

The Opinion

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# O William Mitchell P I N I O N

Volume 20

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Number 2

## Bakke to Supreme Court

by Susan Glass

**Editor's Note:** The California Supreme Court ruled 6-1 that the University of California-Davis was guilty of "reverse discrimination" in rejecting the medical school application of white applicant Alan Bakke. Susan Glass, a member of the National Lawyers Guild, takes issue with the California court and presents reasons why the United States Supreme Court should reverse the Bakke decision.

In recent months, national attention on the case of *Bakke v. the Regents of California*, 18 Cal. 3rd 34, 533 P.2d 1152 (1976), cert granted 97 S.Ct. 1098 (1977), has increased dramatically. The case, to be heard by the United States Supreme Court this month, poses a severe threat to all types of affirmative action programs — programs originally implemented to reverse patterns of racial and sex discrimination that have historically denied minorities and women access to education, employment and housing opportunities. Should the case be decided in Bakke's favor, the charge of "reverse discrimination" would be legitimized and used on a nationwide scale to end the affirmative action programs introduced in the mid-60's, when in fact these programs are in need of not only continuation but expansion.

Public awareness of the Bakke case and of its far-reaching ramifications remains low both within and beyond the legal community. Not only are people confused about the legal and socio-political issues, their confusion has been furthered by an inaccurate and biased accounting of the facts by the press. Alan Bakke is a 37 year old white engineer who applied for admission to medical school at the University of California-Davis in 1973 and 1974 and was rejected both times. The school has a special admissions program which reserves 16 out of the total 100 openings for students from "disadvantaged" backgrounds. Although no whites have ever been admitted through the special program, they have not been arbitrarily excluded. The program's selection process utilizes both race and economic status as criteria, its purpose being to return and provide services to disadvantaged areas and populations. Minority students from non-disadvantaged economic backgrounds must meet normal admissions criteria.

After being rejected, Bakke filed suit against the University claiming that he was discriminated against on the basis of his race. The California Supreme

Portions of this article were written in collaboration with Jay Wilkinson of the Minnesota Minority Admissions Task Force.

Court ruled in Bakke's favor, basing the ruling on the fact that Bakke's MCAT scores and grade point average were higher than some of the minority students admitted. The Court said that unless the University had a past history of intentional discrimination against minorities, it was unconstitutional to favor minority applicants and that special admissions programs which consider race are not the "least intrusive means" to accomplish the goal of integration.

**"At the heart of Bakke lies the heart of affirmative action."**

The U.S. Supreme Court is now faced with the question of whether special admissions programs are in violation of the 14th Amendment when they include race as a criterion. Pro-Bakke forces contend that racial equality within this country's institutions has been achieved, that the slate has been wiped clean and that the 13th, 14th and 15th Amendments disallow race-conscious affirmative action programs. This was the posture taken by the California Supreme Court in its ruling that alternative programs excluding race as a criterion could be developed to this end. Anti-Bakke forces assert that the 13th Amendment not only officially ended the institution of slavery, but also created

an affirmative source of power in Congress which mandated eradication of the remaining "badges and indicia" of slavery. *Civil Rights Cases*, 3 S.Ct. 18, 28 (1883). Accordingly, the 14th Amendment was intended to supplement the 13th Amendment's call to Affirmative Action to rid our nation of the residue of slavery.

Today, badges and indicia of slavery remain in the form of segregation, unemployment and poverty. Affirmative action programs such as U.C.-Davis' are clearly in accord with the spirit and purpose of the 14th Amendment. It is ludicrous to think that the deep-rooted problem of institutional racism can be eradicated and that opportunities for minorities can be expanded through the implementation of programs that exclude race and ethnicity as criteria.

The case's importance cannot be underestimated, for at the heart of Bakke lies the essence of affirmative action. If the law of the land is proclaimed to be that the individual interests of one 35 year old white engineer are more crucial than those of all minority groups who have suffered and continue to suffer oppression and discrimination, programs which seek to aid racial minorities, women and the elderly in education, employment and housing will not survive for long. These programs, ineffective as they have so often been, at least have the potential to relieve some of the on-going ills of society. Their loss would be felt by all people who struggle against inflation, unemployment and deteriorating social services, for segregation will be even more painfully present in neighborhoods, schools, factories and offices. This blatant form of racism serves only to divide allies of all races, making their fight for political power, decent wages and social services more difficult.

The national media, as well as the parties to the suit, have worked to perpetuate a number of myths around the Bakke case. Among the more damaging myths are:

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## Burger to Mitchell

All students are invited to attend the Student Convocation that will kick off the Campus Dedication ceremonies on Saturday, October 29. The Convocation begins at 1:30 p.m. and will be held in St. Paul Church across Summit Ave. from the school. Admittance will be by invitation only and invitations are available for all students in the Used Bookstore. In addition to the student body, all faculty, trustees, staff and a few special guests are expected to be in attendance.

Chief Justice Warren Burger will speak, and the finalists and winner of the new Warren Burger Endowed Scholarship will also be announced. Because the seating capacity of the church is limited to 1400, no spouses or other guests will be allowed to attend this gathering.

All guests of the students and alumni are invited to attend the short ceremony to be held at 3:00 p.m. on the lawn in front of school. Addresses by Justice Burger and Dean Bruce Burton will be given, and members of the family of our namesake, William Mitchell, are also on the program.

The expected attendance is anywhere from 3 to 5 thousand people for the afternoon's festivities. A reception follows the 3:00 program and all guests are invited to share in the wine and hors d'oeuvres. Tours of the campus will begin after the lawn ceremony and will continue until approximately 5:00 p.m. Students and alumni are cordially invited to attend these events and help celebrate the dedication of their College grounds.

## SPEAKERS PROGRAM

Tues., October 18, 8:30 p.m.  
LEC 107 — Wesley Iijima and Tony Cortez — The Bakke Case: Crisis In Affirmation Action

Sat., October 22, 10:00 a.m.  
Room 111 — Jack Nordby — Lawyer Disciplinary Proceedings

Sat., November 5, 10:00 a.m.  
Room 111 — The Honorable Warren Spannus — The Attorney General's Office; Special Focus on Employment Opportunities

Sat., November 12, 10:00 a.m.  
Room 111 — Ken Tilsen — Comparative Analysis of Chinese and United States Legal Systems

Tues., November 15, 8:30 p.m.  
Room 111 — The Honorable Susanne C. Sedgwick — Practical Problems In Family Law: An Overview



Rosalie Wahl, former professor at WMCL, swears in as member of the Minnesota Supreme Court.

# EDITORIALS

## Law School Downers

Like you, I fancy myself the reasonably self-assured and together law student. In future days, I will supply knowledgeable counsel to clients willing to pay a healthy fee. They will come to me for help. I will be their expert.

This vision of expertise sustains me. Something must, for the law school experience contains a large amount of negative conditioning: fear of flunking an exam, flunking out, looking silly in class, or finishing in the lower half of the class.

How do we future experts fare in a training environment that reinforces our current inability to do the job? Is law school a boot camp where for fear of your life or your future you stretch to heights you never thought you could reach? If law school is boot camp for thinking like a lawyer, what is the cost to the other parts of our personalities?

I talked to the Hamm Clinic counselor who comes to Mitchell once a week. I figured her impressions would provide an overview of law students. I went in as the reasonably self-assured and together law student. I was there out of curiosity, not because I could profit by a personal visit. Like you, I am preparing myself to be a counselor in a status profession. Others will come to me for help.

As I listened to the counselor, I realized she could very well have been talking about me. Later I talked with friends who felt the problems described were theirs.

### The General Picture

Law students are expected to be rational. We will be charged with another's fate. We must learn to speak confidently and think on our feet. Yet in the process of training to be an astute advocate for our client, we run the risk of losing touch with our own human-ness. We are trained to think, not feel. We learn to sneer at irrational behavior.

The pressures of law school are perhaps greater than other graduate programs. In addition to school, we at Mitchell have families or jobs or both. We find in short supply the energy to cope with minor unexpected problems, let alone a major tragedy. Law school must come first — a jealous lover sucking up our money, our time and our ability to cope with our problems.

### Running from Each Other

Our interpersonal relationships suffer. As a group, we are more likely to go through a divorce than the average American. Single law students are likely to break up relationships because of interference with school.

But perhaps the most elusive victims are those of us who are running from ourselves, who are avoiding the involvement and commitment of being close to someone else and substituting the higher goal of a law career. (Woody Allen, paraphrased, told us: "Some dream of sex with women, some prefer sex with men, but some don't think of sex at all — and they become lawyers.")

### Feelings of Inadequacy and Depression

Can we perform if called upon? Can we deliver the goods on the exam? Can we convince the judge or the jury? Yet while in law school what is on trial is not a client's fate but our own.

We may mask it or deny it, but depression is common among us. (The U. of M.'s Quære published a survey last year indicating a large dose of the blues at Fraser Hall.) We weather ordinary downers like most people, but because of pressures real and imagined we are prone to a deeper depression. Signals of this kind of depression include: the inability to study or sleep (without "aids," that is); sudden gains or losses of weight; feelings of isolation or claustrophobia; and irregularity in bodily functions.

Depression can also manifest itself in roller coaster emotions or sudden mood swings. Some days we might feel like nothing can stop us and other days we're sure there must be a better way than studying law.

### Seeing No Evil

I learned that the largest problem we have is not the inability to cope with problems. On the contrary, we are supreme copers. We cope so well we deny the existence of problems or needs. We become untouchable in our three-piece suits and crisp outfits. Marching to the gavel of a noble calling, we can't afford to pause for problems, to stray from the narrow holding that the law is the only important endeavor possible.

We are difficult to reach. Like the chemically dependent, we suppress our weakness and generally are the last to admit we need help. It's so easy to continue the charade. There's no need to change. For what lay person would suspect that beneath our dazzling oratory, beneath our legal acuity and aplomb lies a coward hiding behind a J.D.?

## EDITOR'S COLUMN

by Loretta Frederick

## Committment

An alarming number of lawyers and court personnel have little or no knowledge of the issues surrounding current mental health law.

While that statement may not seem to be the most earthshattering criticism the bench and bar have ever suffered, it has far more serious ramifications than are readily apparent. The most prevalent and important misunderstanding of the law is in the area of civil commitment itself. The common belief is that several people must sign a commitment petition in order to invoke the power of the Probate Court (or other Court with jurisdiction over civil commitments). It is also thought that a doctor must have examined the proposed patient and concurred in the petition.

On the contrary, only one petitioner is needed to make the allegation that the proposed patient is "mentally ill chemically dependant or "mentally ill and dangerous" in order to start the commitment ball rolling. The language used by the petitioner is frequently conclusory with few factual statements upon which a patient can base his objections.

While the state law requires that a doctor's statement in support of the petition be attached (unless one cannot be obtained) there is a sure-fire method of circumventing the spirit of the rule. The petitioner need only make an appointment for the proposed patient to see a psychiatrist, inform him or her of the appointment, ascertain that the proposed patient missed the appointment, and state on the petition that "the patient refuses to see a physician."

An examination of Probate Court Commitment files bears out the suspicion that there is little, if any, judicial review of a petition before the matter is set for hearing. This procedure does not appear on its face to be very objectionable. The proponents of the present commitment law — and the system that has grown up around it — are quick to point out that a hearing is

generally held within 6 or 7 days of the filing of the petition and service on the proposed patient of the Court Order.

