.

Whatever your view, here is a list of various personality types:

Extravert

This is the student who likes to answer questions in class but rarely has an accurate response. Understand that this is just a learning style, and maybe make a disclaimer at the beginning of class to avoid the other students becoming confused.

Introvert

This is the student who generally has a good understanding of most concepts, but would pay double tuition to avoid speaking in class. You'll find introverts in the dark corners of the library plotting every contingency and concept. Professors love these students.

Sensing

These students crave definition in their studies. This student has the law school outline masterpiece. Every limit is explored until exhausted. If you went to this student's home, the food in the refrigerator is organized by category. They can come up with a receipt from a purchase of gum two years ago. Avoid these students, they'll sap you energy.

Intuitive

These are the students who want to find the ball whether you are hiding it or not. They need a bone to chew on, so give them one. But remember to keep giving out the bones because their attention span is about a minute and a half.

Thinking

These students do best with equations. Equations are clear and indisputable. They appreciate objective goals. They link clean concepts to organize subject matter. They tend to notice when something is unfair. Ambiguity and uncertainty are repugnant to them. What are they doing in law school?

Feeling

These students prefer suggestions

rather than teaching. They need harmony in order to learn. Holding hands during class may help them take suggestions from their professors more meaningfully. If harmony isn't possible, have the students take a cleansing breath before class. However, rational thought is not natural for this student, so it's an uphill battle.

Judging

These students leap before they look. Decisive and organized, they are effective in life. However, the effect might not be the one desired. Patience is trait unfamiliar to them. Although engaging, they are usually more confused than you think. Handouts work well for these students because their notes are too contaminated with opinion to be accurate.

Perceptive

These are the students gathering the data. They love to accumulate more and more information on a subject. Approaching topics from an infinite number of angles. They tend to gather more than they need before analysis, and are reluctant to stop gathering to do an analysis. This student should be subject to document inspection on a regular basis to purge superfluous data. They won't like it, but it's for their own good.

Extroverts are not introverts; sensors are not intuitive; thinkers are not feelers; and judges are not preceptors. A more complex definition of personalities is possible by categorizing people as an amalgamation of these four choices. For example, an extrovert-intuitive-thinker-judger is distinctly different from an introvert-sensor-feeler-preceptor, but only marginally different from an extrovert-intuitive-feeler-judger. There are 16 possible combinations of these characterizing personality styles. Some of the more prevalent styles that are found in law school are:

The Field Marshall

(Extroverted-intuitive-thinking-judging)

Decisive and insensitive, this personality type is overbearing but clueless as to how it affects others. Law students with this kind of style make excellent leaders but leave a trail of used friendships in their career wake. Everything is cool if you agree with them, but diverging from their agenda or standing in their way is intolerable to them. Eventually, when they get out of school, they will aspire to some executive position so others can routinely kiss up to their inflated egos. Sadly, sometimes they become elected officials, or worse, faculty.

The Thinker

(Introverted-intuitive-thinking-perceptive)

This student has all the scholarship money because he/she overachieved in the LSAT. Actually enjoyed the LSAT and probably at one time thought about getting a job developing LSAT problems. They don't talk much, but a lot is going on in their head. They strive to approach problems logically and methodically. They have fun taking exams, and receive the best grades. Lacking empathetic skills, they generally avoid letting

others know what they're thinking. This is unfortunate because the rest of us would benefit from their understanding. Future clients should ask for all advice in writing because the thinker doesn't know how to empathetically relay the information verbally.

The Inspector

(Introverted-sensing-thinking-judging)

This student wonders why anyone would not follow traditions. They are the duty fulfillers. Their lives are organized by rules. Ambiguity is uncomfortable to them. These students do well in statutory classes. The rules are more likely to be clear, and are preceded by definitions of terms that give them a real warm feeling inside. When they were young they cried because they colored outside of the lines. In law school, they struggle with exceptions. Exceptions involve too many variables and disrupt the black and white world that they prefer. Thinking out of the box is impossibility, so they should avoid solo practice because of its unpredictability.

