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# The Legal Minute

A St. Mary's School of Law Student Publication, Volume 3, October 2011

## Getting to know San Antonio's Legal District

By Lauren O'Toole, 1L  
Editor-in-chief

As a to foreigner to San Antonio and a new student here at St. Mary's School of Law, I thought it might be appropriate for me to investigate San Antonio's gorgeous architecture and well-spent tourist dollars devoted to, what I like to call, "San Antonio's Legal District." After the investigation, my Leslie Knope-esque, a la *Parks and Recreation*, rose-colored glasses and ideas of local government were maladjusted forever.

While driving around downtown San Antonio can be nice, given decent weather conditions and a calm disposition, the need to park eventually arises, and one must confront the issue: "Do I spend \$10 to park, or do I try to find a metered spot?" Being the miser I am, I opted for the meter. Being the patient wanderer I am, this was a mistake: the meters only allow for two hours. When you factor in travel time, distractions, courthouse security, a run back to the car to deposit things not allowed inside by security, more travel time, and the *many* spots in this one-block-radius to visit, being limited to two hours can leave one ripe for a parking ticket.

Once inside either the County Courthouse or the Cadena-Reeves Justice Center (the Criminal Courthouse), it is easy to roam around, if you can shake off the perplexed and suspicious stares, due to the fact that *you* are on a field trip and *they* either work there or are having serious construction done on their lives. In the interest of blending in, I suggest "court clothes" and a frown-like grimace. Or, you may refer to the many small, often hand-made signs posted on the doors of the various courtrooms, which notify customers of appropriate attire.

If there *were* "welcome" kiosks in any of our public buildings, which were occupied by helpful guides, providing information and lists of key cites to visit, I missed them. So randomly roam and observe I did.

I started with the County Courthouse, due to its proximity to my car and its stark architecture, which I have admired and been intrigued by over my two years getting to know San Antonio. Some floors of the County Courthouse are "better" than others. Some are busier, and some of the long hallways display art.

At the top, on the 5th floor, is the Law Library and the San Antonio Bar Association. The lady at the desk as you enter was put off by my request for a tour, so I continued to roam as inconspicuously as possible. I discovered a quiet and apparently well-stocked law library, with many surprising levels and nooks of tables, chairs, and desks. Though it is on the topmost floor, the Law Library has the vibe of a basement, despite its windows, and pleasant views of the Riverwalk.

If you are interested in something more engaging, the Child Protective Services courtroom is frequently in need of volunteers, according to Sid Silva, a security guard at the County Courthouse. Or, if you are more interested in cavorting with an attorney, stop in one of the many offices located in the downtown Legal District. One of my distractions, en route to the County Courthouse, was the Law Offices of Brown & Norton, an office full of helpful, informative, and sincere people. I learned that being an actual attorney and/or working in a law office is a lot like being a law student--it is a continual juggling act with few moments to rest or reflect. One notable difference, though, is that the carrot at the end of the stick, the actual attorney-ing, seems quite a bit more exciting than law school. It was a good reminder of why I am here and what I am doing it for.

To avoid the relentless south Texas sun, you may want to travel the tunnel between the County Courthouse to the Cadena-Reeves Justice Center. The tunnel is decorated with many historical documents and more art. Close to the Justice Center is the diningroom. Choices and courtesy are limited, but such things are secondary, when you are hungry. Also, do not expect for the cashiers to readily provide change for the parking meters. On that note, do not expect change for parking from businesses of the Legal District, either.

The Cadena-Reeves Justice Center, as you could imagine, is more active than the County Courthouse. The lighting is poor, the atmosphere is muffled and dismal, and the paint is peeling or has been scratched off the walls at hip-level. It is an experience. The 4th Court of Appeals of Texas, on the 3rd floor, offers a change of pace.

When you have had enough and are ready for some fresh air and maybe another snack, the Main Plaza is an open space in which to sit, relax, and admire the San Fernando Cathedral, home to the remains of Davy Crockett, James Bowie, and William Barret Travis. Dean Charles Cantú recommends visiting the Cathedral, to see where the Heroes of the Alamo are interred, and because it is one of the oldest Cathedrals in the Country. Surrounding the Main Plaza are many restaurants, and in the main plaza is an outdoor cafe.

If I sound like a neophyte, ignorant to the legal world, that is because I am. When I think of how I ended up here, the opening scene of *Jarhead* comes to mind. The drill sergeant asks Jake Gyllenhaal's character why he joined the marines and Gyllenhaal's character replies, "Because I got lost on my way to college, sir!"