There is an aspect of this procedure that is not generally known, however, and which makes the ease of petitioning and the lack of proper judicial review a potentially dangerous situation. The fact is that the Court, upon the filing of the petition, issues as a matter of course an "Order to Apprehend and/or Confine" the proposed patient. The result is that the proposed patient is picked up by the sheriff (if not already hospitalized) and is confined in a locked psychiatric ward of a hospital until the hearing — which could be held up to 14 days after apprehension. Frequently the first knowledge he or she gets of the action is this encounter with the sheriff when she is served with the Order and escorted to the hospital.

While the statute makes the issuance of the Order discretionary with the Court, the practice, at least in Hennepin and Ramsey Counties, is to issue orders with little, if any, inquiry into the need for hospitalization until the hearing or into the dangerousness of the individual. There is absolutely no opportunity afforded the incarcerated patient to make a meaningful objection to the confinement until the commitment hearing itself (or the pre-hearing conference the day before). And even the equity of the hearing has been called into question by some attorneys.

In light of the realities of the operation of the civil commitment system, the lack of procedural safeguards provided by the law and the court are magnified. Accused criminals are frequently given more procedural protections that those who are allegedly in need of hospitalization for mental illness.

The issue has become one involving due process considerations that must be dealt with immediately. No one is immune from the effects of the law. Judges and Lawyers, as professionals and as advocates, must awaken to reality and learn to deal with the civil commitment system in an aware and responsible manner.

### WILLIAM MITCHELL OPINION

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### STATEMENT OF POLICY

The William Mitchell Opinion is published by the Student Bar Association of the William Mitchell College of Law for the purpose of educating and informing Mitchell students and alumni of current issues and affairs of law and the law school. In furtherance of that purpose, the Opinion will present the views of any student, faculty member, alumni, or the administration. Because of space limitations in a tabloid newspaper, and because the Opinion strives for factually and accurate and stylistically uniform copy, all contributions are subject to editorial review and possible abridgment, although every effort is made to maintain a writer's original style.

The Opinion will endeavor to consider fully and thoughtfully all material to determine its relevance and appropriateness before publication. Such consideration will be made with the assumption that freedom of the press within the law school is no less a fundamental right than outside the law school; and in view of the Opinion's recognized responsibility to the members of the student bar, practicing attorneys, and faculty and administration of the law school. Editorials represent only the opinion of their writers.

## LETTERS

### Fellow Legal People:

I apologize to the upperclassmen of WMCL for belaboring what must be a worn-out issue. I can live with the attendance policy at WMCL; I've worked far too hard to get here to now jeopardize my chance at a good legal education by missing classes. But tonight the first move was made in the seating-chart game, and by virtue of the spelling of my last name, I have the questionable honor of watching my freshman year from the last row of every class, like it or not. This is a display of pettiness I did not imagine would have to be endured at the graduate level.

Somebody up there thinks that an audience of captives is as good as a captive audience. Just for the record, somebody down here disagrees.

Resentfully, yet judiciously,  
I sign,  
Joe "W. M." Student

# SBA PRESIDENT'S COLUMN

**Barbara Gislason**

My major project this fall has been to chair the SBA Fall Speakers Program, which began October 12, and will continue to November 15th (see calendar).

Although it is impossible to schedule these events at a time convenient for everyone, most students, faculty, and alumni should have the opportunity to attend at least half of these stimulating and interesting programs.

The speakers are highly distinguished members of the legal profession. There is 1) an outstanding criminal lawyer, speaking on the timely subject of disciplinary proceedings against lawyers, Jack Nordby of Thomson, Nordby, and Peterson; 2) affirmative action experts: Wesley Iijima, Attorney for Legal Assistance of Ramsey County (LARC), and Tony Cortez, Special Assistant to the Attorney General, Department of Human Rights; 3) a well respected judge, the Honorable Susanne Sedgwick, of the Hennepin County District Court, and 4) a seasoned and widely known election law attorney, Alan Weinblatt of Leonard and Weinblatt.

In addition, Attorney General Warren Spannaus will describe how the vast Attorney General's Office functions, highlighting employment opportunities. Ken Tilsen, well known for his defense work in the Wounded Knee Trials, will speak at William Mitchell shortly after returning from China. His comparison of the Chinese and U.S. legal systems should prove to be fascinating.

**Charles Gionetto (2nd year)**

At the present time, I am working on a joint SBA-Administration Faculty Evaluation. Rather than duplicate efforts as in past years, by having two different evaluations, one by the SBA and one by the administration, we hope to combine our efforts and have only one evaluation.

Results of the SBA faculty evaluations for the second semester of last year and for this past summer, have been compiled and are available at the reserve desk of the library.

Time permitting, in the second part of the year, I hope to lift the enormous burden of Barbara Gislason in planning the Saturday seminars by participating in the planning of the seminars for the second semester. The concept behind the seminars is to offer the law students a chance to encounter topics from various areas of the law that are not part of the regular curriculum. The speakers come from outside the law school and each is an expert in a particular area. Anyone interested in suggesting topics or speakers for the second semester, please contact me through the SBA office in the Used Bookstore.

and the school in the evening. Although our objective is to isolate and deal with the specific problem of sexual assault, we expect a decrease in other types of crimes, e.g., vandalism of cars, as a result of the program. Related to this, is the need for a long term solution to the parking situation at Mitchell.

We have just finished the running of the SBA election for the first year students. Currently, we are working on helping the administration develop a consistent and useful work study program to correct some of the problems Work Study students encountered this year. For first year

stationery and envelopes. The large quantity to be printed results in a lower cost. A service like this would benefit many students, making it easier for the individual student to get their resume to potential employers. Also, if the SBA could somehow work in conjunction with the placement director, perhaps the effectiveness of the program could be increased.

**Bob Gjordvad (3rd year)**

I am on the Executive Council of the Board of Governors of the S.B.A. due to my position as treasurer. As treasurer of the S.B.A. I am responsible for maintaining its financial records. I am also the co-chairman of the Social Committee and a member of the Budget Committee.



SBA Representatives taking care of business

**Sue Bates — First Year — 3rd Section**

My main concern as an SBA representative is to get informed. I see that as a two-way street. I hope to try and determine what the requests and needs of my section are, get this to the people, who can most effectively evaluate and act on these needs. I would then be responsible for returning this information to the people who pay for and deserve an accounting of the SBA and its activities.

students, we are setting up study groups for each section and offering tutorial assistance for groups and individuals. For the near future, our interests and energy will be on developing a registration proposal for first and second year students next year, and working on the Street-Law Program. Barb is the co-chairperson of the SBA Education Committee and Reyne is co-chairperson of the Finance and Administration Committee.

I also coordinate the intramural softball and football programs and I hope to get a volleyball and basketball program started at Mitchell in the future. This year I will also be in charge of the Red Cross blood donation drive here.

**Thomas G. Lovett (3rd year)**

I am in my first year on the Board of Governors. I am co-chairperson of the Educational Committee of the S.B.A., and am attempting to establish a resource pool of students at Mitchell to be used for research purposes by Twin Cities attorneys.

Additionally, I have been given the task of determining if there is sufficient interest to establish a chess tournament, possibly in coordination with other schools. Data regarding this will be forthcoming.

**Barbara Louisell  
Reyne Rofuth**

(elected as one candidate — 2nd year)

This year we have worked on the escort service proposal and will continue to work to see it implemented. The purpose of the proposal is to minimize the risk of sexual assault against women students traveling between their cars

**Helen Dovolis**

I would like to initiate an effective program in the SBA to help deal with law students' big problem of job placement. Memphis State School of Law has an idea I like. For fifteen dollars their SBA offers interested students 100 copies of his or her resume with picture, matching letterhead-

# DEAN'S COLUMN

by Bruce Burton

## THE JUSTNESS OF IT PLEASES

There has been a long, continuing affinity between Rosalie Wahl and William Mitchell College of Law. In 1967 Rosalie Wahl received her J.D. from William Mitchell College of Law. After a successful career in the public defender's office, she joined the full-time faculty in 1973. On October 3, 1977 Rosalie completed her last duties as a full-time professor at William Mitchell College of Law and was sworn in as the first woman to serve as a justice of the Minnesota Supreme Court.

Justice Wahl has one more scheduled 'seminar session' with this year's senior class on Sunday, May 21, 1978, when she will deliver the commencement address during spring graduation ceremonies. Beyond that assignment we all hope that during future semesters Justice Wahl will frequently find time to visit the campus, meet with her former faculty colleagues and students, judge Moot Court competitions, and appear as a guest lecturer in appropriate settings.

Justice Wahl and I came aboard as full-time faculty members simultaneously in late summer 1973. During the ensuing four years I got to know her as a dedicated colleague and as a strong and



Dean Burton

positive influence for good both within the law school and, more broadly, in the legal community of which the law school is a part. I shall always be personally grateful that during some difficult periods for the school, Rosalie was always here with her stabilizing wisdom and patience.

After speaking with many of the students who dealt with her in clinics and seminars, one inevitably gets the picture of a tough minded,

demanding, humane and fair professor of law. The demands for excellence she has made upon her students are constant. The work that she has required on criminal appellate briefs was sometimes likened to the demands made upon persons attempting to write and edit articles for the Law Review.

We all have mixed emotions about her ascent to the court. We feel both diminished and enhanced by her change in position. The public interest of the state of Minnesota is exceptionally well served by her appointment. There is no need to extol her experience and wisdom as her record speaks for itself. She holds broad based support and an excellent reputation in the respect that she has gained among faculty, administration, students, trustees, and alumni at William Mitchell and these bear testament to her abilities as a legal educator and a lawyer.

Justice Wahl's ascent to the Court is, of course, another testament to the ability of working law students, with very heavy family responsibilities, who obtain a strong, evening legal education and become leaders of the bench or bar. Beyond this her ascent is, at core, a tribute to her unique personal mixture of iron, compassion, fairness, and skill.

The justness of her appointment leases all who have known or worked with her.

# Ride-Along-Program a Real Trip

by Karen Shimon

It was an unseasonably cold and rainy, dismal Saturday night in September when two St. Paul Police officers allowed me to join their calls with them. Any interested person can do it. It's called the Ride-Along Program. All you have to do is ask, and sign a waiver agreeing not to sue the city if you're injured in the course of the ride.

There weren't any gory homicides; not even a dramatic domestic dispute; but then, the moon was about three days shy of full. Officers Rich Friechels and Denny Schutz, with about twelve years combined service on the force, both agreed that the number of calls they go on increases when the moon is full.

No, it's not a very scientific approach. As a matter of fact, very little of what police officers do is programmable. Sure, the computer took only five seconds to spit back "Valid MN DL; no priors" when fed the name and DOB of a stopped speeding motorist, but in the four hours spent with the officers that alone met pre-conceived assumptions.

The number-one difficulty of their jobs is, of course, that they never know exactly what it is they are responding to. The burglary in the 600 block of Selby turned out to be nothing more than a husband exercising domiciliary rights over his castle. The complainant opened her apartment door to tell us that everything was okay; "I be the only one that has a key — ol' man got locked out" he jus' be lettin' hisself in." Later, writing up the report took longer than responding to the call.

Then there was Harold for whom two reports had to be prepared. A small knot of people hovering out of the rain in the shallow protection of the old Angus Hotel entryway at Western and Selby flagged us down. There, a fortyish woman in a red sweater, more rain-soaked but less soused than the others, related what had happened. Harold was drunk and had fallen down on the sidewalk, and on first glance and in the shadowy recesses, the split-open forehead looked worse than it was. As blood ran in his eyes, Harold stumbled into the "cage" and the red-sweatered woman implored him, "Call me when you get home, Harold. You know my number, don't you?"

