

The Opinion

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William Mitchell College of Law

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The Opinion

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Law School Applications Drop

by Steve Rau

Nationally, law school applications have dropped this year. Ohio State University and the University of Connecticut applications dropped 25 percent. Stanford University's law school reported a drop in applications of over 21 percent. Applications by Blacks and Chicanos dipped while those of Puerto Ricans and American Indians increased. At the University of California at Davis, most recently noted for the Bakke decision, the Black applicant pool was 25 percent lower than last year.

Several theories have been advanced to explain the drop in law

school applications. The end of the baby boom babies, rising tuition costs, flooding of the legal field, and the increasing number of college graduates opting for an MBA have all been cited as reasons.

The decreasing number of young people graduating with four-year degrees must be a factor in the reduced applicant pool. However, some of the effect is reduced by the increasing number of people choosing law as a second career or as a first career late in life. In recent years, we have seen a steady increase in the average age of people attending law school.

Recently, the legal field has received a great deal of press about the scarcity of jobs available for people finishing their legal education. In addition, the public image of lawyers has been somewhat tarnished as a result of publicity of unethical attorneys, who are unfortunately the exception rather than the rule.

Despite the fact that tuition costs seem to rise faster than checks can be written, rising tuition costs can only play a minor role in the drop of applications. More government money is available for students than ever before, and the requirement to show financial hardship is becoming less

and less of a necessity to obtain these funds.

The most obvious factor, and perhaps most significant, in the decline in law school applications is the increase in application to graduate business programs. To the recent college graduate, the MBA offers a number of practical advantages over other professional alternatives. First and most important, more college graduates are finding businesses willing to underwrite their tuition costs for an MBA, and employ them at the same time. This is also a product of the fact that there are many more evening MBA programs than evening law schools. Both of

these alternatives allow the student to obtain a degree with greater earning prospects and still not forego working full time. For the student who wants to earn his/her degree full time, graduate business programs require a shorter deferment of earning ability with potentially equal financial rewards to that of a law degree. It seems that business demands for MBAs are insatiable despite the fact that more people are getting MBAs.

The application pools for the University of Minnesota Law School and William Mitchell followed a trend similar to that seen nationally.

Administration Reorganized

The William Mitchell administration lost an assistant dean last spring and replaced him by hiring a business manager and assigning new duties to Associate Dean Marvin Green.

Curtis Stine, who served as assistant dean since 1976, resigned his post last spring and returned to teaching full-time. Stine said recently that he is anxious to return to teaching and prefers that over his administrative duties. He joined the faculty in 1974.

Robert Duffy was hired a business manager over the summer. He is from Omaha, Neb.,

where he worked as comptroller for a corporation. Prior to that, he was in educational administration.

Duffy is responsible for some of the duties formerly shared by two assistant deans. Under Duffy's control are such internal concerns as audit controls, purchasing, registration and records, and physical plant.

Green is now responsible for a number of student activities as well as placement, alumni, and summer session. He will share the task of student counseling with Dean Burton.



Associate Dean Green

Search Begins for New Dean

by Tim Hassett

An eighteen-member committee has begun its search for a new dean to assume the position Bruce Burton will vacate next summer.

The committee, chaired by Prof. Melvin Goldberg, has met twice since it was charged last spring with the responsibility of interviewing and selecting a candidate for the job.

The search is nationwide. Advertisements announcing the opening currently appear in *Minnesota Bench and Bar* and the *American Law Journal*. Ads will soon run in the *New York Times*, *Wall Street Journal* and the *Washington Post*.

The competition could be tough—both for the applicants and for the school. According to Goldberg, "some" applications have been received so far. The deadline is Nov. 15. However, out of about 160 American Bar Association (ABA) accredited law schools, a substantial number—perhaps as many as 30 or 40—are looking for a new dean, according to Michael Steenson, a member of the search committee. Eleven law schools currently advertise at Mitchell for a new dean. And recently, a midwestern law school came up dry after its search for a dean, Steenson said.

The committee is accepting both applications and nominations. Nominees are sent a letter explaining the job and are invited to apply. Goldberg said he hopes to recommend a final candidate to the Board of Trustees by January 15, but added that the date is tentative.

In addition to the ads, the committee has sent letters to all ABA accredited law schools, all state bar associations and many other

legal groups.

Goldberg stressed that the committee plans not only to meet affirmative action guidelines but will actively seek out qualified minority candidates. Organizations such as the Indian Law Support Center, the National Legal Aid and Defender Association, the NAACP Legal Defense Fund, the American Indian Law Center, the National Conference of Black Lawyers, and organizations of women lawyers have received letters inviting applicants.

Applicants must be lawyers. Consideration is given to teaching, academic and scholarly accomplishments, administrative experience and the practice of law. The new dean must be able to teach but will not be required to upon assuming the position.

Goldberg doesn't expect difficulty in picking qualified applicants. "The problem will be when we get beyond the papers and look at the warm bodies," he said.

Of the 18 committee members, five are professors, five are members of the board of trustees, three are alumni and five are students.

A screening committee was selected from among the committee members. It will cull through the applications and make recommendations to the full committee, if the number of applications is large. However, the entire committee will vote on each applicant, Goldberg said.

Finalists will meet with students, faculty, and members of the board before a final recommendation is made. Goldberg said he hopes a new dean will be hired

Chief Justice Visits Alma Mater

On August 15, Chief Justice Warren E. Burger (Class of 1931) visited William Mitchell College of Law, touring much of the campus. He also met with members of the administration, faculty, and office staff, as well as Student Bar Association leaders, including SBA officers Sue Bates and Bob Birnbaum.

The Chief Justice was very enthusiastic about the efforts of the College to create a legal education center on campus, and urged that it be expanded to include a variety of bench and bar related entities. He also remarked that he was very impressed with the recent renovation of the physical plant at Mercer, where similar efforts had



Chief Justice Burger

been completed.

Chief Justice Burger departed for Washington, D.C. on an afternoon flight, returning to host a farewell dinner for Attorney General Griffen Bell. Dean Burton acknowledged his appreciation of the visit, saying, "It was very gracious of the Chief Justice to take time from his very busy schedule in order to visit our campus."

Opinion SBA Win Awards

Both *The Opinion* and the SBA received recognition at the annual American Bar Association/Law Student Division Convention that was held in Dallas during the second week of August.

The SBA was awarded the Best Student Bar Association Project award for its work in developing a course in which law students teach law to high school students in the community.

The Opinion received three awards: the 8th Circuit Newspaper Award that went to the best newspaper in the 8th Circuit; an Award of Excellence (First Place) for the best editorial on the broader aspects of the law, "Demystifying our Profession"; and Honorable Mention for a written editorial on internal law school affairs, "Everyone Failed."

The awards will be placed in the William Mitchell Trophy case.

Cont'd to page 10

Editorial

What's in a Name?

The William Mitchell Opinion has changed its name. In a move to separate The Opinion and its publisher, the SBA, from William Mitchell College of Law and its administrators, a contract was drawn up. One of the provisions of the contract requires that the newspaper be called The Opinion rather than The William Mitchell Opinion. The contract is a result of the school's concern over possible legal liability for the conduct of The Opinion. Many months of consideration have gone into this contract. The school's lawyers prepared the first draft, which was then carefully read by the SBA. Although the final contract is not ready yet, we at the newspaper feel that the administration has been very fair with us. We can live with the requirements of the proposed contract.

We can also live with, and more to the point, greatly appreciate the support we've enjoyed so far this year. When talk of the con-

tract began last year, there was fear that the administration's support, both financial and moral, would be cut off. Our reactions, based on the lack of student and administrative support that we felt last year, were not entirely out of line. But, we are happy to say, our worries were unnecessary. Many members of the administration, faculty, and student body have expressed much support for our efforts in the last few weeks. We hope to live up to their expectations.

We, in fact, have high expectations ourselves.

I had the pleasure of attending the annual ABA/LSD convention that was held in Dallas. The Opinion was given three awards at this convention. It is a well-respected newspaper. Much of the praise and recognition belongs to last year's editor-in-chief, Tom Copeland. His editorial "Demystifying our Profession" was judged the best editorial on the broader aspects of the law. Congratulations, Tom.

Our goal this year is to have another award winning newspaper. We may have changed our name, but we won't change our face.