## Summer Internship in D.A.'s office is informative

By Alyse Haugen, 2L  
Contributing Writer

"What do you think?"

Looking up from my Voir Dire chart, I waited for the Assistant District Attorney to respond to her Chief. It was a moment before I realized the question was addressed to me.

"Oh! Well, Juror five nodded with you on points of intoxication, and she was put-off by the defense's assertion that 'everyone drinks and drives'."

"OK, we won't strike five. What about six?"

Three months ago, I could barely define Voir Dire (the jury selection process, sometimes referred to more accurately as "de-selection"), much less provide valuable assistance with peremptory challenges. But after a few weeks interning with the Collin County District Attorney's Office Misdemeanor Trial Division this May, I was familiar with almost every phase of the criminal prosecution process. Not only could I define Voir Dire, but I was also expected to act as "pick" and take crucial notes on the jurors in order to select our valuable three "strikes." While I was sometimes expected to do the standard intern duties, including copying informal discovery and filing, I was also trusted to review cases and make plea offers on dozens of misdemeanor cases.

The weight of deciding whether an individual should go to jail for a month, or serve community service instead, is a heavy responsibility loaded with the fear of being unjust. Thankfully, the D.A. maintains a spreadsheet of punishment ranges for each crime, with an outline of the common punishment recommendation for criminals with no prior offenses. I spent approximately a third of my internship working on plea recommendations, relieving the A.D.A.s from the generally enormous workload, due to the influx of cases every day.

Beyond sharing informal discovery with defense attorneys and working on plea recommendations, there is no such thing as a routine at the District Attorney's office. On one particularly hot day, I found myself stuffed into the back room of a 7-11 in Frisco along with two A.D.A.s and defense counsel, reviewing the tape of an assault on a police officer. The tape was difficult to see, the police and defendant were out of range of the camera, and no one could figure out the technology needed to play the tape in the courtroom. A Coke Slurpee was the only positive aspect of that outing, because unfortunately for the State, 7-11's low technology essentially precluded them from bringing valuable evidence against the defendant.

In a more serious instance, I observed an assault victim sob uncontrollably due to the nature of the defense attorney's intense cross-examination. As a law student, it was an educational opportunity to view the strategy and skill necessary for cross-examination. However, it was disheartening when the defense counsel's effectiveness paid-off and the jury found the defendant "not guilty." The trial confirmed that a highly proficient attorney can overcome the weight of strong evidence against their client with leading questions in cross, plus a good rapport with the jury.

My internship with the D.A. was difficult to leave, as each day was full of invaluable experiences. Over the course of my internship, I gained enough experience to sit second chair in a D.W.I. trial, and provided an A.D.A. with research that overcame a Motion to Suppress we were "sure to lose." While the D.A. Misdemeanor level will cause an intern to recite Standardized Field Sobriety Test (S.F.S.T.) clues in their sleep, the opportunity to gain time inside the courtroom is elemental in applying legal coursework to the practice of law.



From top to bottom, Main Plaza sign on Commerce Street, view of Main Plaza looking southward, Cadena-Reeves Justice Center on Dolorosa, Bexar County Courthouse, Law Library on the 5th floor of the County Courthouse.  
photos by Lauren O'Toole

## The Legal Minute Staff

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[thelegalminute@gmail.com](mailto:thelegalminute@gmail.com)



Blind Lady with Scales of Justice at the San Antonio Bar Association, on the 5th floor of the Bexar County Courthouse. Photo by Lauren O'Toole

For suggestions, comments, concerns, corrections, submissions, and/or letters to the editor, please e-mail Lauren O'Toole, at [thelegalminute@gmail.com](mailto:thelegalminute@gmail.com)

## Advice from a former 1L

Dear One L,

Let me start off by saying you are not going to flunk out of law school. So get that thought out of your head right now. If you had the stuff to get into law school in the first place, then you've got the stuff to graduate and pass the bar and become a lawyer, if that is what you want to do. So lose the fear right now. You've got to have the right mindset if you are to be successful at law school. So get over the law school mystique. It's just law school. You can do it.

Now, of course, it's easy for me to say, after the fact. My nieces and nephews think their Auntie is the most awesome, fearless woman in the world but they didn't know me when I was a One L in law school. You want to talk about being terrified, frazzled and brain-whipped? That was me. I was that girl. I went to law school many moons ago; and I was the biggest One L disaster you can possibly imagine. That is why I wrote this book called, *The Law School Rules 115 Survival Strategies to Make the Challenges of Law School Feel Like "Small Stuff."* Don't worry I'm not trying to plug the book because it's out of print (which should tell you a lot, I suppose.) I mention the book because when Lauren O'Toole, who edits the paper, asked me if I wanted to contribute an article for One L's, it reminded me that I had written this little book; and it occurred to me that there might be a couple of tips I could offer you darling little souls as you try to navigate this law school situation you got yourself into.