"What happened? Did I fall?" Harold asked Officer Schutz as we rounded the Cathedral corner. Amid the antiseptic smells and the hub-bub of Ramsey Emergency on a Saturday night, the admitting doctor noted on his report Harold's response to "Address?" as NPR. If Harold didn't remember falling, how could he remember to call the woman, and where was he going to call from; where was home?

On the way back to the officers' tour area we swung through Sear's parking lot. It too was part of the beat: "Pick up a lot of shoplifters here," noted Friechels.

The radio was silent for long stretches and the time was filled with listening to the incessant clunk-swish of the windshield wipers, intermittent checking-in on the Vikings game being broadcast over the other radio, and playing a game of twenty questions.

The Vikes were behind 3-2 when the officers noted the presence of three black men engaging in conversation with two young white men outside Road Buddy's on University Avenue. "You want a woman? I can get you a real sweet piece, cheap," was Friechel's initial interpretation of what was going down. We were stopped north of University at the intersection of Avon waiting for a red light. It was long enough to notice what could only be called a look of "sweet anticipation" on the too-young and too-naive face of the solicitee. As we turned the corner to head west on University, Friechels thought out loud: "When we get the call later, at least we'll be able to identify who robbed 'em."

No sooner had Friechels finished his dismissal of the occurrence when Schutz exclaimed, "He's daring us!" Who? Where? The white Oldsmobile next to us came to a slightly slippery quick stop alongside the squad at the next stop light. "Yup, he's askin' for it." I had just figured out they meant the white Olds when we swerved in behind it in the left-turn lane at Lexington. Upon rounding the corner, the Olds pulled up to the curb in front of Desnick's with us behind it and Friechels was out of the squad approaching the driver. Returning immediately to the squad with the speeder's license, Friechels laughed and



Officers Denny Schutz and Rich Friechels respond to a neighbor's complaint of "loud music."

facetiously repeated the speeder's excuse that he was "only keeping up with the flow of traffic."

Despite the officer's amazingly good and consistent rapport with all the area's residents — black and white alike — their comments were thought-provoking. It appeared the speeding bust went down as much because the couple in the Olds had been "laughing at us" when we pulled up side-by-side as the fact that it was going somewhat fast.

Maybe the couple in the Olds hadn't noticed the cops. It was, after all, Saturday night and for a couple out on the town, one could easily assume they were laughing at anything or maybe even nothing at all.

"Besides, he was half-drunk," said Friechels.

Well if that was true, why didn't you take him down to the station on suspicion of DWI?

"Because he was only HALF-drunk" was the answer received. Besides, that would have "taken us off the street for two hours," complained Friechels.

"You know, you have to read 'em their rights, and then they always want to call their lawyer, and they usually want a blood test so we have to take 'em over to Ramsey. It's just not worth it, being off the street that long," Friechels explained.

Why not a man on duty down at the station to do nothing but run all the suspected DWI's through the routine? Friechels and Schutz thought it a good idea, but that's not the way it is. The subject came up next again at coffee. It was while we stopped at Fish & Chips on Grand that Schutz thought maybe he should put a "station-house DWI man" suggestion in, "if the box is still there."

"Yup, it's still there," responded Friechels, "along with all the submitted suggestions since 1946."

While we drank coffee and Friechels grumped over his activated ulcers, the call came through. But, not for 531. This time it was the squad that had the area just north of Friechels and Schutz: "Robbery. Avon and University. Three black male suspects on foot, north, on Avon. One suspect wearing . . ." It was indeed, impressive. Friechels had called the shot. He had been on that duty for ten years and he did know the people; he had astute powers of observation; and he read people and situations into an immediate psychological profile.

With only two years experience, Schutz didn't do so badly either. When we responded to a "Malicious Destruction to Property" on Central, it was he who appealed the distraught woman who with the brick and broken glass on her kitchen linoleum. Some kid had whupped the brick while bookin' through the yard, and Schutz picked up on what

hurt her the most: the broken figurines on the window's knick-knack shelf. His sensitivity to the significance of some broken plaster of paris was the placebo the complainant apparently most needed. This time, the report took as long to prepare as the call took to be made, and while Schutz wrote, Friechels re-tuned the other radio to hear the unchanging score of the football game.

Contrary to common belief, residents in this area do call the cops. Contrary to common belief, the people in this area have a lot of respect for cops. Contrary to common belief, the people in this area don't always think the cops are out to get them.

"We get a lot of calls from people who just don't have anyone else to talk to. Like the old lady who called up to help her find her misplaced sewing basket," commented Friechels.

But there's some "cat and mouse" in their bag too. Five young women outside Ebony Liquors on Selby and Dale must have anticipated their game was up when the squad heading east on Selby passed them. We zipped through the quick-stop grocery parking lot and back out on Dale alongside the Rack, but they had disappeared into the night. A hundred doorways and a thousand shadows: any of them good cover and a quick escape. They were gone, simply disappeared into the night. Schutz related that Vice had suspected they were currently working out of an address on Dayton, but a quick spin around the block found the lights on in "that" apartment but no sign of the women. The women were truly of the night. Not tonight, but maybe later.

It was with the resignation that no matter how many thousands of miles they drove, (and they put on about a hundred miles each and every night's ten-hour shift), or how many busts they made, there was only so much they could do. Friechels recalled Julie, the 15-year-old prostitute who got her neck sliced open a year or two ago in an alley behind the 500 block of Selby: "I had just told her to get off the street not more than five minutes before."

we shared a common complaint: poorly drafted legislation. The officers admitted it made their job tough. But an idle comment, conversationally tossed-in, went beyond sharing and confirmed every defense lawyers' firmest belief: "We have to — well, we don't exactly 'bend' the law — but we have to be very careful when we write up our reports to get all that stuff in."

The windshield wipers went clunk-swish, the other radio intoned a Viking swin, and Friechels snorted a disheartened "Nine to three. They should be ashamed of themselves. You can hardly call that a win."



St. Paul Officer Rich Friechels as viewed from the cage.

# 3 Wm. Mitchell L. Rev. (1977)

Latest Volume Available Soon

by Dennis Trooien

Volume III of the William Mitchell Law Review is scheduled for distribution in October. The Law Review is comprised of scholarly articles written by students, lawyers, and professors. Volume III will contain two lead articles, one written by John Simonett and the other by Professor William Danforth. The volume will also contain six student works and a section which highlights some of the recent cases decided by the Minnesota Supreme Court.

Mr. John Simonett, a member of the Minnesota Bar and former president of the Minnesota Law Review, wrote an article on the use of Pierringer releases to release joint tortfeasors from law suits. The Pierringer release, taking its name from a Wisconsin Supreme Court case, allows a plaintiff to release a tortfeasor from the lawsuit and also from contributions or claims brought against him by the non-settling tortfeasor.

Professor William Danforth wrote an article concerning the 1975 amendments to the Minnesota rules of discovery. Although these amendments have been in effect for more than two years, many of the new issues which have arisen under the amendments remain unresolved. Professor Danforth presents an overview of the less significant changes and discusses in some detail those that are more significant.

One of the student works is entitled "Recusal of Federal District Court Judges and the 'Supervisory Power' Doctrine." After four years of litigation, the United States Court of Appeals removed Judge Miles Lord from presiding as trial judge over the Reserve Mining litigation. This action was unusual for two reasons. First, the recusal was *sua sponte*, that is, upon the Eighth Circuit's own motion. Second, the Eighth Circuit, lacking a legal precedent, based its extraordinary act on an expansion of the "supervisory power" doctrine. It thereby created a new appellate power."

Another student work is a case comment on *Halverson v. American Hoist and Derrick Company*, a products liability case in which recovery was denied apparently because the defect was patent rather than latent. The Minnesota Supreme Court in *Halverson* may have thereby retarded the development of more modern theories of loss allocation in cases of products liability. This case comment provides an analysis of the latent-patent rule and suggests a more equitable approach than barring recovery solely because the danger was obvious.

In the past twenty-five years, Minnesota and over forty other states have enacted recreational use statutes to encourage private landowners to open their land to the public for recreational purposes. Using the Minnesota statute as a model, a third year student note provides the first comprehensive treatment of the rationale and application of such statutes.

A fourth year student analyzes a recent Minnesota Supreme Court decision on adoptive admissions. This note examines the Duplessie rule and suggests standards for the use of adoptive admissions in both civil and criminal cases.

The Minnesota Supreme Court in the case of *In re Lausche* has stated that the burden of proof in mental commitment proceedings is on the party petitioning for the commitment, but is on the patient when he seeks his release. A fifth student note advocates the position that the review proceeding should place the burden of proof on the party seeking commitment, thus making the review a procedure for periodic recommitment.

A sixth student note deals with Minnesota defamation law. Although a great deal has been written about defamation law and the first amendment, this note analyzes the impact of the Court's decision on Minnesota's law with a view towards giving the Minnesota lawyer the basic information he or she needs for dealing with a defamation case.

A final feature which will appear in Volume III consists of nine short studies of recent Minnesota Supreme Court cases. These cases involve subjects of lesser importance than those treated in longer case comments and notes, but of enough significance to be treated in several Law Review pages. The "Recent Cases" were prepared by students as their first assignment of the Law Review.

## Law Enrollment Levels Off

Total enrollment in the 164 law schools approved by the American Bar Association steadied to a gain of less than 1 percent during the academic year of 1976-77, according to figures published by the American Bar Association Section of Legal Education and Admissions to the Bar in the 1976 Review of Legal Education.

During the last school year there were 117,451 students in the approved schools, as against 116,991 the previous year. Confirming the leveling off is the fact that there were fewer law school admission test administrations for the test year ending in 1976 than in either 1974 or 1975.

The number of women law students continued to rise, as it has steadily in recent years. Women students increased from 26,737 to 29,982, up 12.1 percent, enabling women to account for 25.5 percent of the entire student body in the approved schools.

The number of J.D. and LL.B. degrees awarded rose 8.7 percent, presaging another increase for 1976, when the figures are known, of admissions to the bar.

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# ERA Incorporated

by Barb Gislason

"I flattened her."

Such was the response given by Mary Dunlap when her associate asked about her recent debate with the notorious STOP ERA chairperson Phyllis Schafly. Dunlap debated Schafly at the ABA National Convention held in Chicago in August. Dunlap surmised that she "flattened" Schafly merely by "correcting her on her facts."

Anyone who has heard Mary Dunlap speak would find this analysis of the debate a gross understatement. Her reputation as a dynamic and inspiring speaker is well known from her participation at the annual National Women and the Law Conferences.

She is also nationally noted for her work in conjunction with Equal Rights Advocates, (ERA, Inc.), of San Francisco. ERA Inc. was founded in 1972 by Dunlap, Nancy Davis, a founder of the National Women and the Law Conference, and Wendy Williams, now on the faculty of the Georgetown University Law Center. These three graduates of Boalt Hall, the University of California Law School at Berkeley, were soon joined by Joan Graff, a graduate of Columbia University Law School. JoAnn Chandler, the latest addition, attended law school at the University of Chicago.