SBA Rejects Rep Resignation

At the first SBA meeting this fall, second year student representative Rich Ruvelson offered his resignation. Explaining that he had switched from the 16 credit section to a 12 credit section, Ruvelson expressed concern that he would no longer be representing the concerns of the 16 credit students. Members of the 16 credit section in attendance at the SBA meeting disagreed, however, stating their belief that Ruvelson understood the problems the 16 credit students face, and that he could effectively represent them. Ruvelson's resignation, after read aloud to the aboard, was rejected. His letter of resignation read as follows.

"Dear Sue,
In commemoration of the resignation of Richard M. Nixon on 8/9/74, I resign my position on the William Mitchell Student Bar Association. Although second year students do not technically represent the sections out of which they were elected, I was elected by the students in section 4, and I strongly feel that the students in the 16 credit program should have their own representative on the august body known around these parts as the SBA.

"The decision I have reached was not an easy one for me to make as I enjoyed serving on the SBA and feel that the organiza-

tion is in the midst of living up to its potential for meeting the needs of Mitchell students. Of great assistance to me in reaching my decision is the assumption that were they in my position Leo Tolstoy and Dr. Seuss would have probably acted in a similar manner.

"These are very difficult times in which we live. The tragic loss of Thurman Munson and his replacement by an untested rookie seems to mark the end of the Yankee era. Perhaps, Sirhan Sirhan should be forced into asylum in Cleveland or Oakland rather than being allowed to go to Libya, unfortunately, no one seems to want to make the big decisions. Jerry Lewis and Amy Carter, while their's is apparent, are unfortunately not the only ones afflicted with the American malaise which has been widely discussed by Amy's dad and in such scholarly medical journals as Time and Newsweek.

"Although I will not be on the SBA, I will still fight the big struggles. Most important of these is the fight over the change in name from William Mitchell College of Law to the University of New Jersey School of Law. Admit it, you really wanted to go to an eastern school, now here is your chance. Imagine the "board walk" you could take nightly following a 2 hour class in the Atlantic City

Room. Perhaps the sign out in front of the school should be modified to give the time and temperature. These and other important issues must be addressed, they will not go away.

"Seriously, I have for the most part enjoyed serving on the SBA. I think that the SBA under your direction is really beginning to serve the needs of students, for that you deserve a great deal of credit and thanks from the student body as does the entire SBA. I hope that each SBA member looks at the surveys taken in the spring because they contain a great deal of insight into what students want and exj SBA. Issues such as stepped up minority enrollment and daycare must be addressed as well as the addition of more women and minorities to the faculty.

"Although I will not be a member of the SBA board, I would very much like to continue my involvement with the SBA, perhaps an ambassadorship would be appropriate.

"I regret sending this letter to you, but I have been unable to reach Cyrus Vance, whose job it is to accept letters such as this.

Good Luck!
Boycott Nestle.
Rich Ruvelson
University of Wisconsin—Madison
Pinball Champion 1976"

Letters

TO THE EDITOR:

When asked during fall registration if there would be any additional sections in the spring semester for the Business Organizations II course in light of the unusually large number of students who withdrew from last year's offerings, Bruce W. Burton tersely replied, "We will not make accommodations for irregular students who drop required courses."

This example of steely arrogance in the aftermath of a number of administrative embarrassments last year indicates that WMCL students, when reminded to pay their tuition on the fifteenth of every month, are being asked to feed the hand that bites them.

I am one of those "irregular" students, who number among the wide majority of students in my section who withdrew from Business Organizations II, and I am now pondering what type of administrative enema will be given to relieve this irregularity.

In the frothy wake of a year in which a not insignificant number of students became disenchanted ue to the events which led to the departure of Mr. Rosenfeld, and in which many of the same students felt compelled to drop Business Organizations II taught by Mr. Haines due to the Civil Procedure make-up classes, and for other reasons, it seems odd for the administration now to react with rigidity toudent needs.

Few of those students affected by last year's events will find comfort in the notion that there exists in the administration, an attitude, not of apology or conciliation, but one which seemingly places a higher value on "running a tight ship."

There may be comfort, however, in the notion that those whose needs go unattended also make tuition payments which supply the funds for paychecks, and who in the future will be called

upon to make Alumni Donations.

David M. Anderson
3rd year student

To the Editor,

As an alumnus of William Mitchell, and particularly as a former Editor-in-Chief of the Opinion, I was both perplexed and dismayed to learn that the school administration had discontinued its long-time policy of making a donation to the student newspaper.

I am perplexed as to what legal argument could reasonably and persuasively be made to hold the school liable for what appears in a newspaper which is planned, prepared and published entirely by the Student Bar Association. My understanding has always been that the SBA was separate, apart and autonomous in all respects from the school. That the school makes a donation or grant to the SBA, it seems to me, makes it no more liable for the acts of the SBA, through its newspaper, than if the money were instead donated to the American Cancer Society.

If that is the case, or perhaps even if it is not, the administration's decision seems reactionary and retaliatory. It also raises a number of significant first amendment questions. Perhaps the message is that the school will make a donation only on the condition that the student newspaper represent only those views which are deemed appropriate by the administration. In that event, one would necessarily conclude that the administration does not support the concept of a student newspaper.

On the other hand, if the school is genuinely concerned that the present arrangement makes it legally liable for the Opinion's

content, it should exercise great care not to throw out the baby with the dirty bathwater. The Opinion has a proud, award-winning recent history. It is widely-recognized for its responsible handling of news and editorial content. While it has not avoided the controversial, it has not been reckless in seeking or printing it. To condemn it, as well as to deny the alumni the opportunity to read it, on the basis of one unfortunate incident is, it seems to me, shortsighted and counter productive.

I hope the Board of Trustees will consider this particular problem in its proper, larger context. The Opinion has, in recent, served a valuable purpose for William Mitchell students, alumni, faculty, and the school itself.

Sincerely,
Stephen R. Bergerson

The 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 abridgement, 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.

SBA President Sue Bates

SBA: A Highly Innocuous Organization?

I remember watching a war movie once where the hero, surrounded by thousands of enemy soldiers and set for certain doom looked at his cohort and said "Well—here we are!" So it's August, registration is over, and "Well—here we are." The SBA is ready to take another shot at being something other than a highly innocuous organization at Mitchell.

As I said in the last issue, I want to use this column to let you know what is going on, as an attempt to keep on top of things and keep informed.

In August, I attended the ABA convention in Dallas. I was the school's representative to NASBA (the National Association of Student Bar Associations) that met at the same time.

I learned a great deal. First, that Mitchell is far ahead of most other schools in curriculum offerings and student activities. I was astounded at some of the programs other SBAs were attempting to establish that we take for granted; for example, students on faculty committees, work study programs, school newspapers, used bookstore, courses with trial skills experience. The list goes on and on.

Second, I learned about conventions. This was my first national convention. I was under the impression that 20,000 people were coming together. That was my first mistake. What was coming together were 20,000 delegates, and that is a different ballgame. I was perfectly certain I could be leaning in a corner, grey, with my pupils equal and non-reactive and someone would ask me



Sue Bates

how I was going to vote on Resolution 13!

I learned that everytime two or more people stop and talk, no matter where, it is a caucus. And I found out how impossible it is to ever get to substantive issues . . . when By-Law and Constitutional changes are the high priority items (although as far as I could see only for the people who wrote them).

By the third day, other SBA presidents, feeling the same frustration, all got together over coffee breaks, lunches, any free time available to discuss real concerns and share suggestions and ideas. We set up a pipeline, got names and addresses to exchange information during the year, and vowed to learn a lesson from the whole experience.

Finally, minimal as it may seem by comparison, a work of warning about attending conventions. Make reservations early. I ended up in something that seemed as if it should be called the Holiday Inn Dumpster. Cab drivers laughed when I told them to take me there. Next time I will know better.

Returning to 875 Summit, we had our first SBA meeting recently. I will attempt to highlight (or lowlight, depending on your frame of reference) the agenda.

We were all very excited to learn that the movie *Paper Chase* drew over 200 people. As a result we decided to look into more films for the year. Let us know if you have any favorites or suggestions.

Administration has agreed again this year to publish a student directory. Our thanks, as this is a great aid to all of us.