In my experience, it was always the "small stuff" that got you in One L. It was the "small stuff" that nobody warned you about, that, when aggregated, mushroomed into big stuff and completely compromised your experience. Those small things are what I discussed in *The Law School Rules*, and those are the things I think every One L should know. To be frank, some of the rules are downright embarrassing and if I were writing the book today, I would have never included some of them, like, "Don't Fall in Love with your Professor" and "Make Lots of Whoopie." Honestly, what was I thinking?! But many of the rules are pretty timeless and even now, as an LLM student, I've made a note to self after re-reading the book to "follow your own rules, lady!"

Without dating myself too much (lol), I will divulge that I was a One L in the Pre-911 Era. I literally went to school a couple of blocks from the World Trade Center-one of the most exciting areas of Manhattan, with cool bars, hip stores, panoramic views of seaports, and eligible tycoons all over the place. Yet, I was too terrified, frazzled, exhausted and brain-whipped to enjoy any of it. So I know what you are feeling, some of you. But trust me, this law school thing is only as stressful as you choose to make it. And the Bar Exam? (I started to worry about that from the first day of law school) Piece of cake. Easiest part of law school. Even I passed on my first shot. So don't you worry about that. You can do it. For now, we need to focus just on getting through One L and having you come through with your sanity intact. To do that, you just have to believe in yourself and in your ability to do this thing. As I said, you have to have a winning mindset.

Let's start with studying since that is a fundamental part of this experience. If you hate to study and read, you are going to have a lot of trouble with law

school. Law school entails a lot of studying and a lot of reading. It's never-ending, really. And I want to tell you something: you can't "wing it." What I mean by that is, don't, like I made the mistake of doing on occasion, go to class "un-read" and think you can "wing it" if the professor calls on you. You cannot. Law professors have this almost sadistic appreciation for One L's who come to their class unprepared. You're a well-seasoned, juicy veal chop to them and they will have you for lunch. Some of them are so into the power, they relish devouring you so much they will actually have you stand as they perform what I call "Socratic Method Terrorism" on you. Don't give them the satisfaction. Read for class. Never go in there unprepared. Don't get me wrong, sometimes, even when you've read for class, you still won't know what they're talking about. Actually, that may be true a lot of times. You will spend hours reading only to go to class and sit there wondering, "is she talking about the same case I read, or am I in the *Twilight Zone*, or what?" But at least you read. So you can come up with something if you get called on, and if you don't know the answer, make it clear that you read but that you don't know what the answer is. Say something like, "I'm sorry I don't know the answer to that question, however I did read the case and what I think I got from it is..." There's no shame in not knowing the answer. No one, not even the most learned professor, knows ALL the answers. In fact, three of the most popular words you'll hear lawyers utter is, "I don't know." In fact, pretending to know when you don't and giving the client a "wrong" answer could be tantamount to malpractice. So it's always best to admit when you just don't know the answer.

So I guess if there is a rule number one, I would say, BE PREPARED. That means: Read for every class. Follow the syllabus. Use IRAC or CIRA to outline every case. Join a study group if you work best in a group. (Don't join a study group if you work best alone.) And buy yourself some commercial outlines/aids and use them to help make sense of some of these cases and concepts. A lot of professors advise against using commercial aids and outlines but then they slap you with a "C" in their class and your peers who used commercial outlines not only sound smarter in class, but they get better grades. (Don't depend solely on commercial aids to teach you the law, obviously. But they are good supplements and they can help you understand concepts a lot quicker.)

As I said before, if you don't know the answer, just say you don't know but make it clear that you read the case. Give them more than just a blank stare when they call on you. Don't ever let a professor think you didn't read when in fact you did. At the same time, don't get overly intimidated by people who seem to know all the answers and who constantly talk in class. They don't always get the best grades, for one thing. For another thing, sometimes you learn more if you shut up and listen rather than if you're talking all the time. Of course, class participation can result in a bump up in your grade. So it's not that I'm saying it doesn't have its benefits. But you can still do well if you keep your mouth closed--if you're so inclined. And the reverse is true. If you are comfortable speaking up in class, by all means go for it. Professors seem to appreciate that quite a bit.