In the beginning, the future of the public interest women's law firm seemed precarious. The founders were having difficulty obtaining sufficient funding and knew that similar firms had already closed because of lack of funds. In 1974 however, ERA Inc. was given the break it needed. The Carnegie Corporation awarded Stanford University a \$263,000 grant to offer instruction in "Litigative Strategies Against Sex Discrimination." Naturally, Stanford contracted with ERA, Inc. to provide clinical training through:

- 1) intensive seminar instruction;
  - 2) simulation of each major phase of a civil case, with individual critique and videotaping; and
  - 3) work on a current discrimination case.
- ERA, Inc., thereafter, combined litigation and legal instruction.

Barbara Babcock, who was Stanford University's first woman law professor and is a recent Carter appointee to be assistant attorney general in charge of the civil division of the Department of Justice, originally directed this clinical program. *Sex Discrimination and the Law: Causes and Remedies*, by Babcock, Freedman, Norton, and Ross, was used as the course text.

Although the program was at first limited to Stanford University law students, it now devotes one semester a year to students who apply from all over the United States. Applicants may write: ERA, Inc., 433 Turk Street, San Francisco, California 94102.

Course work reflected wide ranging procedural and substantive issues. Major emphasis, however, has been on Title VII of the Civil Rights Act and the Equal Pay Act, although the Equal Credit Act is growing in significance. According to the firm, women are most likely to seek legal redress in these areas.



Mary Dunlap

Philosophically, the firm finds that one of the most substantial threats to the achievement of equality between men and women throughout the United States is the growing belief that equal employment opportunity has largely been accomplished. ERA, Inc. observes these simple facts: women are paid less for comparable work than men; women are less likely to be promoted to management positions than men; and women suffer higher unemployment rates than men.

Dire consequences such as the following are attributed to incorrect assumptions about equal employment opportunity;

1) Some courts send divorced women who lack training, experience, and confidence into an openly hostile job market;

2) Opponents of the Equal Rights Amendment vigorously declare that constitutionally based equality is unnecessary since employment discrimination is a thing of the past.

ERA, Inc. is located in the Civic Center area of San Francisco. Its second floor offices are open and sunny, replete with hanging plants, parakeets, home made cookies, and inspirational posters. In the bathroom stands a life size cardboard cowgirl labeled Bonanza Jellybean, author Tom Robbin's heroine. A summer intern found this treasure abandoned in her alley and promptly brought it to the office. A plea written to an infamous local judge is pinned to its hand. This judge is viewed by some as one who was puzzled by women's rights issues since "his wife was happy." Among his less endearing traits was his antagonistic and patronizing attitude towards women in general, and women lawyers in particular.

Dunlap's most recent opportunity to don her "Schafly dress" (the dress she wore at the ABA Convention when she "flattened" Phyllis Schafly) occurred at a pre-trial motion argument in his courtroom. She was attempting to certify a class in a class action suit she was handling. One small victory was finally realized.

"Well, do you have more than two members in your class?" the judge asked.

"About 3,000, your honour," Dunlap replied.

"Well, that's a class, isn't it?" the judge said, smiling. The class was thereby certified.

Dunlap walked out of the courthouse incredulous, stunned.

"He was charming, Jo Ann, he was charming," Dunlap kept repeating to ERA, Inc. attorney Jo Ann Chandler.

"He was not being sarcastic... he has no fight left in him," she speculated.

Later she added, "Now, he is just going to screw us on the merits."

## Bar Exam Scoring Changed

At their last meeting, the State Board of Bar Examiners voted a change in the scoring procedure for the bar exam. In prior years, the lowest score received in an area was thrown out in determining the score an individual received. Commencing with February, 1978 bar examination, the lowest score will not be disregarded. All of the scores of all of the questions will be averaged to determine an applicant's score.

No reason was given for the change. The Director of Bar Admissions, Mr. Richard E. Klein, indicated that he could not release that information without permission of the Board of Law Examiners. We are thus left to speculate about the reasons for the change until such time as he receives permission to disclose the reasoning of the Board. The OPINION will follow up on this story in an effort to determine the rationale for such a change in the bar exam scoring system.

## Graham Urges Free Speech for Lawyers

The legal profession should banish its rules making lawyers "the one class in the nation who are systematically denied" free speech, CBS News Washington correspondent Fred Graham told law students attending the American Bar Association annual meeting in Chicago.

Graham said that rules against advertising, self-laudatory remarks and comment on pending trials are absurd, elitist, anachronisms and a disservice to lawyers' clients and the public.

"You future lawyers should admit the law is too important to be left solely to lawyers and the judges," said Graham. "Clients have interests that exist outside courtrooms," said the television commentator who is also an attorney. Too often, attorneys questioned about cases on trial respond with "no comment," missing a "golden chance to get across to the public their clients' points of view," he said.

Graham noted that the U.S. Supreme Court let stand a Seventh Circuit Court of Appeals ruling tossing out a provision of the Northern Illinois U.S. District Court rules barring public lawyer discussion of pending trials. And, he said, a similar case from Virginia is pending in the Fourth Circuit Court of Appeals.

Free speech for lawyers came under close scrutiny during the ABA meeting during debate over the proposed new disciplinary guidelines on lawyer advertising (to be discussed in the next issue of the *Opinion*). The U.S. Supreme Court ruled in late June that a blanket Arizona State Bar prohibition on lawyer advertising was unconstitutional, but suggested some restrictions might be permissible.

Graham urged a lifting of all advertising controls, and said "all law schools should offer courses in public relations," to teach new lawyers how to deal with the news media.

# LEAA Women Prisoner Survey

## Educational Programs Need Re-thinking

Most women prisoners rate high in self-esteem and are optimistic about their future, according to an offender profile developed in a national study of women's correctional programs.

Of 1,607 women surveyed in 15 state prisons and 42 local jails, most said they feel they can control their lives, change things for the better, and get decent jobs on the outside.

Their views were part of a study conducted by the California Youth Authority under a \$293,025 grant from the Law Enforcement Assistance Administration (LEAA).

"Their optimism was surprising," said Dr. Ruth M. Glick, the project director, formerly with the youth authority and now chief of planning for the California Department of Corrections. "We expected more prisoners to have an extremely low opinion of themselves — feel worthless. Instead, we found the women accepted blame for what they had done, but did not think of themselves as bad, that is, worthless people."

Dr. Glick said the project was designed to catalogue current programs

and services for women in correctional facilities and to identify what improvements are needed.

The project found that:  
—The typical woman prisoner is black and under 30.

—More than two-fifths of women offenders surveyed had jobs in the two months before imprisonment and nearly all had worked at some time in their lives.

—Most women offenders believe women should work at an outside job whether or not they have someone to support them. However, if a husband objected, more than half said they would stay at home.

—Only a small percentage of women are incarcerated for prostitution.

—Of women felons, 43 percent were incarcerated for violent crimes such as murder or armed robbery, 29 percent for property crimes such as forgery or fraud, and 22 percent for drug-related offenses.

Dr. Glick pointed out that only 6.5 percent of women arrested in the states studied had been arrested for violent crimes. Some 56 percent were arrested

for misdemeanors such as drunkenness, drunk driving, disorderly conduct, and vagrancy. Another 24 percent were charged with property crimes.

Women offenders surveyed said the best thing a prison or jail can do for them is to offer an educational program.

"They mean education, not vocational training," said Dr. Glick.

"You can train a woman to use a typewriter, but she is not going to get anywhere if she doesn't learn office procedures or how to compose a letter.

"We need to rethink the kind of educational programs being offered to offenders."

The project was carried out in Colorado, Florida, Georgia, Illinois, Indiana, Michigan, Minnesota, Nebraska, New York, Massachusetts, North Carolina, Texas, Washington and California. While the inmate survey involved women in 57 institutions, the project covered programs and services in those institutions plus 59 others.

The study included unsentenced women in jails or correctional centers, as well as those convicted of misdemeanors or felonies.

# Escort and Parking Proposals

## SBA Board Votes Yes

On October 2, after three hours of heated and often emotional debate, the SBA Board of Governors voted in favor of proposals that redesignated parking lots currently reserved for the seniors to be used by women only, and called for the establishment of an escort service for women not able to park in the lots. In addition to the parking and escort proposals the SBA also endorsed "Operation Whistle-Stop" that would subsidize students who buy high pitched siren whistles to be used as distress signals. Conservative estimates of the cost to implement these proposals begin at \$3,000.

The proponents of the proposals — Barb Louisell, Mary Timmons, Steve Rowley, and Reyne Rofuth — had submitted their plan at an earlier meeting. It was quickly tabled so that the proposal could be distributed to the student body for discussion. When it was brought back on the floor at the October 2 meeting various amendments and parliamentary questions were put forth. In the end, one "unfriendly" amendment was made and withdrawn, one was tacked on, and the proposal was passed virtually unchanged.

The proposal had seven major components. All passed unanimously, with the exception of Proposal 5 which required the SBA or the administration, or both, to hire a second security guard to devote his time "exclusively to escort services," and Proposal 7 which withstood a motion to table, was

amended by an opponent, and then was passed. Proposal 7 called for the administration or the SBA, or both, to pay for whistles to be given to the students who wanted them. It was amended to require the SBA to only subsidize one-third of the cost of whistles bought by students.

The board voted eight to five in favor of Proposal 5 that the second security guard be hired for the hours of 5:30 p.m. to 11:00 p.m., Monday through Friday. It was this section of the proposal that will lead to estimated \$2,970 expenditure. Those members of the SBA Board voting in favor of this part are: Rofuth-Louisell, Steve Rowley, Carrie Sachs, Dennis Strand, Marc Sugg, Mary Giuliani, Sue Bates and Loretta Frederick. Those opposed were: Charlie Giannetto, John Ramey, Joe Pingatore, Bob Gjorvad, and Mike Moriarity.

Proposals 1-4 and 6 were accepted unanimously:

- 1) that the parking lots currently designated for use by seniors only be redesignated for use only by women students for next year and all future years;
- 2) that those male students who have been allocated a space in either senior lot for this semester and who support this proposal volunteer their space for use by women students;
- 3) that the administration and the SBA

adopt and actively support a school policy that urges male students to refrain from parking on the Portland, Victoria, and Summit sides of the street adjacent to school property and on both sides of Milton. Because it is too expensive to hire escorts to cover the entire area where women students park now, this feature provides a built-in escort service. Women students leaving after class know that there will always be some men who have to walk at least as far as they do to get to their cars.

4) that the school require the security guard on duty between 4:30 p.m. and midnight devote his time exclusively to escort services for women students; and 6) that the administration install adequate lighting in the areas where women will be parking (including the public street parking areas).

One of the proposal authors, Barb Louisell, made the following claims in support of the expenditure:

"This proposal primarily affects one-third of the student body. No other SBA expenditure, with the possible exception of the smokers and the Opinion, directly benefits as large a proportion of the student body. Some expenditures from the 1977 budget are: baseball equipment, \$292.10; football equipment, \$120; golf trophy case, \$500; smokers and wine tasting party, \$237 out of a projected cost of \$1,450; Opinion, \$1,000 out of a projected \$3,000; speaker related expenses for the Saturday seminars, \$1,000 out of a projected \$2,000. The lowest reported attendance at a Saturday Seminar was three students."

Representatives of the SBA board plan to present the proposal to the administration.

## PAD Initiates New Members

The Pierce Butler Chapter of Phi ALPHA Delta Law Fraternity conducted its annual fall initiation of new members in the Minnesota Supreme Court chambers at the State Capitol.

