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Fortieth Anniversary Tribute

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FORTIETH ANNIVERSARY TRIBUTE

Random Thoughts About the Creation of the *William Mitchell Law Review*

Doug Heidenreich[†]

The early 1970s were almost the exact antithesis of today's situation. Today, as the tide of law-school applicants ebbs rapidly away, leaving a wide stretch of damp, empty sand, deans and admissions officers search for ways to make law school more appealing as, with friendly smiles and promises of financial aid, they beckon potential students over that slowly drying sand. But back in the "good old days" of the 1970s, we in the legal education enterprise were seeing an unprecedented surge of interest in law school among recent college graduates and among women who had decided that waiting at home for the children to come back at the end of the day at school was not the highest and best use of their talents. This tide of applicants rose rapidly and, as it rolled in, William Mitchell College of Law was there to accommodate it.

Some of these potential students, like the mothers of school-aged children, found that attending a night law school would enable them to prepare for a rewarding profession while they continued to meet their family and other personal obligations. William Mitchell, a three-hundred-student night law program, provided that opportunity for them. Other young college graduates would have liked to continue in law school in a traditional three-year day program, but they soon found that their satisfactory college records and solid LSAT scores were not enough to get them admitted to the only such program in the State of Minnesota—the overcrowded law school of the University of Minnesota. They too found the only other game in town—William Mitchell—to be attractive under the circumstances.

What does this have to do with the *William Mitchell Law Review*, you might ask. Well, let me tell you: There was no law review at

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William Mitchell in those early days of the 1970s; indeed, there never had been such a publication. The traditional Mitchell student—almost always a male, almost always a couple of years (often more than a couple of years) out of undergraduate school, often a military veteran, almost always employed full time, usually married—had little time for the research and writing that participation in a law review would require.

As within a few years the William Mitchell College of Law population increased nearly fourfold and began to stress the seams of the building at 2100 Summit Avenue, the previously tiny cadre of full-time faculty members became inadequate. We needed more faculty members. Of course, the adjunct faculty—the practicing lawyers and judges who were a blessing to me as dean of the institution—continued to teach as before, but American Bar Association requirements and good practice required that we have a better full-time-faculty-to-student ratio. So I began to hire more full-time faculty members.

A likely candidate presented himself in the form of Mike Steenson, who was fresh off a clerkship with Judge Miles Lord of the United States District Court for the District of Minnesota. Mike had been active on the law review at the University of Iowa and had distinguished himself as Judge Lord's clerk. He wanted to teach, and we had a spot for him. Soon after his arrival, he began to talk about the possibility of creating a law review here at William Mitchell. I was apprehensive, as I was when Professor Roger Haydock, another young professor, proposed that we start a clinical program (and we all know how that worked out).

Mike had talked to a number of interested students who would be able to commit to the time necessary to produce an excellent publication. Though skeptical, I put things in his hands, hoping that his confidence was well founded. Mike assured me that this new publication would be useful to the practicing lawyer, that it would be of high quality, and that it would become a permanent feature of which we could all be proud. He chose an excellent student, Marcy Wallace, to be the first editor-in-chief of the publication. Working with a dedicated group of associate editors, she set a standard to which all future editors could aspire. We found some work space for the newly formed staff and the rest, as they say, is history.

For forty years, Mike Steenson has guided the editors and writers of the *William Mitchell Law Review*. The publication has

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indeed become a permanent feature of William Mitchell—a publication of which we can all be proud—thanks to Mike and the students who, over these years, have worked so hard to maintain its quality and usefulness. As dean during the inception of the publication, I made plenty of mistakes, but one thing that I did right was to stand aside and let Mike, Marcy, and the rest of that first staff establish and nurture the *William Mitchell Law Review*.