The Supervisor

(Extroverted-sensing-thinking-judging)

This student is like the inspector except they tell you when your coloring outside of the lines. These students are confident and aggressive. They are intolerant of others who deviate from their idea of what is right. They like to take charge to prevent others from violating their idea of what is right. These students let everyone know their opinion for two reasons. One, so everyone knows what to do, and two, so everyone knows that they know what to do. Critical and heartless, don't go to them for sympathy. Their need to live in reality and by defined standards hinders their ability to understand other's perspectives. This blind spot isolates them. You generally will find them arguing with you after class because no one else wants to be subjected to their cold criticism.

An analysis of law student's personality styles can put you a leg up in your legal teaching. Understanding someone else's personality style empowers you to customize your interaction with them in a way to arrive at your preferred outcome. Law school can teach students how to think, but when acting as a professor, the ability to read a student's character and personality may be the single most important factor in your effectiveness as a professor.



Down South, and Singin'



By Shawn Bakken

Welcome back to wintertime, everyone! I'm your host, Shawn Bakken, and I'd like to reintroduce you to the season of sledding, snowball fights and subzero temperatures that can create student-sicles on the sidewalk. Thank God I drive to school.

Sometimes it's also a season for stern disapproval from those of us who are still around here in the Twin Cities (hopefully not because their shoes have iced over and stuck to the ground). Some students head south to warmer climes, basking in 70 degrees outside while enjoying sand, surf, sunburn and strange looks from the locals. After all, it's seriously cold outside, isn't it?

Answer: No. Consider this story: Many years ago in a state far, far away (a.k.a., Florida), my siblings and I joined our parents on a safari to socialize with an old schoolmate of hers. During our stay, my brothers (no sisters) went for a swim in the sea. Okay, it was the Atlantic Ocean, but there was still salt soaking through our suits in there.

Meanwhile, that schoolmate saw us little squirts splashing each other while she sat on the sandy beach, shivering while bundled up in a snow coat and scarf. When reflecting back on the scene, it's a struggle to avoid smiling.

The reason I brought up the subject of sailing southward is because I'll be one of the escapees—for seven days, I'll be enjoying the weather down in Atlanta, Georgia. While people up here are staring at the TV and focusing on sports like the NFL, the NBA and the NHL, I'll be outside in shorts and a t-shirt playing beach volleyball.

I know what you're thinking. "If they're wearing several layers of clothes and thick socks and still shivering, how could they strip down to their skivvies for serving and smashing the ball into the sand?" Answer: I haven't the slightest idea. All I know is that it'll spot me a much-needed advantage I'll need to survive.

Unlike sports such as golf that give sissies like me a substantial handicap, I'm stuck with the sorry skills God set inside me while I sweat it out. Standing in the sun and staring straight ahead can only do so much. Even if I've studied the subject of beach volleyball until my eyes are ready to squirt from their sockets, I have to start playing before I can reach superior standards that I've set for myself.

First, stop at a beach somewhere. Second, draw a square in the sand. Third, split the square in half and use two sturdy supports to suspend a string net across, making sure to keep each side the same size. Separate your group into two

continued on page 9



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Controversial Law Threatens Voucher Programs

(NAPSI)-Whether you are for or against school vouchers, this article may help clear up many of the myths and misconceptions surrounding the issue.

A June 2002 decision by the U.S. Supreme Court ruled school vouchers to be constitutional-but the legality of school vouchers is still being tested.

School choice opponents in Florida recently sued the state and its governor, Jeb Bush. They won their case, arguing that vouchers are in violation

of the so-called "Blaine Amendments" - a group of laws considered by many to be biased and antiquated.

The amendments date back to the 1860s and '70s when then Speaker of the House, James G. Blaine, is said to have used them to preserve Protestant influence against Catholic immigrants to the U.S. The original Blaine Amendment was aimed at changing the U.S. Constitution to prohibit aid to religious institutions. Opponents of the amendment say it's an old and prejudiced law that

provides a legal loophole used by those wishing to slow education reform.

While Blaine failed on the federal level, 36 states-including Florida, adopted look-alike amendments to their own constitutions.

School choice supporters point out the U.S. Supreme Court wrote the Blaine Amendments "should be buried now" and were written at a time of extreme prejudice against the Catholic Church. They say the Florida decision was based on an irrelevant and unjust law.