Several concerned students came to the meeting to discuss our approaching the administration concerning the need for additional spaces in the Business Organizations II course. It was agreed by all that we should gather accurate data as to the need, identify our concerns, and present them in a logical, mature manner for consideration by administration. This is presently being done. A letter from the board was directed to administration, and information will be gathered from the third and fourth year students to help identify the needs. We earnestly requested that, while there may be contrary arguments, the administration put aside policy considerations and give priority to the effect this will have on students. We indicated that there now exists a large number of students who may be severely hampered by an arbitrary decision. For many, it may mean an extra semester—or possibly an extra year—in school which we stressed seemed to be a harsh line to take for policy reasons. We also indicated that this situation calls for a sense of humanism that the law school

needs to teach its students. We identified our readiness to do anything we could, and hoped that we could all cooperate in finally putting the lid on a situation that has been frustrating to all of us, by providing a solution to the one remaining part of the problem.

The Bahamas. Jamaica. Who cares as long as it's warm, right? That's how the board feels about a February break. In case you have been in a coma or out of the country and haven't noticed, this year the administration has given us a week break from classes in February. So SBA would like to go somewhere warm. We are attempting to organize a trip. We need to know how many students would be interested. We feel that, for example, 7 days in the Bahamas plus air fare would cost about \$550. If you are interested in hearing more from us on this, please let Julie in the Used Bookstore know. We would then be in touch with you as the information becomes available.

For your information, we plan on posting minutes from each SBA meeting and the treasurer's report on the SBA Bulletin Board.

The next area of major concern is the registration lottery. Historically, the administration gave SBA the opportunity several years ago to suggest a lottery system rather than the first come, first serve system that had been used. The method that was developed has continued with minor changes since that time. Difficulties with implementing the

system have developed since the admission of the 16 credit program students, and the lottery needs to be re-evaluated to be fair to everyone. We appointed a committee of students to evaluate and present a more equitable way of handling all students' needs and also to look into specific grievances that arose this fall. They will be able to provide some solutions.

The food service construction was slowed down slightly, but we are hopeful that it will be ready in a few weeks.

The board decided, although I am sure many of you will be disappointed, not to have The Weird and Wonderful World of Mr. Fingers perform on our campus this year. We received a flyer and booking information from him but decided to leave that for next year's board.

A smoker is being planned for Friday, September 21 at the Prom Center. We plan on having a live band and will provide more information when we get it.

Freshman, please note the elections coming up for your SBA representatives. The dates for submitting the petitions and voting will be in the Docket. Consider what a good chance it will be to get involved in the student activities at Mitchell.

I look forward to serving as your president this year. If you have any suggestions, criticisms, etc., don't be afraid to let me know.

Attention: TALENT NEEDED!

Student-Faculty Talent Show (and Roast)

Students with "talent" (the term is construed liberally) and/or an interest in helping to organize this "performance," please leave your name and telephone number with Julie in the SBA office by Sept. 12.

Faculty "talent" (the term being strictly construed) is being sought by the talent agents who discovered Orville Schwartz.



Disco style here displayed with be replaced by rock and roll at fall smoker.

Smoker

The Fall Smoker. What the hell is that? you ask. A tobacco shop? The Gophers' new football slogan? A throwback to the days when girls' skirts were lower and boys' hopes were higher? No, not really. Is it the Faculty Roast? No, that comes later. Then what is it? The Smoker is the apogee of the Mitchell social orbit. It is the homecoming dance and class reunion rolled into one.

This year marks a return to good old live rock and roll, with Fantasy playing from nine to one. No admission will be charged, although Mitchell I.D.'s will be checked at the door. Guests of Mitchell students will be welcome. The Smoker will be on Friday evening, September 21 and will be held in the Arizona Room at the Prom Center, 1190 University Avenue (University at Lexington).

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Finalists Await Federal Bench Appointments

by Sally Oldham

Thanks to a new law passed by Congress during the 1978 session, Minnesota will have two new federal district judges. The only question remaining is who will get the two prized positions. The race is on and Vice-President Mondale is expected to make the announcement sometime in early fall.

President Carter was anxious to see that the new judgeships nationwide be filled through a merit selection process. Only half of the states have followed this course. Minnesota is one of them.

A ten-member nominating com-

mission was set up in Minnesota with five of the members chosen by Republican Senators Boschwitz and Durenburger and five by Vice-President Mondale. The commission was co-chaired by DFL'er John French and James Rosenbaum who is a Republican. The commission was carefully put together so as to include minority members and women. It was organized so as to promise one Republican appointment and one DFL appointment to parallel Minnesota's unique political balance.

In mid-June the commission announced the names of ten finalists after considering more than 100

candidates. The names were sent back to Boschwitz and Durenburger and Mondale. From there more screening was conducted by the Justice Department and the American Bar Association.

The ten finalists sent to Washington included two women - Hennepin County District Judge Diana Murphy and Joyce Hughes, a black woman who formerly practiced law in Minneapolis and taught at the University of Minnesota law school. Ms. Hughes has just recently been tenured at Northwestern University Law School in Chicago and is a leading contender for appoint-

ment to a federal district judgeship in Illinois. This development has nearly assured Ms. Hughes' removal from the Minnesota race. The other final nominees are as follows, with the first four being DFL'ers:

- Sidney Abramson, currently a Ramsey County District Judge and formerly with the U.S. Attorney's office.

- Robert Bowen, a Hennepin County municipal judge since 1973.

- David Graven, a Minneapolis attorney and former member of the Metropolitan Council.

- Joseph Summers, a Ramsey County district judge since 1978 who had served on the St. Paul municipal bench since 1973.

Three of the nominees are solid Republicans:

- Kelton Gage is a Mankato attorney who served in the Minnesota legislature for several years and is a member of the Metropolitan Sports Facilities Commission.

- Robert Renner also served in the Minnesota legislature, spent

eight years with the U.S. Attorney's office, and has been a U.S. Magistrate in Minneapolis since 1977.

- Crane Winton is a Hennepin County District judge who served as a municipal judge from 1962 until his appointment to the district bench in 1967.

- Robert Henson is a Minneapolis attorney and former president of the Hennepin County Bar Association. Henson declared himself a political independent.

Speculation about who the new judges will be has run rampant since announcement of the ten finalists. Rumor has it that the two leading contenders for the Republican spot are Renner and Gage, and the former's federal experience reputedly gives him an edge. As for the DFL spot, the names of Judges Abramson and Murphy are most often heard. Both Abramson and Murphy have considerable political pull with Mondale. President Carter's pledge to put more women on the federal bench, however, may give Judge Murphy the appointment.

Law Spouses to Meet Monthly

William Mitchell Law Spouses will meet again this year on the first Wednesday of each month at 7 p.m. in the basement of the Legal Education Center (LEC) building. The welcoming meeting was held on September 5 with Dean and Mrs. Burton and Assistant Dean Green as guest speakers. Male spouses are encouraged to become active in the organization this year and to assist with revisions of the club to meet their needs. Membership information can be obtained from Barb Nergaard (869-4257) or Mary

Sahlsteen (690-3226).

In the spring of 1979, Law Spouses made a donation of \$500 to the William Mitchell Library so that a series of microfilms on Indian Law could be purchased for use by the students. William Mitchell will be the only school in the state and one of only a few in the country to have these microfilms available.

Law Spouses is sponsoring two scholarships this fall for married students at William Mitchell. One of the scholarships requires that the recipient's wife/husband be a

member of the Law Spouse organization. Both scholarships are for \$250 and will be based on financial need only. Applications may be submitted to the Financial Aid Office.

The 1979-80 Executive Board of Law Spouses is: President, Bonnie Kaseforth (225-8030); Vice President, Terry Zohlmann (488-8179); Secretary, Barb Nergaard (869-4257); Treasurer, Mary Sahlsteen (690-3226); Publicity, Julie Halom (644-1645); Social Committee, Debbie Houghton (545-7023) and Debra Koenig (561-3671); Craft Chairman, Barb Hockensmith (455-7763); and Moot Court, Sandi Oliver (771-3804).

City Council to Consider Student Parking Ban

by Sally Oldham

Despite repeated admonitions from the administration, William Mitchell students continue to park on Portland and Ashland Avenues and area residents are up in arms. Seeking public comment on the parking problem, the Public Works Committee of the St. Paul City Council sponsored a meeting on May 17 at the school which was attended by approximately 60 people, including area residents, students, Associate Dean Green and SBA President Sue Bates. It was evident from the meeting that residents have a genuine complaint about the effect of the parking situation on the area's livability and diminished property values; the problem is what to do about it.