Fourty-seven new initiates joined the ranks of the fraternity after a short ceremony which included the history of Phi Alpha Delta and what it stands for.

The number of new members makes the Pierce Butler Chapter one of the largest active chapters of Phi Alpha Delta with 125 active members attending William Mitchell.

After the initiation a reception dinner was held at the Commodore Hotel. Over one hundred Alumni, members, and friends attended the gala which was thrown in the main dining room. Afterwards everyone was invited by the Hotel to twitch to the Wolverine Dance Band.

The fraternity's next scheduled event was held October 1, at the Lexington. Louise Miller O'Neil spoke from a woman's perspective on the problems encountered in the general practice of law. Louise has been practicing law for over twenty years and has vivid memories of not being permitted admittance to certain law schools because of her gender. Members and interested students from outside the fraternity attended the luncheon.

Our next scheduled luncheon will be held in November. Clint Gross will talk on the subject of damages. Mr. Gross has received some of the largest damage verdicts of any practicing lawyer in the United States. All interested members of the student body are invited. All luncheons this fall will be held at 11:00 at the Lexington.

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# BAR WARS

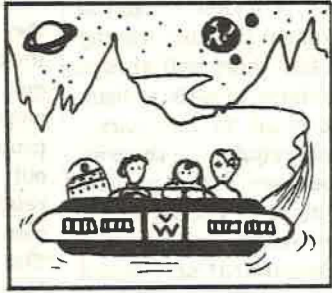
## EPISODE TWO

by Steve Halsey

In our first episode, Luke Skywalker and his droids, C-3PO and R2-D2, have come upon a wise old hermit, Old Dean O'Dougy, long ago a J.D. Knight and foe of the evil Imperial Bar . . .



Yes, Luke, back in the days of your father and I, the J.D. Knights used "The Farce" for good, not evil as the Imperial Bar does today. "The Farce" is the entity supporting all life, the energy of good and also of evil. We must save Princess Lira — we must destroy the Imperial Bar — It is our divine mission. Luke!



Star-trekking in Luke's sandbuggy, our heroes set a course for Starbase Hamloin, hoping to catch an interspace transport there.



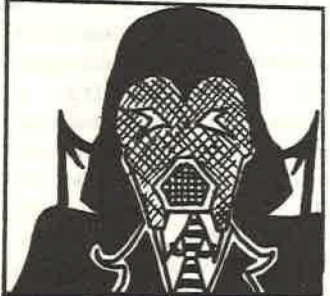
At Starbase Hamloin, they go to the local athletic club seeking transport, only to find a menagerie of galactic freaks and aliens beyond imagination.



There they meet a young sole practitioner, Hands Solo, and his clerk, Chewbakka, a Whookie.  
Solo: "If you guys think I'm going to take on the heavyweights of the Imperial Bar for nothing you're zonkers!"  
Luke: "What if I told you that the Princess we want to save is loaded?"  
Solo: "You're on! Meet us at hanger 815 in 20 minutes."



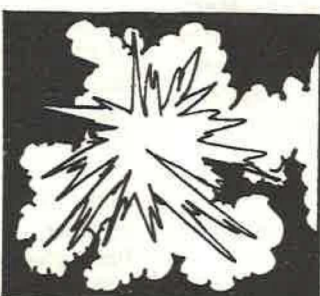
Minutes later, our heroes barely escape the phasers of Imperial Bar stormtroopers and blast-off from Hamloin . . .



Meanwhile, on the "Killer Bar" spacecraft, the diabolical Count Hvaszer plots the end of the Rebel Law Graduates.



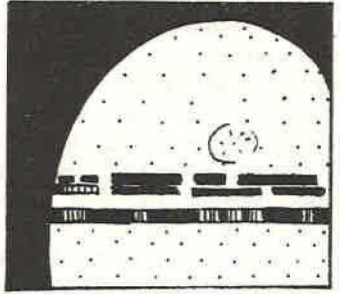
"Now, Princess Lira, we shall demonstrate to you the infinite power of the Killer Bar on your fellow law students, rebels all, on the Peerz Butleer colony of the Twinzities moons. . . Fire discredit phasers!!!"



Instantaneously the colony is vaporized!  
Hands Solo reaches the coordinates of the Peerz Butleer colony . . . but there's nothing but dead space.



Luke: "What happened, Old Dean O'Dougy?"  
O'Dougy: "I felt a sudden emptiness in The Farce, as if the dreams of hundreds of young people had vanished in an instant from the stroke of an evil hand!"



Hands: "I've never seen a meteorite shower like this before . . . but look! It's a shower of desks, bookshelves, and casebooks!"  
Luke: "Look, up ahead, what is it? A moon?"  
O'Dougy: "I fear the worst . . . it's . . . IT'S . . ."

THE KILLER BAR!!!

### Bakke

Continued from page 1

1.) That Alan Bakke was more qualified than persons admitted in the school's special admission program. Recent studies, including one by the testing service which created the test, have shown that the MCAT is biased against minorities. Furthermore, the tests and G.P.A.'s upon which this contention is based predict only the success of white men in the first year of school; no test has yet been devised to predict professional performance. No unqualified minority students are admitted through special admissions. Bakke appears more qualified only because racism has eliminated much of his competition. Special admissions procedures address the problem of educational, not intellectual handicaps.

2.) That quotas and special admissions preferences are inherently evil. In every fact of life in which there are limited resources, decisions must be made as to how those resources will be allocated; inevitably, such decisions give advantage to one societal group over another. Veterans, for example, are given preference on many civil service exams. While innocent non-vets may be denied jobs as a result, society has decided this to be a worthwhile

preference. Similarly, minority admissions programs attempt to allocate professional services in areas where needs and shortages exist.

Surely there is no completely fair way of allocating resources. Educational admissions quotas are merely a tool and like any tool, they can be used for good or evil. They have come to have an immediately distasteful sound to many of us who recall their past use in limiting opportunities for certain ethnic groups, particularly Jews. Today though, they are used in minority admissions programs to expand opportunities for historically oppressed people whose representation in the professions falls far short of their representation in the population at large. As long as the percentage of minorities in professional schools is less than half their number in society, it is mere emotionalism to label admissions quotas as evils.

3.) That the true parties in interest are represented in the suit. U of California admissions officers encouraged Bakke to bring this suit, even going so far as to suggest attorneys to consult. The Regents have continually ignored requests of many third world organizations to hire minority group counsel and spurned advice on legal and political strategy. Attorneys for the school produced only one witness in defense of its program, submitting little written material, admitted "facts"

which should have been exposed as myths, and even failed to introduce any evidence of the University's past history of discrimination against Third World people. To eliminate any possibility that the suit would be dismissed for lack of standing (e.g., the trial court finding that Bakke would not have been ad-



BAKKE v THE REGENTS OF THE UNIVERSITY OF CALIFORNIA

mitted even without the special admissions program), the University counter-sued, asking the court to declare its program constitutional.

Incredibly, however, it then failed to make any arguments in support of its cross-complaint.

Numerous organizations have been active in the fight to overturn the Bakke decision, among them the National Conference of Black Lawyers (NCBL) and the National Lawyers Guild (NLG). There have been more amici briefs filed in the Bakke case than in any other case in U.S. history (over 40).

Here in the Twin Cities, the Third World Caucus of the U of M Law School, the Twin Cities Lawyers Guild, as well as various other community people, are working together as the Minnesota Minority Admissions Task Force. Currently, William Mitchell and Hamline Law Schools have no special admissions programs and the U of M Law School's special admissions program has recently come under attack for cutbacks. The Task Force plans a fall offensive around the national issues of affirmative action raised in Bakke as well as the non-existence of or cutbacks in minority admissions at the area schools. Please join in the struggle.

For further information contact:  
Barb Johnson, N.L.G. office, 721-3938, M, T, W mornings and F evenings. Angie McCaffrey, LARC, 222-5863, days. Or task Force Coordinators: Ted Martinez & Ben Johnson, Oficina Legal de West Side, 291-2579 or 291-2806.

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St. Paul, Mn. 55101

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# Freshmen Quiz

by Steve Halsey and Jim Nelson

Freshmen: Take this test. You may look at your own paper or anyone else's. This test is not a predictor of success but only an aid to determine your qualifications for the study of law at William Mitchell College of Law. Answer True or False.

1. Law school comes first, spouse and kids come second and your job comes last.

False. Your job comes before your spouse and kids.

2. All assigned books must be purchased at the new bookstore.

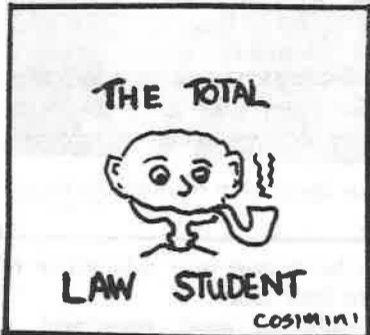
True. The theory is that until you have completed a course in contracts you are thoroughly incapable of dealing with the unscrupulous hucksters in the used bookstore who will sell you essentially the same textbooks for a lot less smack.

3. Half the freshmen flunk out.

False. Flunking 50 freshmen would cost WMCL over a quarter of a million dollars in lost tuition.

4. Knowledge of Latin is essential.

True. Nolo contendere.



5. Students must stand up at their seats and recite the facts of a case when called on.

False. Students must march to the front lectern, discourse solemnly on an irrelevant issue and promise not to kiss and tell.

6. Study groups help one get through law school.

True. You can car pool it to O'Gara's and W.A. Frost.

7. Professors take it personally if they discover you ridiculing their carefully belabored hypotheticals.

Suppose . . . True.

8. It is essential to take thorough notes during class.

True. You have to stay awake somehow and you can only drink so much of the WMCL cafeteria coffee.

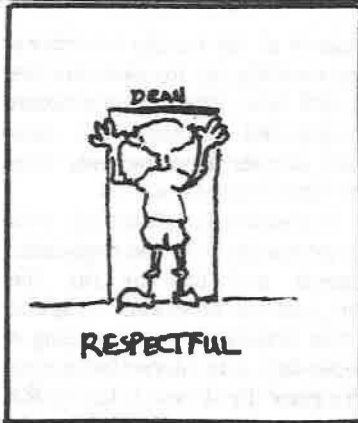


9. The usual methods of instruction at WMCL are the case study method and the problem solving method.

False. The threat and intimidation method is most popular.

10. There are no procedures by which a student may effectively air grievances about the school, faculty or administration.

False. Under the Graffiti Doctrine, any rest room scribbling constitutes actual notice.

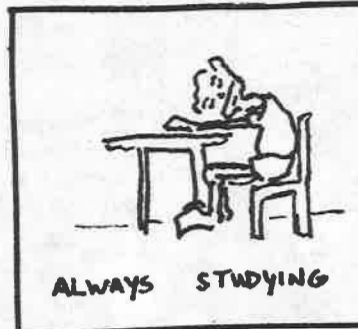


11. Legal briefs are an essential part of an attorney's attire.

False. But beware of lawyers wearing raincoats.

12. The Fall Smoker sponsored by the SBA is an attempt to get WMCL students to meet their classmates in a relaxed social setting.

True. It is also invaluable in giving students first hand knowledge of the state's implied consent law as well providing DWI cases for the Misdemeanor Clinic.



13. Law School employs progressive methods of instruction, such as the use of video taping to provide constructive feedback to students in clinical courses.

True. But it should be noted that the Trial Tactics course uses the video equipment solely to show reruns of Perry Mason and Roger Haydock's home movies.