Perhaps equally important, opponents of the ruling say playing the "Blaine game" has been detrimental to the educational system in Florida-and is dangerous to the country as a whole. A study recently summarized in *The School Choice Advocate* seems to confirm their position.

The study, called *An Evaluation of the Florida A-Plus Accountability and School Choice Program*, was written by Jay Greene, PhD, Senior Fellow for the Manhattan Institute for Policy Research. It found that all schools-public and private-performed better on standardized tests while the voucher system was being used. According to the study, "the [voucher] program appears to be providing schools with the incentives to use their resources effectively and improve the quality of education at failing schools."

Should the Florida voucher ruling reach the U.S. Supreme Court, recent cases indicate it has little chance of standing, and the vouchers will most likely be reinstated. Until that

happens, however, school choice proponents say the "Blaine game" could cost thousands of children the chance of a quality education.

More information about this issue is available by visiting the Milton and Rose D. Friedman Foundation Web site at www.friedmanfoundation.org.

A study found one state's public and private schools improved when a voucher system was in place.



Whither the Foam Conquistador?

By Eric Dregni

Spurred by the Broadway smash "Man of La Mancha," industrious entrepreneurs cashed in on the craze mass-producing foam conquistador bas-reliefs to the delight of refined consumers across America. Just hop in that Spanish-conquistador-named car and the quixotic search for adventure amidst suburban sprawl was a mere redecoration away. Cervantes had hit prime time, and all things Spanish were the rage.

Black velvet matadors stabbing mighty toros, brass plates embossed with graceful galleons, and foam busts of merciless conquistadors were swept off store shelves by greedy connoisseurs. Never mind the gruesome deeds of Cortez severing the neck of gullible Montezuma, but be entertained by the impaled bull bleeding in the ring. This is the smell of gold and danger all in the safety of your den.

El Dorado: a dream realized...

To recreate this gilded era of 1960s American design, El Dorado's curators insist on authenticity. The mind-numbing minimalism of sterile whitewashed art galleries stocked with painful Swedish furniture don't do justice to these mock masterpieces. The largest collection of simulated conquistador art demanded a venue extraordinary, nay, a basement dungeon sans the rays of our sun that so tortures fine art. At last, a worthy site! The search for El Dorado was realized in 1992: a musty cellar of an ex-Catholic girl's school

once inhabited by strict nuns-sisters who share so much of their religious zeal with that of the Spanish Inquisition. The punishing severity of these women of the cloth was no match for the boundless avarice of aspiring attorneys who founded a law school on this holy site to produce still more of their ilk. These lawyers, modern-day conquistadors in search of El Dorado, have welcomed their like-minded ancestors into their home. After all, is not Johnny Cochran just Hernando DeSoto in a three-piece suit? Couldn't Ken Starr be a present-day Ponce de León in search of glory and woe be unto any primitive souls who bar his way?

The Conquistador: a lawyer's mascot...

The founders of William Mitchell College of Law wisely chose the conquistador as their mascot to

represent their eternal search for El Dorado: the City of Gold. The impossible dream of unlimited booty awaits only the most diligent barrister. There is no second place in this quest for coinage; losers are doomed to Justice's sword (procured in a Tijuana pawn shop). At El Dorado Conquistador Museum every attempt has been made to recreate the unsanitary conditions of a 1970's rec room as well as the Middle Ages when the Black Plague ran rampant. The carpet has been carefully stained; comfortable plush lounge chairs are seldom vacuumed and moldy cheetos and nacho cheese doritos have been studiously placed under the cushions. In an attempt at state-of-the-art, interactive, multi-sensory displays, a toilet's flushing can be heard nearby the Galleon Gallery to simulate the battering waves on the bow of a Spanish ship in search of plunder. Studiously located in a used law

bookstore with authentic-looking textbooks, El Dorado features realistic law students to peruse the tomes to add a touch of credibility to the "bookstore." The matadors will wave their red cloaks on black velvet; the galleons will still shine from their brass plates; and the man in the golden helmet will continue to horde his haul. After all, this is El Dorado, the mythical city of gold. This is paradise, found at last.



El Dorado Conquistador Grand Re-opening

Friday January 31st at 6 p.m.
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"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

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Space Policy Doesn't Suit Women



By LeEarl A. Bryant, P.E.