The *William Mitchell Law Review* Celebrates Its Fortieth Year

Trish Furlong[†]

Now celebrating its fortieth year, the *William Mitchell Law Review* first appeared in 1974, seventy-four years after William Mitchell College of Law began offering classes. Despite some controversy over its establishment, a handful of brave law students—most of whom worked full-time jobs during the day and attended classes in the evening—volunteered to make the *William Mitchell Law Review* a reality.¹ The stories from the first volumes' staffs about the birth of the *Law Review* and the "technical problems" they faced astound me.² But those legendary tales belong to the pioneers of the *William Mitchell Law Review*. I cannot speak about the seemingly insurmountable task of beginning a law review from scratch or the great pains the small staff took to publish the *Law Review* using typewriters and whiteout. Rather, as I sit down with the honor of writing a few words for this tribute to the *Law Review* and recall my time as editor-in-chief for Volume 37, the account I provide is one that benefits from the efforts of the preceding thirty-six volumes and modern technology.³ Of course, Volume 37 faced its own hiccups along the road to publication. Rather than dwell on those ultimately minor setbacks, I take this

[†] Trish Furlong served as editor-in-chief for Volume 37 of the *William Mitchell Law Review* (2010–11). She went on to clerk for a fellow *William Mitchell Law Review* alum, the Honorable Steven E. Rau, and is now an associate at Robins, Kaplan, Miller & Ciresi.

1. See Michael K. Steenson, *A Thirtieth Anniversary Tribute to the William Mitchell Law Review*, 30 WM. MITCHELL L. REV. 1465, 1466 (2004) (explaining that Volume 1, Issue 1 of the *Law Review* contained six student notes and no lead articles because "if the law review failed, at least no lead article authors would be disappointed and the failure would be little noticed.").

2. See generally Marcy S. Wallace, *A Celebration of Twenty-Five Years of the William Mitchell Law Review: The Beginning*, 25 WM. MITCHELL L. REV. 1187 (1999) (describing the history of the *Law Review* and the challenges the Volume 1's staff faced).

3. For the twenty-fifth anniversary of the *William Mitchell Law Review*, Marcy Wallace, the first editor-in-chief, wrote that she would "never know if starting the law review would have been easier with today's technology" and doubted it would have been because the "difficulties were not in the mechanics." Wallace, *supra* note 2, at 1192. I believe Marcy is correct about the role of technology in starting a law review. Though I was relieved on more than one occasion to be able to pull out my laptop at home to log into Westlaw or correspond with the publisher via email.

opportunity to reflect on the reason that year stands out as one of the best: the people with whom I worked.

Volume 37's masthead lists eighty-five students. The volume had a thirteen-member board and a seventy-two-person staff composed of some of the brightest and most ambitious people on campus. In addition to their studies, every member of the board and most of the staff had a job that demanded their time.⁴ Every member of the *Law Review* had classes, exams, and a life off campus that required their attention. Nevertheless, students labored over their write-on competition petition during the first week of summer and voluntarily assumed the responsibilities of participating on the *Law Review*.

From the beginning, the editorial board acknowledged that the staff's participation in *Law Review* only added to the chronic stress that burdens all law students. We knew that to survive the year successfully, we needed to rely on and support one another. To build that sense of camaraderie among the staff, we encouraged all members of the *Law Review* to spend time in the office. Early on, we lured caffeine-dependent students in with coffee, soda, pizza, and candy. By the end of the year, the candy was long gone, but it was difficult to find an open seat in the office. Frequently, the room buzzed with editors and staffers discussing the unique issues presented by an author or an article. It also served as a place for *Law Review* members to unwind and exchange stories from the weekend, study for class, or share tips for exam preparation. We welcomed spouses, partners, and children to stop in for visits and food. On a few especially late nights, even my golden retriever, Gatsby, lumbered around the office, serving as an unofficial mascot.

I believe the culture of Volume 37 is best described as dedicated, hardworking, and armed with a positive outlook. I am particularly grateful for the staff's reaction to a major administrative change. Prior to Volume 37, staff completed all of the work on a voluntary basis.⁵ Our board determined that policy was unnecessarily cumbersome and set out to establish a new procedure based on the assignment of work. The board and I spent

4. Coordinating the schedules of thirteen busy law students to schedule regular board meetings proved nearly impossible. More often than not, we met at 9:30 p.m. on Tuesdays, as it was the only reasonable hour everyone was available.