14. The law school faculty is composed of practicing attorneys who are competent, well informed, aware of student problems, and are in need of money.

True. One out of four isn't bad.

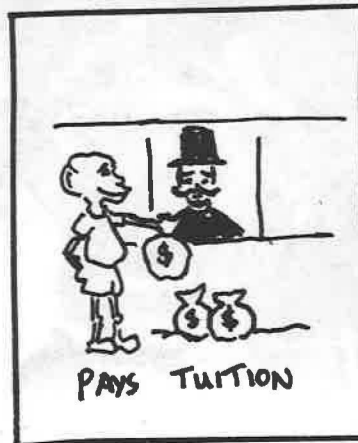
15. An excuse slip must be submitted to the office for every absence.

True. But remember: your grandmother can't die more than once when the Vikes are on Monday Night Football.

Scoring: All correct. Congratulations. Proceed to second year where Professor Heidenreich will welcome you with open arms and good faith.

Half correct. You are a student of respectable intelligence and in four years you will be employed in a non-legal job.

None correct. Report to Room 317. The Law Review wants to join you.



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# Grading Deadlines

## Faculty Votes to Sanction Late Graders

by Albert Bonin

The full time faculty members have taken it upon themselves to issue and enforce deadlines for submitting grades. In light of the unreasonable time which some instructors have taken to finish grading exams, various proposals were put forth in an attempt to prevent this from re-occurring. After two sessions totaling more than five hours of discussion the following proposal was passed by the faculty members by a vote of 12 to 3.

At least a week before the first day of each exam period the Dean will notify

all faculty members of the deadline for submitting grades. This deadline shall be; for graduating seniors, at a time necessary to complete the administrative process for graduation; and for students other than graduating seniors, not earlier than 50 calendar days after the last examination date. If a faculty member without the Dean's prior permission fails to meet this deadline the Dean, in the absence of good cause shown, may cause the faculty member to forfeit to the Student's Financial Assistance Fund

one-fifteenth of the faculty member's net semi-monthly pay for each day the grades are late. The administration was requested to negotiate substantially similar arrangements with all part-time instructors.

For Professor Heidenreich who teaches primarily UCC and negotiable instruments and has by far the greatest number of exams to grade (300), this breaks down to grading 6 exams per day. It is interesting to note that Professor Heidenreich has in the past been one of the first instructors to complete grading his exams.

The primary objection to the proposal was the feeling that it would result in a drop in the quality of grading as well as the quality of exams. However, this time limit is

seen by a majority of faculty members as more than ample and would not hamper one who makes a conscientious effort to get his grades in on time.

It is unfortunate that professional people must take this route to ensure that they fulfill their responsibility, but self-regulation has always been the mark of professionals. For some of the faculty members perhaps the greatest sanction was having to sit through the lengthy discussion of the proposal.

For the students, the significance of this recent action can be viewed in its broadest sense as evidencing an awareness on the part of the faculty of the needs of the students and a willingness to meet these needs.

## Book Review

### Even Cowgirls Get the Blues

by Barb Gislason

Tom Robbins penetrates the elusive quality of womanhood in *Cowgirls*. He taunts his readers with humor, insight, charm, and outrage, intermingled with philosophical elaborations, anti-lovers, and home on the range.

The story follows lanky Sissy Hankshaw, who has oversized thumbs and a penchant for hitchhiking. On her travels, Sissy encounters Jack Kerouac, folk hero, and the Countess, homosexual tycoon of the feminine industry.

The Countess hires Sissy as his exclusive model and warns her of the pitfalls of marriage, stating:

"For most poor dumb brainwashed women marriage is the climatic experience . . . Marriage is surrender. Marriage is when a girl gives up the fight, walks off the battlefield and from then on leaves the truly interesting and significant actions to her husband, who has bargained to 'take care' of her. What a sad bum deal."

As a result of her modeling assignments, Sissy meets the Chink, whooping cranes, and Bonanza Jellybean, the cutest cowgirl ever seen. Jellybean and the teenage cowgirls explore and dominate life on the Rubber Rose ranch with a flair for revelry. However, as she tells Sissy, the path to being a cowgirl isn't easy:

"They let you dress up like a cowgirl, and when you say, 'I'm gonna be a cowgirl when I grow up,' they laugh and say, 'Ain't she cute.'

"Then one day they tell you . . . that the role I'd been allowed to love so much was impossible to attain, wow, did I get mad! And I've been mad ever since.

"So I decided to do something about it — to satisfy my own inner needs and show society it couldn't get away with making me love something that didn't exist."

Sissy becomes intrigued by the cowgirls and the freedom they represent, and falls in love with Jellybean and the Chink, a cave dweller who looks "like the Little Man who has the Big Answers."

In time, Sissy is subjected to psychoanalysis. A young intern, Dr. (Tom) Robbins, is instructed to consider the variables of "depression," "inadequate feminine role-identification," "sociopathic impulsivity," and "inadequate compensatory ambition." He finds Sissy to be one of those rare people who hasn't succumbed to the "Great Neurosis of Civilization" and believes she should be allowed to remain on the fringe. Thus, Sissy adheres to a Chink principle, "I believe in everything; nothing is sacred. I believe in nothing; everything is sacred."

### Tim Frederick Gave Blood and Saved a Life. Can You?



Check your lifesaving potential by answering the following questions.

1. Are you between the ages of 17 and 66? YES NO
2. Do you weigh more than 110 lbs? YES NO
3. Are you in good health? YES NO
4. Do you have an hour to spare? YES NO
5. Does the idea of saving someone's life appeal to you? YES NO

If you answered "No" to any of the above questions, you don't have the lifesaving potential we're looking for. If you answered "Yes" to all the above questions, then you do have the ability to save a life. You can give blood.

A blood donation is a significant way to help save lives. Blood is needed for accident victims, for surgery, for childbirth, and for treating anemia and leukemia and hemophilia. Every 17 seconds someone in the United States needs blood. You can help. Call your local Red Cross chapter of your community blood bank and make an appointment.

William Mitchell's Annual Fall Blood Drive will be held on campus on Monday, Nov. 7. The St. Paul Regional Red Cross Blood Program has made available to the students of the school a very valuable offer. If a requisite number of students give blood this year, all students and their families will be able to receive blood when it is needed. Because the program offers this protection to all the students and their families, it is even more imperative that every person seriously consider contributing blood this year. Sign up sheets with times will be circulated by the SBA representatives and will also be available in the Used Bookstore.

## DISCO

by Michael T. Norton



Erik Jensen yuks it up while admiring the form of a nameless couple out on the dance floor.

The annual SBA Fall Smoker was held at the Prom on Friday October 7th. The theme chosen this year by your leaders was DISCO. In addition to the usual liquid refreshments, (stale beer) the SBA provided a really far out female disc person, complete with discs. For the really authentic disco persons in the crowd, a very groovy light show (remember those blinking lights on your parents' Xmas tree?) was presented.

Most people seemed to enjoy the less exotic cuts played by the disc person. After watching one particularly inept couple do a jaded imitation of the funky chicken, several comments were offered by the bartenders as to the form etc., of the dancers. One remark was more of a hope that the persons trying to dance would be better in the court room than they were on the dance floor. Another indicated that it was obvious that a minimal level of motor coordination was not a prerequisite for admission to law school. The tone for the evening was set when several male disc person groupies

had to be doused with cold water to restrain their ardor.

Naturally the usual assortment of school luminaries was present to rub elbows etc., with the adoring masses. One could observe an assistant dean, a phantom SBA rep or two and your usual assortment of professors trying to curry favor with their respective constituencies.

Considering that this was a Mitchell function, the crowd was well behaved. The only really gross incident occurred when the disc person was threatened with great bodily harm unless she substituted a medley of Lawrence Welk hits for Gladys Knight and the Pips. She was no fool, submitting to the request in the interests of conforming to the community standards of her audience. The festivities proceeded to a rousing conclusion with a stirring rendition of the Beer Barrel Polka filling the dance floor for the last dance of the evening. Your next opportunity for this much fun will probably be the Wine Tasting Party late this winter.

Your average down to earth Mitchell couple out for an evening of Disco acknowledging the accolades of their admirers.



# Fall Moot Court Competition

## Mitchell teams to Compete in Regionals

On Saturday, October 8th, the team of Rick Lovett, Mark Hallberg, and Don Spilseth and the team of Margaret Perry and Rick Holloway won the semi-final rounds of the Fall, 1977 Moot Court Competition and earned the right to represent Mitchell in the Regionals of the National Moot Court Competition to be held here in St. Paul during the first week of November.



Rick Lovett, Mark Hallberg and Don Spilseth

The semi-final rounds of argument completed a week of oral arguments in which 25 Mitchell students competed with each other in teams of two or three each to win the School competition.

The Mitchell Moot Court Competition is in its third year. Last Spring Dean Burton agreed to the creation of a Moot Court Board consisting of four students to organize and plan both the Fall and the Spring Competitions and to supervise the Client Counseling Competition. The members of the Moot Court Board were selected from among the members of the Moot Court Society which consists of all students who have participated in at least one moot court competition. This year's members of the Board are: Luke Baer, Pat Maloney, Linda Matthews, and Margaret Perry. The members of the Board, along with the Board's advisors, Professors Goldberg, VerPloeg, and Steenson have responsibility for administering the Fall and Spring Competitions and for organizing Mitchell's participation in the regional rounds of the national client counseling competition. This year Chris Sitzman, who represented Mitchell last year in the client counseling competition, will be helping the Board to organize that competition. The members of the Board receive two credits for their participation on the Board, or, in the alternative, a one-quarter tuition rebate for the year.

The Fall Competition is an intraschool competition held in conjunction with the National Moot Court Competition sponsored by the Young Lawyers' Committee Association of the Association of the Bar of the City of New York. Any students who were interested this fall were invited to participate. Twelve teams, in all, finally turned in briefs and went through the oral arguments. The teams were required to submit an appellate brief of 35-42 pages in length and to make at least two oral arguments of 30 minutes each. This Fall the problem was one involving labor law and it dealt with the issue of whether lawyers should be allowed to organize under the National Labor Relations Act. Students submitted their briefs on Tuesday, September 27, and the briefs were graded by a panel of 4 professors.

Oral arguments started one week later on Tuesday evening, October 4th. Students participated in teams of two or three each and each student had 15 minutes to present his or her portion of the case before a panel of two or three judges consisting of faculty members and students. After each round of oral argument the students were graded on their performance and a winner for each argument was announced based on the combined scores given to the briefs and the oral arguments. After two rounds of preliminary argument, the top eight teams were chosen for the quarter-finals held on Saturday morning, October 8. The four winning teams of the quarter-finals argued against each other a second time in the semi-finals which produced two teams that will face each other in the final arguments to be held on Saturday morning, October 29, and which will be open to all interested students.

Margaret Perry, President of the Moot Court Board, stated that she thought those who had participated in the past would agree that this competition was an excellent means of improving writing and speaking skills needed by lawyers when they go out into practice.



Don Spilseth

The two final teams will be representing Mitchell in the Regionals of the National Moot Court Competition that is being sponsored by the Mitchell Moot Court Board this year. In that

competition, teams from the University of Minnesota, the Universities of North and South Dakota, Drake University, the University of Iowa, Hamline University, and William Mitchell will compete against each other for first or second place and for the right to travel to New York City in early December to argue in the National Competition against students from all over the country. The regionals will be held on November 3, 4, and 5 at the Federal Courthouse in St. Paul. Attorneys and judges from the Twin Cities area will judge the briefs and oral argument held in the Chambers of the Minnesota Supreme Court on Saturday afternoon, November 5. Students are invited to attend any of the arguments.