(NAPSI)-Yvonne Brill, a member of the National Academy of Engineering (NAE) and an acclaimed rocket-development engineer, has a new mission: keep our women astronauts in space. Ms. Brill, who previously served on NASA's Aerospace Safety Advisory Panel, is driven by NASA's decision to suspend development of a small-sized space suit. The smaller suit would benefit 20 percent of the astronaut corps-including smaller stature men, according to a report obtained by Science magazine.

The decision comes at a time when only one woman astronaut is scheduled to participate in space station projects between 2002-2005. The new suits would make it easier for some women to perform the complex maneuvers required to work in space and on the space station.

The hard upper torso portion of current space suits comes in three sizes: medium, large and extra large. They fit about 90 percent of all men, but only 60 percent of women, Science reported. The smaller suit would accommodate at least seven women in the current astronaut corps and might have been more comfortable and maneuverable for more than a dozen others, according to the Discovery Channel's Discovery News.

Because current suits are not as good a fit, they put some women at a disadvantage in qualifying tests. In order to fly, astronauts must demonstrate their maneuverability in Houston's Johnson Space Center Neutral Buoyancy Lab. The hard

upper torso makes it difficult for some women to manage, giving them a lower score in vying for coveted slots on space flights.

Should the American public be concerned about this issue? I believe the answer is absolutely yes. Without a proper suit for working in the space station environment, information on how women adapt to the new frontier will be diminished, our young women will lose valuable role models, and a major step will be taken toward closing space to half of our population.

NASA says its decision to suspend the \$16 million program is because of budget pressures. If you think this is poor policy, contact your congressional representatives. Small size does not equal small contributions.

LeEarl Bryant is the first woman president of IEEE-USA, the U.S. career and public-policy arm of The Institute of Electrical and Electronics Engineers. You can reach her at president@ieeusa.org.



Voice Your Opinion!

The Opinion welcomes letters to the Editor.

Letters to the Editor may be submitted to theopinion@wmitchell.edu

Providence, Rhode Island: Fabulous Weekend Getaway Deals

(NAPSI)-Shopping, skating, dining, or relaxing in front of a cozy fire: It's all part of a fun-filled weekend getaway to the charming New England city of Providence, Rhode Island—a mini-vacation that won't bust your travel budget.

Providence is the second-largest city in New England, a vibrant destination for the arts, history, family fun and world-class dining. Now, you can see all that Providence has to offer, for less, thanks to the value-added Fall/Winter Getaway Package offered by the Providence Warwick Convention and Visitors Bureau. Available from now through March 31, 2003, the package includes:

- One or two nights hotel accommodations, breakfast for two at the hotel, four attractions vouchers, a coupon book worth \$300 in savings at Providence Place Mall, 15 percent discount at select restaurants, two RIPTA trolley passes for public transportation and a complimentary welcome gift of a Providence souvenir coffee mug and Rhode Island-made biscotti.

- A wide range of hotels, restaurants, shops and attractions; create your own daily itinerary. Choose from 16 hotels, inns and B&Bs, with prices starting at \$102 plus tax for one night. Also choose from ten attrac-

tions: Go ice skating at the Fleet Skating Center, a charming outdoor rink in downtown Providence, then warm up with a tour through the renowned Museum of Art at the Rhode Island School of Design. Settle in for a family dinner at the wacky Fire & Ice restaurant, or savor a romantic evening of French cuisine at Pot Au Feu.

The Rhode Island capital is easy to reach. By car, Providence is located along Interstate 95, just a one-hour drive south of Boston. By air, Providence's newly renovated T.F. Green Airport offers some of the lowest average fares nationwide. By train, Providence is located along Amtrak's Northeast Corridor with high-speed Acela service available.

Visitors should book the package through their hotel of choice and refer to the Providence Warwick Convention and Visitors Bureau's Fall/Winter Package for available vouchers when making the reservation. For hotel rates and more information, visit www.GoProvidence.com; or call 800-233-1636.

Providence: a vibrant destination for the arts, history, family fun and world-class dining.



Down South, and Singin'

continued from page 6

sections (by skill or stamina), then have them step onto their subjective sides of the court. Now it's time to sizzle.