One solution is forthcoming from Don Niegard of the St. Paul Public Works Commission. Mr. Niegard is pushing for an ordinance which would restrict parking around William Mitchell to permit holders. The permits would cost from \$10 to \$12 and

would only be available to area residents. The ordinance is patterned after one already in effect in an area surrounding Augsburg College in southeast Minneapolis. Niegard's ordinance does not spell out certain details such as the geographical boundaries of the restriction or the specific cost of the permits. These issues would be left to the council.

Niegard expects to have a draft of his proposed ordinance to the council's Public Works Committee within the next week. Committee members are Vic Tedesco, Ron Maddox and Chairman George McMahon who replaced the late Rosalie Butler.

Although the process of passing an ordinance is usually a slow one, Niegard is doing everything possible to expedite the matter and expects action within a couple of months. When asked whether he anticipated passage of the ordinance, Niegard was optimistic of success.

The May 17 meeting was not the

last chance for public input into resolution of the parking problem. Pursuant to council procedure, the third reading of the ordinance must be made during a public meeting. According to Niegard's timetable, this should take place within the next two months.

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School News

What's New

by Sally Oldham

The good news is that William Mitchell will have a brand new food service this year. The bad news is that it isn't open yet.

Due to typical construction delays and health department hassles, the cafeteria is not expected to open until the beginning of October. When it does open, hot food—such as hamburgers, french fries, roast beef, and a daily casserole selection—will be available. A salad bar is also promised. The sandwiches used to stock the vending machines will be prepared fresh daily in the kitchen. The tentative hours are 4 p.m. to 8 p.m., Monday through Friday.

Thanks to Dan Dahlen, William Mitchell grad and owner of Dahlco Vending, William Mitchell has been spared the cost of constructing and operating the food service. The \$25,000 initial outlay for construction and equipment is being financed through a five-year amortization plan which allows Dahlen to reclaim approximately 17% of the cafeteria profits, out of which he will pay the construction and catering subcontractors. The rest of the profits will go to the school. An added bonus is that, if all works out, the school can keep the equipment after the five years have run.

William Mitchell has a new telephone service which students can call daily to see if any of their classes have been cancelled. The number is 227-2834. The school paid the installation charges and the \$25.00 monthly charge will be split between the school and the SBA.

Always eager for a scoop, the first issue of last year's OPINION reported the expansion of the library onto the third floor. Since that story has only just material-

ized this year, we've decided to rerun that item:

"William Mitchell is seeking accreditation from the Association of American Law Schools (AALS). One of the requirements for membership is that the library have a seating capacity of 65% of total enrollment. With our current enrollment, this means 650 study places. In order to comply with requirement, the library has been vertically expanded to include a portion of the east wing of the third floor. As before, the perimeters of the library will be marked by fire doors. The doors to the third floor have been opened so that the central staircase provides access to all three floors."

Speaking of the AALS, a delegation from that association will be touring William Mitchell from September 16 to September 19. The next step towards accreditation is a return visit during the spring semester. Dean Burton anticipates that the AALS will await installment of the new dean before formally accrediting William Mitchell.

For those of you who are interested in satisfying your long paper requirement, your jury trial requirement and getting extra credit with minimal effort, the following explanation may be helpful.

By participating in both a spring and fall Moot Court competition, students will satisfy their long paper requirement and receive two credits. Furthermore, students can substitute Client Counseling for the spring Moot Court competition and still receive the two credits and meet the long paper requirement. In order to satisfy the latter, students must complete the writing assignment for Client Counseling, a new op-

tion which will be available for the first time this year. It should be understood that participation in either the Moot Court or Client Counseling competitions has nothing to do with meeting the jury trial requirement.

In order to satisfy the jury trial requirement, students must take either Civil Litigation Clinic, Misdemeanor Clinic, the Moot Court class (either semester), or participate in the Trial Advocacy competition. Additionally, completion of the four-credit spring semester Moot Court class allows the student to satisfy the long paper requirement.

The Trial Advocacy Competition was offered for the first time last year and is jointly sponsored by the Young Lawyers Division of the Minnesota Trial Lawyers Association (MTLA) and William Mitchell. Each student participates in two trials—one as prosecutor and one as defense attorney. The trials generally last 2½ hours. The competition is an annual event and is held in the fall. Interested students can contact Professor Ver Ploeg or Bob Zohman, president of the William Mitchell chapter of the MTLA.

The moral of this story is that taking the spring semester Moot Court class will satisfy your jury trial and long paper requirements and give you four credits.

Associate Dean Marv Green anticipates that the used bookstore will soon be moving to the area behind the new kitchen on the first floor. According to the Dean, as soon as the food service is complete and the first of the year sales are over, the move will be made.

Rumor has it that the mirrors in the women's restrooms will be lowered to accommodate short people.

and What's Not

As reported in the last issue of the OPINION, complaints against the school's preferential parking policy have been filed with the state Human Rights Department and with the St. Paul Human Rights Commission. There is an eighteen month backlog on hearings with the state agency and the city complaint will probably not be heard until next spring.

When John Pecchia, '79 William Mitchell grad, took his complaint to the city commission, the

agency determined that there was sufficient validity to his complaint to warrant a hearing on the issue. Under the law, once that determination has been made, the respondent [William Mitchell in this instance] has the right to waive the hearing before the commission and remove the case to district court. Accordingly, the case was filed with the Ramsey County District Court on June 1, 1979. There is a 12 to 13 month backlog on court cases in Ramsey County.

Although Dan Butler ('79 William Mitchell grad) was told to anticipate an eighteen month delay on his complaint with the Minnesota Human Rights Department, it's been almost that long and there has been no word. Butler surmises that the state agency is waiting to see what happens to the city complaint before proceeding, to avoid duplication. According to the department, the complaint is still on the calendar and is only waiting its turn.

Mitchell Hosts Training

Legal services lawyers completed lawyering skills training program held on the Mitchell campus August 7 through the 11th. Forty-six attorneys spent 4½ days studying and performing various practice skills. The purpose of the program was to contribute to the furtherance of adequately trained and professionally responsible lawyers who serve the needs of the poor and the community. The trainee-lawyers work in 16 legal services offices in Minnesota, North Dakota, South

Dakota, and Nebraska. Six William Mitchell alumni were among the trainees.

These legal aid lawyers, ranging in age from 25 to 59, spent 8 to 10 hours a day in classroom work learning client interviewing, case planning, negotiation tactics, and trial skills. The format of the training program was based upon several courses taught at William Mitchell including Civil Practice Skills, Trial Skills, and Advanced Civil Procedure. The trainees observed videotapes demonstrat-

ing the various skills and then were themselves videotaped individually performing such skills. Each trainee participated in a client interview, a deposition, a negotiation, trial exercises, and a complete trial.

Trainers conducted the classes and critiqued the students' performances. The trainers consisted of Mitchell full- and part-time faculty members and legal services attorneys. Professor Roger Haydock coordinated the training

Cont'd to page 9



Efraim A. Cohen



John O. Sonsteng

Four Join Faculty

by Brian Kidwell

Four new assistant professors have joined the full-time faculty ranks at William Mitchell.

Efraim A. Cohen, who received his B.A. degree from Yeshiva University and J.D. and LL.M. degrees from Hartford Law School, will teach Contracts and Professional Responsibility.

Richard Ihrig received his B.A. degree from Gustavus Adolphus and his J.D. degree from the University of Minnesota and will be teaching Legal Process and Business Organization.

Russell Pannier also received his J.D. degree from the Univer-

sity of Minnesota, after having completed a B.A. degree at Olivet College and a M.A. degree at Harvard University. Professor Pannier will teach Constitutional law.

Although not quite a new face at William Mitchell, John Sonsteng has joined the full-time faculty here. Professor Sonsteng received both his B.A. and J.D. degrees from the University of Minnesota. In addition to teaching Trial Skills, as he has done for the past two years, Professor Sonsteng will teach Juvenile Delinquency Survey and run the Juvenile Law Clinic.

Mitchell Faculty Spend Summer in NITA City

Several William Mitchell Faculty members spent a part of their summer in N.I.T.A. City. N.I.T.A. is the National Institute for Trial Advocacy, and the city was Boulder, Colorado.

Professor Robert E. Oliphant is the national administrator for N.I.T.A., and he and Bev Oliphant manage the national office located in the L.E.C. building. They are responsible for the overall administration of a three-week intensive training program held each summer in Boulder, Colorado. One hundred and twenty lawyers from around the country spend three weeks learning and performing trial skills. Over 40 trainers teach, tutor, and critique these trainees.