The Moot Court Board will also be holding a Spring Moot Court Competition. Perry remarked that the Board



Rick Holloway and Margaret Perry

wishes to encourage second and third year students to participate in the Spring Competition so that they will be experienced in the Fall should they have an interest in competing in the Nationals. She said the Moot Court Competitions have been planned by the Board with an eye toward providing Mitchell students with an alternative to law review and with an opportunity to improve their skills in appellate brief writing and advocacy while getting some guidance and supervision by faculty members and other students.

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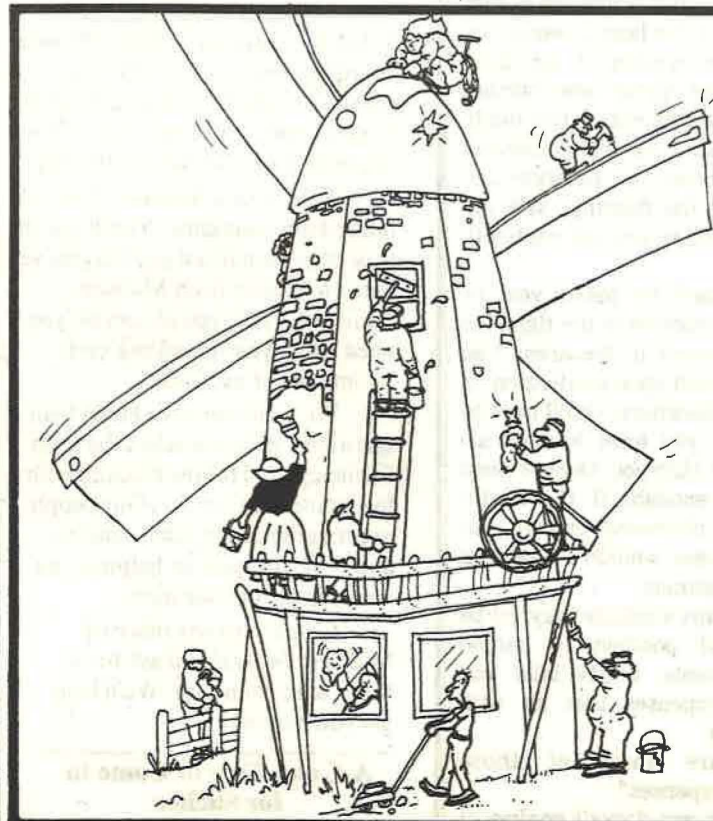
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# Urban Homesteading

## Mitchell Student Does It Himself

It has come to the attention of the OPINION staff that a growing number of students are so dissatisfied with the current parking problems at school that they have taken the matter into their own hands. They are buying homes in the area so they have a place to park.

Actually, while parking may not be the major motivation, many students have purchased homes in the vicinity of Mitchell. While this isn't unusual in itself (many students also purchased homes near the old location), the following interview with Jim Kronr, a third year Mitchell student, illustrates why more and more students are buying homes near school.

Jim lives with his wife Debbie at 753 Ashland Avenue in a home which they purchased in August. The home is currently undergoing intensive remodeling.

**Q:** What motivated you to buy a home?

We had been thinking of buying a home for quite some time. Two things made us decide to take the step: A number of friends recently bought homes and we saw the advantages of home ownership much more vividly. And the apartment building where we lived raised rents tremendously, showing us that for a little more money we could own our own home.

**Q:** How do people in your neighborhood feel about Mitchell moving in?

The reaction I've heard has been very positive, but we live just far enough away so there aren't parking problems. The residents I've spoken to feel that things had really bottomed out until Mitchell moved in. The influx of students, both renters and purchasers has provided a stabilizing influence. The students are willing to pay more rent which gives landlords more incentive to upgrade their rental property.

**Q:** What motivated you to buy where you did?

I guess we weren't quite so leery of the area as other Mitchell students, since we rented near here for a year and knew others who had homes here. In addition, when you compare the homes around here with the townhouses or tract developments in the suburbs you find you get much more for your money here. The potential for appreciation, we felt, was much greater as well. Property values have been depressed because of past neighborhood deterioration. People buying homes here are now in the position of taking advantage of the booming rebirth of the area. Not only does your home appreciate normally, but as the neighborhood improves your home value increases by leaps and bounds.

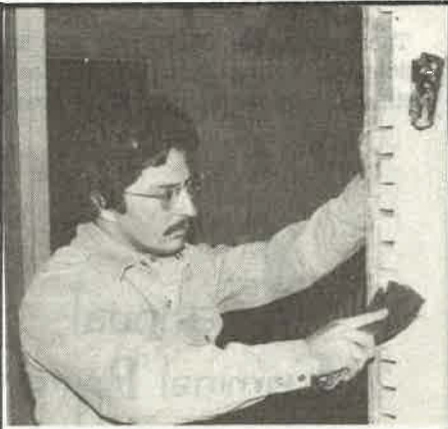
**Q:** What area are you referring to?  
Generally from Dale to Lexington bounded by Selby on the north and Summit on the south.

**Q:** That seems a pretty diverse area. That's true. You have some neighborhoods within that area that haven't deteriorated at all (primarily to the west of school), and some that are years

away from any appreciable increase in living conditions. Many sections, however, are so called marginal neighborhoods where one or two families moving in and fixing up a home can tip the scales toward general recovery quickly.

**Q:** Give me an example.

While I'm somewhat prejudiced in its favor because we bought there, it is generally conceded by contractors and developers in the area that Ashland Avenue between Victoria and Grotto is the site of the most concentrated activity. The second best area would probably be Laurel Avenue between Victoria and St. Albans.



Jim Kroner re-plastering

**Q:** What makes these streets particularly attractive?

I think one of the primary factors is the scheduled construction of a park and playground on the entire block bounded by Laurel-Ashland Grotto and St. Albans. This particularly helps Ashland Avenue since Ashland will be cut off by the park, thereby reducing traffic. Both streets were helped by the moving and remodeling of many homes formerly on the park site to the lots on those streets. The other factor which indicates an area on the rebound is the percent of homes on the block that are owner occupied. It is somewhat of an over-generalization, but if the owner lives on premises the area is usually a bit cleaner, more cared for and safer.

**Q:** What drawbacks exist for students interested in buying in the area?

Probably the biggest drawback is that many if not most of the homes require or could use major repairs. I am particularly speaking about new wiring, plumbing, or roofs; all expensive, fairly complex projects. In addition, cosmetic work like repainting the exterior and interior, redoing the flooring, and updating the insulation are all routinely needed.

Another drawback for fourth year or even third year students is the tight job market for attorneys in the area. You may be forced to sell upon graduation. If a job takes you elsewhere, you'll have to give up a home you have become attached to or one that you haven't been able to fix up enough. If the neighborhood hasn't improved enough, an unrenovated house wouldn't make a worthwhile investment.

In addition, many students may not be in the financial position to handle mortgage payments, utility bills and miscellaneous expenses that go with home ownership.

**Q:** What are some of those miscellaneous expenses?

A lot of things one doesn't realize at

first. For instance, you will probably have to buy tools for upkeep of the house and yard, garbage cans, more furniture because of more rooms, appliances, etc.

**Q:** Any tips on holding down those expenses?

Yes, borrow everything that you don't need often or permanently. For appliances and furniture, buy used. Check rummage sales, garage sales, want ads in newspapers, etc. One might also investigate buying one of the many duplex units in the area thereby providing extra income to help with expenses.



A respite with the books

**Q:** Any other advantages of home owning in the area we haven't covered?

Oh, lots. Some come to mind immediately. Convenience; you are walking distance from school and only minutes away from either downtown St.

Paul or Minneapolis for work.

Property taxes here are a lot lower than in a similarly sized home almost anywhere else in the metro area.

Financing money is unusually easy to get. Many property owners here will sell on contract for deed with very little down and there are many old mortgages that can be assumed at low interest rates. While F.H.A. loans aren't as common here because of all the repair work required, low interest home repair loans are available through local banks in the Minnesota Housing Finance Agency Loan Program. There are even grants available for those who wish money to improve the yard and tax breaks on energy saving improvements.

Even with the poor condition of many of the homes, great values can be had because of the low purchase prices common here. You may have to put \$10,000 into the house, but if you buy it for \$20,000 you end up with a \$30,000 home that is probably the equal of others costing much more.

**Q:** Any last words?

Yes, students buying homes in the area could be a real boon not only to themselves but to the school, other student and other home owners in the area.

**Q:** How?

The more students who buy homes in the area the safer and cleaner those neighborhoods become. Assaults on area residents would probably decline, property values for those already living here would be increased and more students could safely, and easily walk to school.

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## Mitchell Grad Clerks for Ninth Circuit

by Michael T. Norton

Judy Williams, a 1977 spring graduate of William Mitchell, was recently appointed to the position of Staff Law Clerk for the Ninth Circuit Court of Appeals, located in San Francisco.

For those of you who have always wondered how law clerks are chosen, this story will probably be an eye opener. Ms. Williams simply called the Staff Director at the Ninth Circuit to inquire about any openings. When told that there was a position open, but that an attorney with two or more years experience was being sought to fill it, she applied anyhow, in spite of the fact that her experience was confined to her legal education at Mitchell and clerking for a large Minneapolis law firm. Ms. Williams followed up her application with a phone call to the Staff Director. She was told in effect that she didn't have much of a chance due to the competition and her limited experience. She was going to San Francisco for a wedding anyhow, so she wrangled an interview appointment. Again she was told that an experienced attorney was being sought. But she got the job.

The fact that she was chosen to clerk for such a prestigious court is a personal tribute to her perseverance and abilities. It is also a tribute to William Mitchell that a graduate of the school should be chosen over applicants from the numerous prominent California law schools and the California Bar. Judy gives Mitchell much of the credit for her selection. She feels that her opportunity to pursue independent study in immigration law and international law was a determining factor in her selection since the Ninth Circuit case load is heavily weighted with immigration cases. The valuable experience she received as a member of the Law Review was also important since she will be mainly responsible for research and writing proposed opinions for the court.

Judy Williams is not the only success story to come out of Mitchell in recent months. Several other recent and soon to be graduates have been appointed law clerks. Among these are: Becky Rom, (Judge Lord); Laura Underkuffler (Judge Haynie, 8th Circuit); Daniel O'Keefe (Judge Devitt); and David Allen, Maury Landsman, Dennis Troien, Cheryl Grasmoe and Al Gilbert for the Minnesota Supreme Court. It is interesting to note that over half of these people have Law Review experience, in addition to various types of practical legal experience, such as clinics or working for a law firm.

So it is not impossible to find a clerking position. The main ingredients seem to be writing ability, hard work as shown by good (not necessarily honor) grades, and perseverance. And just possibly a little good luck.

# TWO MINUTE BAR EXAM

1. Which bar offers a huge menu of burgers, sandwiches, and snacks, as well as a number of fine vegetarian dishes, more than twelve hours a day?
2. Where can you show off your talent every Tuesday night from 8:30 on and have a chance at a \$50 1st prize (call 222-1926 and sign up.)
3. Which downtown establishment will soon be introducing an original deep dish pizza?
4. Where can you hear the Newgrass of Zane Grey every Thursday through Saturday night from 8:30 to 12:30 with no cover?
5. Where can you get all your favorite libations or sample from an exciting menu of house specialties.