Everyone squats down as the server sends the ball soaring across the string. Someone standing on the other side squeezes his or her (wouldn't want to be sexist) hands together to stop the ball from hitting the sand and letting the opposition score. It sails up as a teammate steps underneath to set the ball upwards; a final person squatting in front of the string springs up and spikes the ball.

Others could similarly spring up and stuff him or her (sexism sucks), keeping the ball on the same side. If they can't stop it, the spiker slams the ball into the sand to score. Sweeeet. (The sport is especially fun if you smack the snot out of some simpleton who's sniveling about the score because his teammates stink.) So, the sport of beach volleyball seems surprisingly simple.

Sadly, if I got put into the square, that'd be asking to get screwed. I'd try to play strong, smacking and slapping and setting and spiking and even swearing at the other side. If I got stuck squinting into the sun with sweat seeping from my scalp and no sleeves to swab it off, though, I'd suffer some serious humiliation. I'd probably even lose my status as a stud muffin. (I can already see some of you reading this paper and smiling....) Then again, I might surprise myself.

Since I've been acclimated to snow and slippery sidewalks back home, the temperature could sink below 60 degrees and I'd sigh in satisfaction and contentment. It could also scare the opposition away, sending them shivering back to their Saturns or Sierras, spraying sand as they sped off into the sunset. So how could I play a sport like beach volleyball by serving the ball to the other side without someone to send it back?

Answer: I don't have a solution. Squeezing under the string net and skipping back and forth to play

by myself sounds rather silly, especially since I could slip and scratch, scrape, sprain, strain, sever or squash something seriously painful. Without someone to be my salvation, I'd be left squirming around on the sand as the sun burned me sunny-side up.

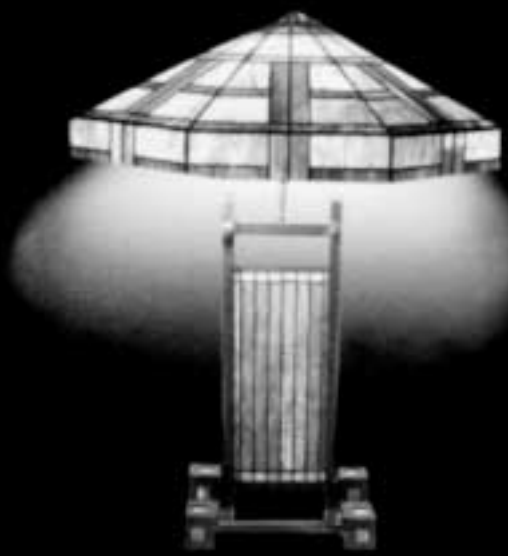
Perhaps my savior would be a supermodel or Susan Sarandon. She'd see me, start, then shoot towards me until she slammed into that sturdy volleyball standard, similar to a collision I suffered in grade school. I smacked into one, sending my spectacles soaring skyward. Blood seeped from my forehead, but it stopped before I got sent to the hospital. Afterwards, all I had to show off for my suffering was a small scar that took eleven stitches to seal. Sad story, huh?

So why does this article have such a strong emphasis on a specific sound? (If you're struggling to see what it is, I'm so sorry.) Am I trying to slip some swear words past the editorial staff? Answer: No. This is just a reminder that spring and summer will be here soon enough. Sparrows will start singing; some will don suntan lotion, swimsuits and sandals; squirrels will resume squatting in the street, forcing cars to swerve onto the sidewalk to avoid making a squished squirrel soufflé.

But suppose our surroundings don't cooperate. What if we see more snowflakes falling from the sky? Answer: Try turning on all the TVs in the Twin Cities to watch teams tough it out in sports tournaments. Mother Nature might take the hint and tip the thermometer towards warmer temperatures. Or maybe some of you will sneak onto a plane heading southbound and join me, standing outside wearing shorts and shades, soaking in the sun while it's smiling down. Maybe I'll see you there. Assuming my eyes haven't squirted from their sockets yet.



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CAREER COLUMN JANUARY 2003

What's hot? Who cares!

By Gina Sauer, Assistant Dean for Career Services

Students often come into the Career Services office and ask us what areas of practice are "hot" right now – because that's the type of job they want. I always hesitate to answer because the Career Services team feels strongly that this particular job search strategy is backwards. Instead of wondering where the "hot" jobs are, and then convincing yourself that is the type of job you want, you should first figure out what type of job you want, and then figure out where to find that job.