This training event has been in operation for eight years. The Trial Skills course at William Mitchell is based largely upon the N.I.T.A. method of learning. Professor Oliphant spent much of his summer coordinating all the major and minor arrangements necessary to make N.I.T.A. City again operate successfully.

Professors John Sonsteng and Roger Haydock spent much of their summer making videotapes for N.I.T.A. The National Institute obtained the use of the television studios at the University of Colorado to produce a new series of color trial videotapes. Professors Sonsteng and Haydock were asked to direct such videotapes

and to attempt to produce a series of tapes which demonstrate trial lawyers modeling specific trial skills. Four local attorneys took part: Judge Susanne Sedgwick from Hennepin County, John Tierney from the Hennepin County Attorney's Office, Sheryl Ramstad Hvass from the U.S. Attorney's Office, and Boyd Ratchye from Doherty, Rumble and Butler. After several weeks of preparation and studio work, 11 videotapes were completed demonstrating trial skills, including direct and cross examination, the use of exhibits, opening statements, and closing arguments. N.I.T.A. will soon be distributing these tapes for law school classes and CLE programs. Both Professor Sonsteng and Haydock remarked that the production of the videotapes was the most "exhausting, exciting, awful, and creative professional work" they had experienced. They are now in the process of writing teachers' manuals for use with the videotapes and will be using the tapes this semester in Trial Skills.

Professor Phebe Haugen was selected to serve as a training coordinator during the N.I.T.A. session. She spent three weeks working with Robert Hanley in training a group of 30 N.I.T.A. trainees. Mr. Hanley is a senior partner in the Chicago law firm of Jenner and Block and formerly Chairman

Cont'd to page 9

Law Student Division Explained

by Patti Bartlett

The Law Student Division (LSD) is a national organization under the umbrella of the American Bar Association (ABA). It is the one professional organization most closely affiliated with the practicing bar that law school students may join while in law school.

Incoming students often ask what LSD is all about.

LSD is most visible through its programs that include Client Counseling (William Mitchell has an outstanding record of performance in this competition under the direction of Professor Mel Goldberg and the Client Counseling Board), Street Law (adopted as a part of the curriculum at William Mitchell in a clinic entitled Youth in the Law), Voluntary Income Tax Assistance (VITA), and numerous other programs.

At William Mitchell, where LSD has been active for a number of years, most of the programs arising out of the nucleus of the division have developed their own intra-organization. This has strengthened the development of the entire program.

William Mitchell is represented by Law Student Representative Patti Bartlett who was elected in a school-wide election last spring. This will be her second year as LSD representative. The representative position is not always highly visible within the school, but is within the circuit and national organization. The LSD represen-

tative is William Mitchell's representative to the American Bar Association. The representation results in national recognition and honor for the school.

The assembly of the LSD considers many issues such as rights of the handicapped and bar examination requirements. Ultimate presentation of these issues to the ABA House of Delegates results in greater awareness by the practicing bar of the concerns and needs of law students and those they seek to assist.

National recognition from LSD involvement is evidenced by the number of trophies in the William Mitchell trophy case. This year at the ABA/LSD annual national convention, both *The Opinion* and the SBA received awards, which will soon be displayed in the trophy case.

In addition to ensuring national visibility and recognition for the school and its students, the LSD representative serves as a go-between to the practicing bar and to students at law schools throughout the nation, serves as a representative to law conferences (William Mitchell co-hosted and coordinated last year's Spring Conference that was addressed by former Attorney General Ramsey Clark), and serves as a service representative to individual law students.

Entirely separate from the LSD representative capacity are positions within the division called liaisons. These are national positions that are limited to approxi-

mately 50 in number. A person selected for one of these positions (through an application-interview process) serves as a direct liaison between an ABA section or committee and the LSD. Such a position offers a unique opportunity to work side by side with practicing attorneys and to serve most visibly as a representative of the LSD, thus enhancing the reputation of the school and its students.

William Mitchell has had only one liaison representative in its history of involvement with the LSD. Patti Bartlett has served as a liaison to the ABA Standing Committee on Association Standards for Criminal Justice (better known as the Hodson Committee). This particular committee is responsible for the update and implementation of the association's criminal justice standards. The appointment as a liaison representative is not related to the office as LSD representative except that both capacities are within the framework of the LSD.

LSD membership materials are available on the LSD bulletin board, in the Used Bookstore, or from Patti Bartlett. Seniors who are LSD members receive their first year of ABA membership free. Health and life insurance is available to LSD members at greatly reduced costs.

Questions may be directed to Patti Bartlett at 479-3249 or a message may be left in either the Used Bookstore or in her mailbox in the main office.

Bookstore Privately Owned

by Rob Plunkett

The New Bookstore is a creature which has mystified students over the years. Questions as to ownership, markups and overall profits have been posed as well as inquiries into the exact relationship of the Bookstore with the school.

The William Mitchell Bookstore, Inc. is a private business with John Hughes and James Reuter as the listed owners. Both men are Mitchell graduates. In 1970 the owners signed a five-year agreement with the Board of Trustees granting the Bookstore an exclusive license to sell new legal texts and materials. In 1975 this agreement was renewed for an additional five-year span. In return for this license the owners agreed to turn over 8½ percent of their gross receipts to the school. Last year that sum was approximately \$12,000 and over the past five years over \$60,000 has been paid to the school. Part of that amount has in turn been deposited in student scholarship funds.

Of paramount interest to students is just what is the markup in price for the new text they just

purchased. The agreement the Bookstore has with the trustees limits the amount that can be charged to the listed price set by the publisher. Generally, the listed price is the price the Bookstore charges. A salesman at West Publishing explained that the company sells its own textbooks and hornbooks at a 20 percent discount off list price to bookstores. The same figure applies to Foundation Press publications (which West also handles). Nonrequired texts such as Smith's Reviews and Nutshells are offered at a 33 1/3 percent discount. Mason publications are generally discounted 15 percent. For example, Oliphant's *Misdemeanors and Moving Traffic Violations* was sold to the Bookstore for \$17.50 and resold for \$20.

The overall profit generated by the Bookstore was not obtained. A request for information relating to profits was made, and such disclosure was refused on the basis that the business was private. The gross revenues of the store can be estimated to exceed \$140,000 based upon the amount paid over to the school.

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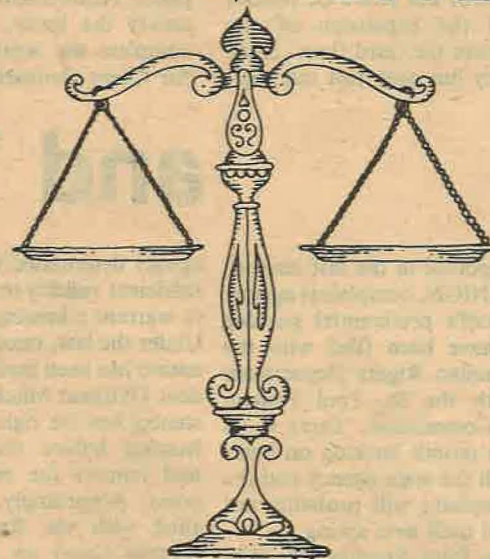
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Fair Employment Practices	David Hols Martin Garden Dale Beihoffer Mark Levinger Kathleen Graham Fred Finch	September 21 Radisson Downtown Registration: 8:30 a.m. to 9:00 a.m. Program: 9:00 a.m. to 5:15 p.m.	The panel will discuss elements of the prima facie discrimination case (including disparate treatment, adverse impact, reasonable accommodation, present effects of past discrimination), how to take a case before the state, proof of facts, and attorney's fees.	\$10.00. Written materials included. Regular price \$75.
Bankruptcy: Representing Creditors and Debtors Under the New Act	David Epstein	September 27 Holiday Inn—Downtown Registration: 8:00 a.m. to 9:00 a.m. Program: 9:00 a.m. to 5:00 p.m.	This seminar will deal with every major chapter of the new Bankruptcy Code. It will introduce lawyers who have little or no prior working knowledge of bankruptcy law with the changes in the bankruptcy law.	\$10.00. Written materials additional \$10.00. Regular price \$95.
Buying and Selling Businesses	John Moye	October 5 Marriott Hotel Registration: 8:00 a.m. to 9:00 a.m. Program: 9:00 a.m. to 4:30 p.m.	A practical guide to negotiation strategies, valuation techniques, tax consequences, and drafting agreements, this seminar will cover the legal considerations in selling a business, whether it is a sole proprietorship, partnership, or corporation.	\$10.00. Written materials additional \$15.00. Regular price \$80.
Title Exam	Ronald G. Gandrud	October 23, 30, November 6, 13, 20, and 27 University of Minnesota Law School, Room 30 4:30 p.m. to 6:00 p.m.	Each of the six sessions will be an intensive 1½-hour learning experience in the process and practicalities of doing title examinations. Attorneys with limited experience in the title examination process are likely to benefit most from this course.	Single \$10.00. Regular price \$150.
Federal Income Taxation of Corporate Enterprise	Bernard Wolfman	October 12, 13 L'Hotel de France Registration: 8:30 a.m. to 9:00 a.m. Program: 9:00 a.m. to 4:00 p.m.	This program is designed to update the knowledge of experienced practitioners and provide less experienced practitioners with a solid foundation in: -special income tax problems -organization of a business -sale and purchase of corporate assets -tax-free re-organizations	\$25.00. Written materials additional \$10.00. Regular price \$250.
Estate Planning for the '80's: Updating Pre-'77 Estate Plans	A. James Casner Robert A. Stein	October 19, 20 L'Hotel de France Registration: 8:00 a.m. to 9:00 a.m. Program: 9:00 a.m. to 4:45 p.m.	The two major federal acts in recent years—the Tax Reform Act of 1976 and the Revenue Act of 1978— require the re-examination of virtually every estate plan drafted prior to 1977. The elements that need to be modified as a result of the changing tax laws will be analyzed and explained in this program.	\$25.00. Written materials additional \$10.00. Regular price \$250.