The answer to all the above questions is, of course,

 **The Haberdashery**

(If you missed any questions, or took more than two minutes, we'll see you at 6th and Wabasha, while you brush up a little.)

## Bonin Develops New Registration Procedure

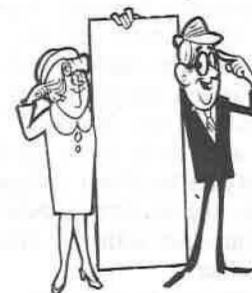
Next semester third and fourth year students will experience a modified registration procedure which will replace the past procedure of a straight lottery. This modified procedure, developed by the SBA President Albert Bonin is an attempt to equalize the registration positions of students in their third year while continuing to allow students an equal chance of obtaining a good registration time upon entering their fourth year. A good registration time for the first semester of a student's fourth year is important since by then most students have completed their prerequisites and have decided which area of law they wish to concentrate on.

In the first semester of the student's third year, registration positions will continue to be determined by a straight lottery. For the second semester, students will be grouped according to their relative position for registration in the first semester:

Group A — will be comprised of those students who received registration positions in the top 45 percent of the class for the first semester.

Group C — will be comprised of those students who received registration positions in the bottom 45 percent of the class for the first semester.

Group B — will be comprised of those students who do not fall in either group A or group C, i.e. the middle 10 percent (or students who did not register for classes the first semester.)



A lottery will be held composed of students from group C and 50 percent of the students chosen at random from group B to determine the registration positions for the top 50 percent of the class for the second semester.

The registration positions for the bottom half will be determined by a lottery composed of students in group A and the remaining students from group B.

In the fourth year, graduating seniors in group B, whose registration positions for the second semester of their third year placed them in the bottom half will register first, followed by the rest of the graduating seniors. Students in group B, who are not graduating seniors, and whose registration positions for the second semester of their third year placed them in the bottom half will register next, followed by the rest of the class. The registration times within these four categories will be determined by lottery. Registration times for the second semester of fourth year will be determined by a straight lottery.

Although the season and the game have changed the story is still the same: beat the Como Bombers. The 1977 William Mitchell Softball champions appear to be headed for a second championship run. After four weeks of play the Bombers have an unblemished record of four wins and no losses. The Bombers' offense, directed by quarterback, Brian Wojtalewicz, the league's premier passer, and receivers Jeff Anderson and Tim Frederick, have overwhelmed several defenses with three or four touchdowns per game. The Bomber defense has been stingy in its own right as it has stifled otherwise potent offenses.

The Bombers are not without competition, though. The Pretenders have also managed to stay unbeaten through the first four weeks of the season, surviving a couple of tough games. Lurum, Cheetum and Runn, the only uniformed team in the league, also have an excellent club. With Rick Lovett at the



Kung-Fu expert Ken Davis pesters QB with double scissors attack.

referees, thereby allowing the league to operate with minimum expenses. However the league is not without the usual problems of intramural sports. The number of forfeits is increasing as the various hunting seasons open and some teams become disinterested. This problem can and should be dealt with, possibly by dropping from the schedule any team forfeiting 2 games. This would eliminate the discouragement that results when a team arrives for a scheduled game only to find the opposition is not going to show up. The only other problem is the uncooperative weather which has made cold, damp conditions the norm. This may prove to be more of a factor as the league continues its scheduled games and playoffs into November.



It's a long way to the sideline.

helm, LCR has run up a 3-1 record. Several teams that may be factors as the season winds down include Jardine, Logan and O'Brien and the Once and Future Athletes.

The football league commenced play on September 10th with 16 teams and 200 players. Games are played on Saturday mornings from 9:00 until 12:00 at the University fields on Hennepin near Highway 280. Bob Gjorvad has managed to run the league with volunteer



Come on 82!

## LSD Competition for Director of NAAC

Applications are now being accepted for the position of Director of the Law Student Division's National Appellate Advocacy Competition (NAAC). The student appointed as Director will sit on the NAAC Council. He or she will assist in coordinating the Regional Competitions and will have primary responsibility for the Final Competition to be held in August, 1978, in New York City in conjunction with the ABA-LSD Annual Meeting.

Applicants must have at least one year remaining in law school after September 1, 1977. To apply, send your resume and a cover letter to Marvin S.C. Dang, Eleventh Circuit Governor, 1260-21st Street, N.W., No. 800, Washington, D.C. 20036. Your application must be postmarked by October 15, 1977. Please send a copy of your application to your Circuit Governor and to Wesley Ching, Director, Law Student Division, American Bar Association, 1155 East 60th Street, Chicago, Illinois 60637.

Law students are also being sought to serve on the Law Student Division's newly-established Special Committee on Lawyer Advertising. In August, 1977, the American Bar Association's House of Delegates adopted various amendments to the model Code of Professional Responsibility, which removed certain restrictions on lawyer advertising. It is anticipated that further changes will be made in the near future. The Committee is charged with drafting a Law Student Division "Position Paper" on lawyer

advertising after solicitation of comments from law students across the country. The Committee will be composed of approximately 10 students.

Potential Committee members must have at least one year remaining in law school as of September 1, 1977. To apply, send your resume and cover letter to: Wesley Ching, Director, Law Student Division, American Bar Association, 1155 East 60th Street, Chicago, Illinois 60637. Your application must be postmarked by October 31, 1977.

Rumor has it that upon installation of a new sign in front of the school, a rather inquisitive dean decided to test the sign's strength against the forces of both man and nature. In a fit of intelligence, the dean picked up a stone and cast it against the face of the sign. Of course, the sign broke. Therefore we present...



## Client Counseling Competition: Unmarrieds Living Together

by Chris Sitzmann

The Law Student Division of the American Bar Association will again sponsor the Client Counseling Competition. The Regional competitions will take place on March 4, 1978. William Mitchell will hold an inter-school competition and send the winner to the Regional competition.

"Family Law: Unmarrieds Living Together" will be the subject of the competition this year.

William Mitchell participated in this competition last year and is looking forward to a larger inter-school competition this year. Professor Melvin Goldberg is working with students in organizing an expanded program which will include preliminary memorandum and development of interview and counseling skills.

On reserve in the library are copies of the Rules of the Client Counseling Competition and Standards for Judging the Client Counseling Competition. Tapes of previous competition are available as well as use of video tape equipment for practice. Also see the LSD bulletin board for additional information.

The Client Counseling Competition is a valuable and rewarding experience for anyone who desires to practice law and does not require as much time and preparation as other competitions. Scheduled meetings will be printed in the Docket.

If anyone has any questions regarding participation or serving on a committee to help organize the competition please contact Professor Goldberg or Christopher Sitzmann, the LSD Representative.

# IN GOOD TASTE

by Jim Haigh

## Waist Away

With this column, we'd like to tell you of a place where you might get inspiration as well as food. Inspiration doesn't come easily to law students, and perhaps we need all the help we can get. Anyway, on Central and Fourth in Minneapolis stands the Garden Restaurant. The building is owned and operated by Fish, Inc., a non-denominational Christian religious group.

This building houses more than simply one restaurant, to be sure. Inside on the first floor, in addition to the Garden restaurant, there is a women's clothing shop, bookshop, deli, French restaurant, a defunct hairdresser's salon, and a shoe shop. There is also a small bath boutique inside the front door, in the spot where the plant shop used to be, which is adjacent to where the soda fountain was!

The changes in the floor plan have reflected either low profits for those enterprises which are no more, or whimsical desires on the part of management. Of course, considering the nature of the group running this building, who knows what "management" might really constitute? In the past, the building has also

held a furniture maker and a gourmet food shop as well. This plethora of chic shops is constantly changing, but the central restaurant has remained the same, in both style and substance.

The other restaurant, presumably French, we have never tried, for two reasons. First, any restaurant that presumes to serve french cooking without wine is a contradiction in terms. And second, it is too pretentious; witnessed the new, shimmering, copper-colored espresso maker. Instant ostentation.

In the main restaurant, the menu features open faced sandwiches. The "Charlie" with tuna fish, the "Country Swiss" with BBQ beef and Swiss cheese, the "Benjamin" with corned beef, and the "Vegetarian" rank among their better efforts. And while their omelets are a bit more studied, than say, Pumpnick's, they are filling and moderately priced, albeit very rich. Should you be dieting, their Chef's salad rates a try, as it is both nutritious and inexpensive.

The dinners have not been as pleasing when we have tried them. First, they are expensive and reflect a typically American menu — steak, prime rib and chicken. However, should you appreciate a nice dinner of liver with baked potato and salad for about \$3.50,

this place always has it on their dinner menu. But stay away from the fish entrees; they are really overpriced and not fresh. The crablegs may appear to be a bargain, but they taste as if they came out of a frozen foods box and a microwave oven.

We like dining here for the simple reason that the food is consistently good, if not spectacular, and is quite reasonable. The dining area for the main restaurant is also plant-bedecked and has large open windows, creating the proverbial "sunny spaciousness" that is lacking in places like the Malt Shop. An added feature is that the New York Times on sale; you can at least keep your perspective while you dine.

Negative aspects include the uninspired coffee, the plastic table settings, the slow service (we presume it allows one to ponder one's soul), and the general lack of anything daring on the menu.

So if you want some decent food without any surprises and in a friendly environment, try the Garden Restaurant. They serve breakfast, lunch and dinner, with different menus, but the pattern is pretty much the same for all meals. Good luck, and happy eating.

## Burger Scholarship

The first annual Warren E. Burger Entrance Scholarship will be awarded to an entering student of William Mitchell. The \$1,000 award is donated by Harvey T. Reid, a retired executive of West Publishing Company. Mr. Reid was awarded an honorary degree from William Mitchell College in 1963.

As Mr. Reid has prescribed, the criteria for the selection of the winner

are strong academic and leadership qualities, demonstrated by undergraduate achievement and personal qualities indicating a person who can be a strong legal scholar, strong attorney and a potential member of the bench. To determine this the seven finalists, chosen from 55 applicants by the William Mitchell scholarship committee, were personally interviewed by Justice James E. Otis of the Minnesota Supreme Court; Mr. Cole Oehler of the law firm of Briggs and Morgan; and

Professor Walter Anastas, the chairman of Mitchell's scholarship committee. Commitment and dedication to law were the major determining factors. After individual half-hour interviews, the seven attended a less formal luncheon with the committee at the University Club.

Awarded in honor of Mr. Chief Justice Warren E. Burger, the scholarship will be presented at the student convocation of the dedication ceremony which Justice Burger will attend.

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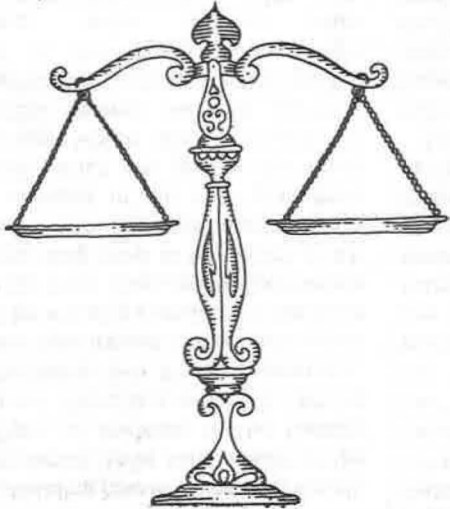
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