Part of the problem with basing your career goals on what areas of law are most popular at the time is that it could all change tomorrow -- or certainly by the time you graduate. The legal market is dynamic, just like the larger job market. Law responds to changes in society, the political structure, and the economy. Bankruptcy law, for example, is hot during tough economic times, but dries up quickly during a stronger economy. Intellectual property law generally continues to be strong, but tell that to the many in-house IP attorneys who were out of a job when

the dot.coms went bust. Anti-trust law is one area that is particularly susceptible to the whims of whatever political party happens to be in power, and whether the current laws favor or disfavor corporate giants. In short, the advice we give you about what's hot when you're a 1L will most likely be moot by the time you don your stylish cap and gown and head up to the podium to get your diploma.

The biggest reason, however, for not basing your career choice on the legal equivalent of the flavor of the month is that it completely disregards your own unique talents, goals and preferences. Make no mistake. There are vast differences between the various areas of law in terms of the issues you will work on, the clients you will work for, and even how many hours you will work. Someone much wiser than I once said, "Follow your bliss and the money will follow." That advice is equally true in your legal job search. Figure out what you are good at and what you enjoy, then figure out what areas of law correspond to those skills

and passions, and finally, identify where those jobs are. If you are doing what you truly love and are good at, you will, in time, be successful.

Of course, the "follow your bliss" axiom sometimes needs to be tempered with a dose of reality. For example, if you are committed to pursuing a career in communications law, you need to know that it is primarily – though not exclusively – practiced in a few key areas of the country such as Washington, D.C. So it might require relocating, at least short term. If you decide that environmental law is your one true calling, and you happen to be job-hunting during a "cooler" time for environmental lawyers, you may have to start out in a related field such as real property. In cases like that, where you find yourself settling for your second choice, just make sure that it is positioned to serve as a stepping stone to the job you really want – look for an area of practice that is related somehow, where you can learn some of the same basic skills you will need, and where you'll

be exposed to issues that overlap with the area of law you're ultimately aiming for.

Sound overwhelming? It's really not. It's just a matter of being honest with yourself about why you came to law school in the first place. What do YOU want out of it? The Career Services team has a lot of experience guiding students through these sometimes confusing decisions, so please come in and see us! Just don't ask us what's hot.



Career Services Calendar of Events

Month	Date	Title	Time	Place
January	1/15	Dean's Round Table #6	5:15 p.m.	Kelley Boardroom
	1/16	Quad School Public Interest Employer's Reception	5:30 p.m. - 7:30 p.m.	Hamline Law School Room 106
	1/21 - 1/24	Sign Up For 1L Mock Interviews Begins	8:30 a.m. - 7:30 p.m.	Career Services Office
	1/22	MJF 2003 Summer Clerkship Program Applications Due		MJF Office
	1/28	Dean's Round Table #7	12 noon	Kelley Boardroom
	1/28	Interviewing Workshop	4:30 p.m. - 5:30 p.m.	Kelley Boardroom
	1/28	1L Mock Interviews	5:30 p.m. - 8:00 p.m.	2nd Floor Interview Rooms
	1/29	"The Other Half" (a program to dispel the myths about graduating in the bottom half of your class)	6:30 p.m.	Auditorium
	February	2/12	Dean's Round Table #8	5:15 p.m.
2/19		Career Carnival	4:30 p.m. - 7:30 p.m.	Auditorium
2/27		Dean's Round Table #9	7:45 a.m.	Kelley Boardroom
March	3/10 - 4/4	1L Career Appts		Career Services
	3/11	Dean's Round Table #10	12 noon	Kelley Boardroom
	3/19	Careers for Multicultural Students	12 noon	Kelley Boardroom
	3/27	Dean's Round Table #11	7:45 a.m.	Kelley Boardroom
April	4/4	Dean's Round Table #12	7:45 a.m.	Kelley Boardroom
	4/9	Dean's Round Table #13	5:15 p.m.	Kelley Boardroom
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 Summer break!	During Regular Office Hours (NOT on weekends!)	Career Services Office



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