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Bailey Addresses Trial Competency

by Diane Dube

Trial lawyers need more training. Attorney F. Lee Bailey generally agrees with Chief Justice Warren Burger's criticism of American trial lawyers' competence. He points out, however, that it is only when they are compared to the British barristers that they seem incompetent.

Bailey suggested that the answer to the problem is to divide the bar and specialize, incorporating apprenticeships and residency programs into legal training. He doesn't feel that law schools give the proper training for handling trials because they don't offer courses in investigating cases, something that he feels is very important.

In an interview this summer, Bailey revealed his desire to start a formal one-year course in trial advocacy. The program could be either independent or associated with a law school. He explained that the trial advocacy program must be taught by practitioners, and that it would probably be a night school. The faculty would consist of trial law specialists from across the country. Bailey thinks that the school would be located somewhere in the midwest because of its accessibility.

Lawyers must work hard to be good in whatever area they practice. Bailey's own legal career as a trial lawyer was an "accident of fate." He was assigned to a military judge while in the service. Since being admitted to the Massachusetts bar in 1960, Bailey has tried cases in every state except Montana.

Bailey feels that mandatory continuing legal education will be extended. He stated that judges should also face mandatory education, and that trial judges should be trial lawyers before taking the bench.

Bailey would invite lawyers to select a speciality and demonstrate an expertise in that area rather than re-license them every few years. Bailey explained that lawyers seem to shy away from advertising a specialty because they fear that they will not get other kinds of cases and their practices will be limited to the area advertised.

Diane Dube is a second year Mitchell student and Editor of Update, a CLE newspaper published by National Practice Institute, Inc. The above story was reprinted with the permission of NPI.

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Training from page 5

event assisted by Professor Mel Goldberg, Joyce Gordon (a fourth year student), and staff members from St. Paul and Minneapolis legal services.

The Legal Services Corporation in Washington, D.C., provided a grant to fund this program and has plans to continue to support

similar lawyering skills training programs. William Mitchell hopes to again host this training event and an advanced skills training program next summer.

NITA from page 5

of the American Bar Association's Section on Litigation. According to Professor Haugen, she worked 10 to 12 hours a day leading the training sessions and preparing for subsequent classes. A trainee herself last summer, Professor Haugen returned this summer as trainer.

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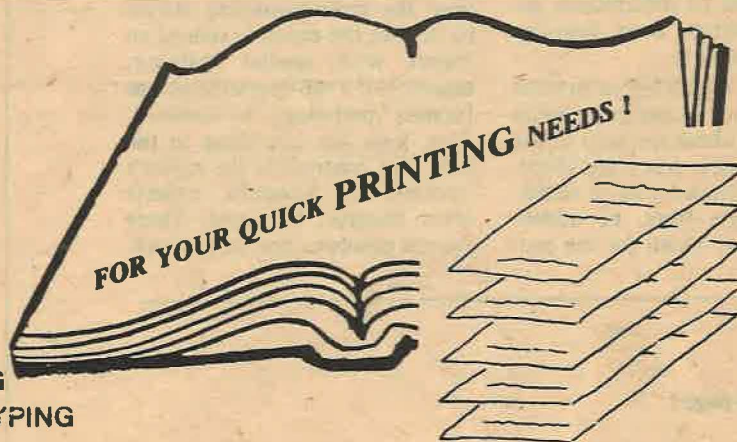
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Experts Offer Trial Tips

Rothblatt

'Easiest Challenge is the Difficult Case'

by Diane Dube

"The easiest challenge is the difficult case, the one you know you'll lose," Henry Rothblatt, New York City trial lawyer and Professor of Law at New York Law School, believes.

In criminal cases, most clients have been involved in the case one way or another, he explained. The trial lawyer's job is to get justice done. "Enjoy the case," Rothblatt advises the trial lawyer who faces a losing case. Like the surgeon who gets a bad cancer pathology, the trial lawyer should experiment with trial tactics, using all of the tools he can get his hands on because he had nothing to lose.

During a three-hour seminar held this summer, Rothblatt discussed techniques to use in preparing for a trial, ways to use scientific and medical evidence, and ways to handle the difficult or expert witness.

Rothblatt told the seminar audience the importance of investigation work, and ways to use trial procedures to their best advantage. "Discovery should be used to gather as much information about the case as possible and to pin down witnesses as to what they saw, heard, or said." All witnesses should be questioned before the trial—something Rothblatt feels is absolutely essential in the preparation for trial. The voir dire can be used as both an information-gathering process to learn the strong and weak points of the jurors, and as a brainwashing process to plant questions and raise issues in the minds of the jurors.

The best investment a lawyer can make in preparing for a trial, according to Rothblatt, is the assembling of a looseleaf notebook containing, in indexed form, information about and statements made by every possible witness to be called at the trial. This information, Rothblatt explained, should contain not only summaries of what has been said at previous hearings, but also any information that would be relevant to that person's testimony at trial. Sources of information include transcripts from hearings and police reports.

It is also important to prepare the client for trial and to gather as much detail about the facts of the case as possible from the client. Go with a defense that is consistent with the facts, he added. Every witness—both for the pro-

Bailey

'Opening Statement is Promisory Note'

by Diane Dube

Attorney F. Lee Bailey, addressing a continuing legal education seminar held this summer, gave trial lawyers in attendance points on opening and closing arguments.

The opening statement in a criminal trial is a "promisory note payable at the end of the evidence." It is the lawyer's time to tell the story of the case, to define the issue for the jury, and to prepare the jury for its role in the

"Don't write out your opening statement," Bailey advised. There is a bit of suspicion that this all had to be written down. The trial lawyer who knows his case—who has a persuasive and habitual knowledge of the case—is in the best position to tell the jury in a "one-way chat" exactly what the case involved.

Bailey recommended that the lawyer "eyeball" the jurors to read their reactions. Is a juror resisting a desire to express something? Does a juror wince when something unpleasant is mentioned? Who are the strong jurors, the ones who are the hardest and most relaxed? "You can't see this while groping for notes," Bailey said. "You see it in the jurors' eyes."

The opening statement should contain two or three strong statements about what the defense will do: "Telling blows to look

back on and remind the jury of," Bailey said. "Draw the issue where it should be drawn."

Delivery is as important as content, according to Bailey. Use natural expressions and delivery that are appropriate for the circumstances. "Be authoritative, recognized as someone whose statements are important," he advised.

Bailey claimed that few criminal cases are totally lost before the final summation. The lawyer should first decide what he wants to accomplish at closing: To reinforce the jury's charge? To clarify a complex case? To tell the jury why they should vote not guilty? "Tell the jurors of the awesome finality of their verdict," Bailey said. The public has the perception that the Supreme Court will straighten it all out, he noted. But the truth is only they will decide guilt or non-guilt.