5. Shocking and upsetting information to subsequent volumes' staff members, I am sure.

several hours sitting around a table hashing out the benefits and challenges of this new procedure, establishing the mechanics, and anticipating and attempting to solve problems related to its implication. Naturally, there were growing pains. The board and I did the only thing we could: crafted judicious solutions and moved on with publication. The staff took this all in stride and continued producing quality work.⁶

This anniversary represents an extraordinary milestone for the *William Mitchell Law Review*. Forty years after it began as an experiment,⁷ the *Law Review* serves as a forum for the expression of ideas from leading professors, judges, and practitioners, and as a training ground for students. Participation in the *William Mitchell Law Review* contributed indelibly to my education, as well as the education of hundreds of lawyers in the Twin Cities and elsewhere. The long-standing reputation of the *Law Review* and the accomplishments of its alumni demonstrate that each volume's staff was composed of the same guild of impressive students as Volume 37. The *William Mitchell Law Review* would not be possible without the dedication of every member of every volume. And so, to all you *William Mitchell Law Review* alumni, happy anniversary.

6. Consistent with the nature of law reviews and similar organizations, subsequent volumes improved on that initial structure. As I understand it, the assignment process runs like a well-oiled machine nowadays. Hats off to volumes 38, 39, and 40—I expect that is thanks to your efforts.

7. Steenson, *supra* note 1, at 1466 (referring to the creation of the *Law Review* as an experiment).

The *William Mitchell Law Review* at 40Mike Steenson[†]

The first issue of the *William Mitchell Law Review* was published in 1974. If the *Law Review* hadn't been started in 1974, it would have been started eventually because of student demand. It was a unique venture in 1974 because it was published by part-time law students, all of whom carried twelve credits and worked either full- or part-time. Their stamina and energy was amazing as they worked out of a small office in a reclaimed storage room next to the law school furnace room at 2100 Summit Avenue. The office furniture was used. The *Law Review* had a single electric typewriter. The *Law Review* was printed by Northwest Brief Printing. Galleys were followed by page proofs. Mistakes were expensive to correct.

Don Gjerdingen, in his editor's note to the second edition, captured the pride the students had in their work:

In private and too often in public, talk is made that those who learn their law after dark somehow learn less and that their knowledge must be discounted by the hour at which it is learned. Resumes often are defeated by a single item alone with the word "practical" becoming an acceptable code word for an unacceptable standard which exists more in the mind than in practice. But if there is still life in the lightning syllogism of Holmes that "the life of the law has not been logic: it has been experience," then I have no reservations about the method. . . .

. . . "[T]he business of a law school is not sufficiently described when you merely say that it is to teach the law, or to make lawyers. It is to teach law in the grand manner, and to make great lawyers."⁸

Don concluded by saying that "This is what has been done here; this is what is being done here; and this is what will continue to be done here, all after dark. Good night."⁹

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8. Editor's Note, 2 WM. MITCHELL L. REV., at x, xi (1976) (footnote omitted) (third alteration in original).

9. *Id.*

Forty years later the *Law Review* is thriving. Part-time students still play a significant role in the publication of the *Law Review*, but the *Law Review* has evolved as we hoped it would. The structure is sound and the students who comprise the staffs and editorial boards consistently amaze me with their hard work and dedication. Each volume is built on the foundation of its predecessors, dating back to 1974.

The editorial boards and staffs have had a significant impact on the law school, and the *Law Review* has had a significant impact on the hundreds and hundreds of students who have had the benefit of the law review experience. I see constant reminders of that. The alumni/ae whose names appear in the *Law Review's* mastheads are accomplished judges and lawyers. I see them all the time in various settings. The law school takes collective pride in seeing their accomplishments, of course, but the law school also owes them a debt of gratitude for all they have done for the law school. The *Law Review*, particularly in the early years, gave a sense of legitimacy to the law school and opened doors for students that might have otherwise remained closed, or at least harder to crack. Now, the *Law Review* is solidly institutionalized. It has an excellent reputation. It is heavily cited and used.

The fortieth anniversary is an appropriate time to thank all of you who have contributed to the success of the *William Mitchell Law Review*. For me, it really is a dream come true.