Try not to slack off in Legal Writing and Research. Those are usually the classes a lot of One L's

treat cavalierly, but I think that's a mistake. While all your first year courses are important, Legal Writing and Research, arguably, is the most practical of your required courses, after you get out into the real world. So if you get nothing else out of One L, try to learn how to write like a proper lawyer.

What else? You also have to learn to "think like a lawyer" as quickly as possible. What does that mean? It is still difficult for me to explain what that means, and I don't think I am the only one. A lot of experts in the legal profession can't seem to articulate what it means to "think like a lawyer." In my book, I made a feeble attempt to define it. Here's what I said, in part: "What does it mean to think like a lawyer? Excellent Question...lawyers are full of contradictions: they are at once sensitive, brutish, quick-thinking, nit-picking human beings. Like detectives they often have to out-think criminals...Lawyers are cunning. They understand that everything is open to interpretation and are able to read between the lines, to see things which are not perfectly clear to the "ordinary person."

I can almost hear you ask, "yea, but what does it mean???" And my answer is, "I don't know!!!" It's hard to explain. You just have to figure out how to do it, and do it....

One of the rules in *The Law School Rules* is "Swim with the tide, not against it." I think that is still a good rule. One L's have very little autonomy. In some schools, even your seat is determined by someone else. You can't even drop a class if you think for some reason that you want out of it, because all your courses are required for all first year law students; and they were selected for you. You cannot choose which professors you take either. In a way, One Ls are treated like children, and because of that, you may even find yourself acting like a child in some ways. There is no solution to this. Just accept it as a rite of passage, get through it, and move on with your life.

It's important to find a sense of balance and not let One L eat you up. It can't all be about sitting in the library studying till your face hurts. You have to take time outs and you have to do other things like hang out with friends, spend time with family, exercise, eat well, savor the student lifestyle (hey, it's a luxury to be a student!) and even enjoy your hobby--whatever that may be. In *The Law School Rules*, I talk about this issue of finding balance a lot, because no one told me how important it was to balance law school with living, and I am here to tell you that it is very important to balance law school with living. You don't want to burn out by October, do you?

Speaking of exercise, I can't stress enough how important it is to get regular exercise. When I was a law student, I was forced to start exercising because I was having so much trouble carrying those heavy case books. It was pretty pathetic, but law books are heavier than lead and I was a skinny, weak person back then, and I was having trouble carrying my books. It was just Sisyphean trying to woman-handle those things. After I started exercising, I got so strong I felt I could pick up the Empire State Building and toss it down Fifth Avenue. It was like, "I am woman hear me roar!" The law books were suddenly light as feathers and though it didn't cure my One L blues completely, at least I felt stronger and more confident after a good work out. Here at St. Mary's, there is a gym right on campus, so there is no reason why you can't take a half

# Academics

continued from page 2...

hour every day and go work out. It will make you feel so much more in control and so much more confident. I can't recommend exercise highly enough.

Now, for the thorny issue of lack of sleep: I don't know about you, but I am one of those people who actually needs a good ten hours of sleep to feel rested. No, I'm very serious. I need a lot of sleep, and I seemed not to be able to get an adequate supply of sleep when I was a One L. Four hours was plenty, but it wasn't enough for me. It was a recurring cycle, really. I would stay up way past my bedtime trying to read and actually understand what I was reading. I would get to bed late--and still far from understanding what I was reading. I would wake up and do the one thing I knew I couldn't handle, but which I had no choice, since I had to be awake for class: I would drink coffee. And so that would keep me up late that night. And then I would try to read into the wee hours of the morning. Then I would go to bed not really understanding the bulk of it. Then I would wake up and drink coffee so that I wouldn't fall asleep in class and then...I think you get the picture. I was a One L disaster for more reasons than one.

Sleep is fundamental for law students, but getting enough of it is not always possible. I guess the only advice I have with this one is: try to manage your time in such a way that you actually get the sleep you need, because you really can't do this thing if you're groggy or under-slept. So whatever you do, you must find time to get adequate sleep. Oh, yea, that's another thing. Time management is very important when you are a One L. Time flies like you would not believe, not only in class, but when you take your finals. So you really have to get jiggy with managing your time. Make lists if you have to. Keep a daily planner. And time everything--even sleep time. So, for example, when you write a daily list, it might say something like: Contracts 8:00-10:00 (study time, that is); Torts 5:00-8:00; bedtime 10:00-8:00, and so forth. When the time is up, move on no matter how much you've covered. Doing this will train you to stick to a schedule and get things done when you are supposed to; and that's going to make your life a lot more enjoyable.