Explain to the jurors that an honest verdict is not laden with discomfort, Bailey continued. Tell them that if they can't look at the defendant and his attorney when they return to the courtroom, they probably made a bad judgment, and they should rethink their opinion.

Bailey concluded by instructing the lawyers to decide what the high point of their closing will be, then end the argument right after that. "That's an effective place to stop," Bailey said.

English Mastery a Must

The ability to converse freely in a natural way is vital to someone entering the legal profession, according to F. Lee Bailey. Without competence in the King's English, the lawyer has very little to work with.

Both Bailey and Henry Rothblatt believe mastery of English is important for the lawyer.

The trial lawyer's chief task is as a persuader, Rothblatt feels. Lawyers need the ability to use the language effectively. But Rothblatt draws a distinction between the trial lawyer—whose persuasion is in the spoken word—and the "scrivener type lawyer" who persuades in the written word.

Both Bailey and Rothblatt haven't found verbal skills lacking in lawyers and law students. To the contrary, Bailey feels the quality of lawyers has improved since he started practice 25 years ago. This he credits to curriculums in law schools and retraining seminars. As for clerks in his own office, Bailey said he usually hires people active in Moot Court and Law Review, which are good indicators of comfort with the English language. Rothblatt said he sees a higher caliber of student today than in the past. He feels this is due to the keen competition to enter law schools.

Diane Dube is a second year Mitchell student and Editor of Update, a CLE newspaper published by National Practice Institute, Inc. The above stories were reprinted with the permission of NPI.

Search from page 1

by this summer.

Burton became acting dean at Mitchell in 1975 and dean in the spring of 1976. When he completes his contract this summer, he will have spent five years in the job, which is slightly above the national average. The average stay for a law school dean is about four and a half years, Steenson said.

Burton plans on taking a year's leave upon stepping down. He has offers to teach as a visiting professor and also wants to resume writing. He has begun a course book on advanced real estate

secution and the defense—must be questioned before trial. Rothblatt believes that failure to do this would be failure to give effective assistance of counsel. The defense has a right to interview any witness before trial, and to be denied this opportunity would be to deny defense effective assistance of counsel.

Rothblatt advocates the use of a tape recorder when interviewing witnesses before trial. Prosecution witnesses who refuse to talk before trial should be asked at trial why they refused to help the defense get at the truth. At summary, Rothblatt added, the argument would be "what were they trying to hide? They should shout the truth from the rooftops."

The trial lawyer should anticipate the witness who wants to clarify or explain every answer, and should request the witness to answer each question simply in the interest of orderly procedure, explaining that he or she will have the opportunity later to add to the answers.

Juries are impressed with scientific evidence, Rothblatt continued. "You can use the prosecution's failure to get evidence or failure to follow scientific procedures to your favor," he said.

In dealing with an accomplice-informant, Rothblatt said the defense lawyer should avoid questions about the details of the crime, and instead paint a picture of an unworthy character who faced jail time and was ready to hand anybody to get off.

Never put a witness on the stand who, upon cross-examination, will plead the Fifth Amendment, Rothblatt advised. It pollutes your case. But, he added, hope your opponent will put such a person on. Then try to lead the witness to pleading the 5th. At summary, question why your opponent put on a witness who had something to hide.

Preparation is most important when there will be an expert witness at the trial. Rothblatt advises the cross-examining lawyer to be sure the expert is indeed an expert with special training, especially if a sub-specialty such as forensic pathology is involved. Also, look for something in the field that contradicts the expert's information. Scientific experts often disagree, he noted. There are not absolute, precise answers.

transactions. He plans to teach full-time on his return.

Faculty members of the search committee are: Melvin Goldberg, Phebe Haugen, Douglas Heidenreich, David Prince, and Michael Steenson. Members from the board of trustees are: Charlton Dietz, Leonard Keyes, Constance Otis, Charles Pihl, and Hon. George Scott. Alumni members are: Richard Aretz, Michael DeCourcy, and Thomas Kane. Student members are: Charles Giannetto, Joyce Gordon, Doris McKinnis, David Sparby, and Martha Wivell.

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Client Counseling Keys on Communication

by Ruth McCaleb

The judging panel consists of a law professor, a practicing attorney, and a non-lawyer with counseling experience. Some of the skills they look for are establishing a comfortable relationship with the client while maintaining control of the interview, eliciting the relevant facts, discussing nonlegal as well as legal aspects of the problem, and dealing with fees.

William Mitchell teams have been very successful at this process, winning the regional competition for the last two years. A strong foundation in the relevant substantive law as well as the necessary counseling skills have contributed to this success.

The directors of the 1979 Client Counseling Board are President Ruth Ann McCaleb and Vice-Presidents Betsy Hoene and Jody Bettenburg. Professor Mel Goldberg is the faculty advisor. Past participants and clients are invited to participate as board members. The Client Counseling office is in Room 318.

This year's topic is Counseling Widows and Widowers. Preparations have already begun for the competition and an informational meeting will be held soon. Second, third, and fourth year students may participate in the competition. First year students are asked to act as clients in both videotaped practice sessions and in the intraschool competition itself.

Participants may receive two credits and fulfill the long paper requirement by writing a paper related to the announced topic and participating in the fall Moot Court Competition. The intraschool Client Counseling Competition is usually held in February with the regional competition following a month later.

"We teach remarkably little in law school about communications by lawyer to client. It is a skill which often may be as vital to the outcome as the law itself."—Louis Brown, Professor of Law, University of Southern California.

The ABA Client Counseling Competition is one program that does teach these skills.

The purpose of the competition is to develop interviewing and analytical skills within a simulated office context. A team of two students utilizes a 30-minute interview to ascertain a client's legal problems, obtain pertinent information, respond to legal and nonlegal questions, and establish a fee schedule and future course of conduct. Creating an atmosphere of trust and confidence is stressed. After the interview, the team has 15 minutes in which to discuss the issues and possible courses of action. In addition, they may dictate a memo to the client's file.



Ruth McCaleb



Professor Goldberg

Changes in Long Paper Requirement Unlikely

by Tim Hassett

Despite rumors to the contrary, changes in the long paper requirement are unlikely this year, according to Prof. David Prince, chairman of the curriculum committee, and Dean Bruce Burton.

However, changes have been suggested. They include adding a second paper to the requirement, tightening standards for the current paper, or removing supervision of the paper from the part-time faculty.

The requirement, a recurring topic of concern among some faculty members, was discussed again last spring at the Summit-Hill faculty conference. It was there that the suggestions were made. But no action was taken, and the airing of concerns apparently was enough to rebuff any attempted change this year.

According to Prince, the proposal dealing with part-time faculty members didn't find support. "There wasn't sufficient reason to think a full-time faculty member would be any more or less stringent. Besides, it would be an extra burden on them," Prince said in a recent interview.

The rumors may have been sparked by a note on a sheet explaining the requirement issued by the administration this August. It indicated that appellate briefs may not satisfy the requirement in coming years.

Burton said he has mixed feelings about the use of appellate briefs to satisfy the requirement. Appellate briefs, according to the Dean, are not always written with the scholarly balanced approach that the long paper is apparently designed to encourage. However, as an occasional writer of a law review article, Burton said he finds himself forming opinions and "marshalling" arguments to support them. A writer of an appellate brief may be more objective, he said, in the sense that he or she has an adversary and must be aware of contrary authority.

Prince said much of the discussion is not about the paper itself, but its administration.

"If there is any problem, it is in

the unevenness of administration," Prince said. "Some slip through with an easy memo and others end up getting Steenson or myself."

Currently, whether a paper satisfies the requirement or not is left up to the individual instructor. Apparently, some professors have less stringent standards than others.

But in addition to discussion over the paper, Prince said there is reasonably wide-spread concern among the faculty about the overall writing program here.

"There is a lot of emphasis placed here on litigation skills," he said. "We don't begin to devote that kind of attention to basic research and writing skills. Maybe we don't need that emphasis. But it seems there are a lot of skills that make up a good lawyer and researching and writing skills are right up there."

"We give lip-service that it (the writing program) is important. But when you look at the actual time spent, it assumes a lesser importance," Prince said.

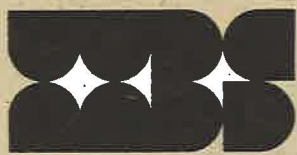
Perhaps the two strongest advocates of a stronger writing program are Prince and Steenson, which is not a coincidence. Both attended the University of Iowa Law School where, according to Prince, there is an excellent writing program.

"A good legal writing program takes a helluva lot of time," Prince said. "It is my opinion that most law school writing programs are insufficient."

Even if changes are made, they won't be made mid-stream, according to both Prince and Burton. Burton said that notice to students is necessary and some would have the old requirement "grandfathered" in.

And both predict that a change this year is unlikely. The topic is not on the agenda for the upcoming curriculum committee and any attempted change in the requirement would probably begin there. But after this year, it is anyone's guess.

"It's one of those questions that just never dies," Prince said.



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Sports

Rebels Romp to Title

by Rob Plunkett

The William Mitchell summer softball season produced one anticipated result and two miraculous occurrences.

It was no surprise that Mike Burke's Running Rebels cruised to their second Class A title in a row. The team was clearly the class outfit in the league and featured the league's MVP Floyd Pnewski at shortstop. Although they were tied for second place at the conclusion of the regular season, the team was invincible through the playoffs. The Rebels first powered their way to a 16-10 victory over Lurum, Cheatum and Run, and then demolished the Hot Dagos 19-5.

From the Thursday night playoffs, J, L&O had emerged as the Class A champion and had earned the right to meet the Rebels. J, L&O faced strong opposition in their trek to the Thursday title. By the score of 5-4, they squeaked out a win over the Summit Sluggers—a tough, sharp fielding outfit that led the Thursday league through most of the season. J, L&O then faced the Como Bombers, who had rolled to an easy playoff victory over the Choses-in-Action. Como and J, L&O, both alumni outfits, are the perennial rivals for league supremacy in football and softball. Como had finished the season as the Thursday pennant winner following a hard fought doubleheader in which Como had twice turned back the then league-leading Sluggers on the final night of the regular season. Thus the stage was set for another J, L&O-Como shootout. This time J, L&O strode away the winner, topping the Bombers by a comfortable six run margin.

The championship game was played on a cool, cloudy Sunday night. Both the Rebels and J, L&O looked poised, polished and confident. But once play began, both teams showed signs of mere mortality. Sure gloves went shaky, big bats pounded dribblers back to pitchers. At the end of two innings the score stood 3-1 in favor of J, L&O.

In the top of third, Jo Burke singled as did Floyd Pnewski. Two bases on balls given up by Chuck Gillen forced a runner



Running Rebels - front row: Maggie Johnston, Paul Wellons, Jo Burke, Nancy Varpness, Jackson the dog; back row: Floyd Pnewski, Brad Johnston, Pat Connor, Tony Higgins, Mike Kirschling, Mike Burke, Mark Stephenson, Jeff Starbird, and John Varpness.

home. Subsequent singles, an error, and doubles by Tony Higgins and Mike Burke ultimately brought home seven runs that inning. In their half of the inning, J, L&O recouped three runs by three singles followed by a bad throw and then a sacrifice. The Rebels got two more in the fourth, and J, L&O countered with three, one a homerun blast by Greg Heacox. Both teams scored two runs in the seventh. The Rebels tallied four unanswered runs in their half of the eighth, led by a homerun by Higgins and clutch singles by Mike and Jo Burke. Solid fielding from that point hung goose eggs on the board and the final score was Rebels 17, J, L&O 11.

That the Rebels would repeat was expected, what was not expected was that Sally Oldham's Bombos would finish the regular season as the Sunday champions, ahead of such potent combinations as the Rebels, Dagos and Lurum. What was their secret? It certainly was not talent, for once playoffs began they had their doors blown off. It wasn't their vaunted equal rights infield, for outside interests and money squabbles split apart that one-in-a-million combination.

Was it their scheduling? The more cynical elements of the softball community pointed out that the Bombos only faced one of the

top five teams during the season, and that team was missing half its members. The Bombos were accused of having a schedule even the Vikings could handle.

This reporter has made numerous requests for information relating to this unlikely occurrence to the Commissioner's Office, but no official reply is anticipated. The best I could get was a brief comment from his secretary that the league schedule was made up years in advance, and that if any further insinuations were raised that the Commissioner had been partial in the league scheduling, the Commissioner would send out a few of his "boys" to silence their calumnies.

What was even more improbable than the Bombo's pennant was the Phoenix-like flight of a team called Mansco's II through the Class B playoffs. Throughout the regular season the team languished in the cellar so long it grew roots. The team had the unenviable distinction of rolling up the worst record ever in Mitchell play. But a strategic late season overhaul produced a high horsepower, finely tuned machine. With the absorption of Danner's Animals and just about every available second year ballplayer, Manscos the Meek became Manscos the Mighty.

In the first game of the playoffs, the team swept to a four run victory over the Mudhens [a team who still thinks they belonged in Class A]. Next the squad bombed the first year team S152.02 by a 24-9 score. In the Sunday night Class B championship game, the mercurial Mansco's mesmerized the Without Redeeming crew and glided to an 18-11 finish.

In the overall Class B championship, Manscos came up against Banny and the Jets. The team had a considerably better season than the Sunday night champs, finishing at 7-7 record. In the Thursday night playoffs, the team's strong defense anchored by shortstop Jim Dickinson allowed them to defeat Lee's Fleas, the Ringers and the No Names all in low scoring contests. The championship game reversed this pattern.

The game was most aptly described a slugfest as proud defenses crumbled beneath the thunderous blows. Jeff Mohr

Fall Sports

The fall sports calendar is now upon us, with football and volleyball the featured activities.

For other sports' enthusiasts, a Wednesday night Space Invader league is rumored to be starting at the Green Mill, with Mike Thornton and Bill Orth managing their respective teams. The entry fee is one quarter a game, and contestants must be capable of withstanding enemy fire as well as communicating with alien life forms. For more details see Bill.

The fall men's football league should prove to be much like its predecessors, as the in-school teams figure out a way to derail the experienced alumni sevens. Returning champs J, L&O are quite evidently intent on repeating and are hungry for play, evidenced by the fact they were the first to sign up for the league. The Como Bombers will be back featuring the best quarterback in the league in Brian Wojtalewicz. This could be the year the Running Rebels sweep the Mitchell intramurals, based on the cunning quarterbacking of Mike Burke and the fleet feet of Floyd "I didn't see what his face looked like" Pnewski. The Fighting Fidgets and Mike Thompson's team will

undoubtedly lock horns in the battle for fourth year supremacy, with Banny & the Jets and Illegal Procedure providing stiff third year competition.

The Grand Hootar of the fall league this year will be James Meyen. Jim has indicated that the games will be played on the same Como fields as last year and that a \$20 entry fee will be required. Additionally, each team will be required to provide a referee for the other games. Games will be played on Saturdays at 9 a.m., 10 a.m. or 11 a.m.

An attempt to organize co-ed football will be made this fall. A sign up sheet will be posted outside the Used Bookstore, and the league will start when at least four teams are entered. It is most likely that four women and three men will play on one team, and the games will be on Saturday afternoons.

Additionally, an attempt will be made to put to use those rusting volleyball poles now encased in the Used Bookstore. A sign up sheet will be placed outside the bookstore, and again, as soon as four teams with at least six players are entered, play will begin. Probable scheduling of the games is late Saturday afternoons.



scored all six times he was up for the Jets, and Jim Dickenson and Al Beety each crossed the plate four times. For the Mansco's, Rich Caldecott and Mansco Perry also covered the diamond four times. After the eighth inning, the score stood at 30-24 in Mansco's favor, with Banny coming up to bat. At that time considerable doubt existed as to what event would finally end this bloodletting: absolute darkness or the con-

clusion of the inning. Banny forced three runs across, the last scoring on a Texas leaguer no one saw. Amid considerable controversy, the game was called at that point and Mansco's emerged out of the darkness a 30-27 victor.

Overall, the word from the Commissioner's office was that the season went smoothly, and he wishes to express his appreciation for the cooperation of the managers and their teams.



Mansco's Team - front row, left to right: Chuck Hoyum, Rick Caldecott, Mansco Perry, Erik Stroemer, Steve Buckingham, Bob Hampton; second row: Bill Gorton, Pam Priest, Kurt Schuman, Rhett Taber, Terry Scully, Chris Stroemer, Rolf Sonnesyn, Gary Greenberg, Lane Phillips.

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