One thing you may toy with is whether or not you should join clubs here at school. There are bound to be a lot of clubs, like the Federalist Society and the International Law Society, among others that you can join. You should. You will meet people from other sections and from the legal community, and you will learn a lot. Plus, it will look good on your resume. So join clubs and go to those panel discussions and luncheons featuring speakers from the community when you can.

Well, that is all for now. I wish I could write more but there are time and space constraints so I must leave you now. Oh, one thing that was not in the book which I want to emphasize is that your legal career starts now, not three years from now when you graduate law school. So keep that in the back of your mind and make good choices that don't come back to haunt you. You are going to be a lawyer in the Technological Age and it is exciting, but also filled with peril. The people around you

are future colleagues, and most of them are good and decent. But get to know people before you disclose all your hopes and dreams and career aspirations. There is no one more dangerous in the Post-911 Technological Age than an "ex." It doesn't even have to be an ex-lover. It could be an ex-anything. Or it could even be someone you've rejected who is not particularly good at handling rejection. Remember always that social networking and the Internet and Google are things that can make or break your legal career. Not only do you need to consider your own choices of how you use these things, but you also have to consider the *mens rea* of those around you who, for any reason, may have a grudge against you and use these mechanisms to generate a "Google stain" about you that could affect your employability after graduation.

Don't think this is farfetched. Statistics show that more and more people (often people who you know and with whom you are or were acquainted in some way) are using the Internet to attempt to destroy the reputation of others--especially those of us in "professional" careers. It's one thing if you are unlucky enough to be cyber-bullied by someone you thought you knew. But in a profession like the law that is entirely dependent on your good reputation--both online and offline--you will be lucky if you can get a recommendation from a professor, never mind find a job, after one of these folks gets through with you. Sure, you can always sue if are defamed or if your privacy is invaded; and in some cases you may even need to get an order of protection from the criminal court. But the amount of time and energy these things take, and the cost, can be prohibitive. In the meantime, your career and reputation may be shipwrecked (and all that hard work you put into law school and passing the bar will go for nothing) all because you were not sufficiently cautious and sensitive to the realities of the times in which you live, and you trusted people (even if they are your classmates) before you got to know who they really are. So I guess the ultimate rule I would give to One Ls today is: make smart choices in everything you do (including your choice of friends) starting now, particularly with regard to social networking and the Internet (Flickr, Facebook, Twitter, etc.); and most of all, "watch your back" even when you think you are among friends. Your future career as a counselor of the law may literally depend on it.

I will leave you now with the quote I used at the beginning of *The Law School Rules*. It is from Theodore Roosevelt, and it seems fitting for you as you begin this journey. It goes something like this: "It is far better to dare mighty things, to win glorious triumphs, even though checkered by failure, than take rank with those poor spirits who neither enjoy much nor suffer much, because they live in the gray twilight that knows not victory nor defeat."

Good Luck!

Sincerely,  
Marion T.D. Lewis, Esq.,  
A Former One L

## Advice from the Dean's List

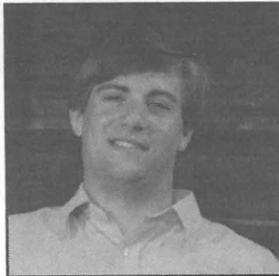
The best thought I can give is to set up your outline in this format:

Issue: What happens if a tenant can't enter the premises at the beginning of the lease terms?

Rule: English Rule - xxxxxx  
American Rule - xxxxx

Analysis: There is a split in circuits regarding which rule to employ; just know it's an issue

This format, instead of just listing the rules and cases, gets the student in the mindset of identifying the issues, stating the rule, and then analyzing the issues, the three most important steps in the first year process. Getting into a groove and thinking this way will really help the newbies.



Charles Ipock, 2L



Haley O'Neill  
The one piece of advice I would give (and do give to every 1L I run into) is to visit the Academic Advisers the moment you need help. I struggled in my first year and I wish I had known to visit the office sooner. They helped me turn my grades completely around!

Don't be passive in class. Commit to being an active participant in your legal education. When permitted, volunteer to brief tough cases and offer observations and opinions, without dominating, during class discussion. Three reasons drive this recommendation. First, you're paying handsomely for this experience, so ensure you get the most out of it. Second, your classmates are robbed of a richer learning experience if you have something to contribute yet remain silent by fear or convenience. Third, shyness is not a trait often found among successful lawyers. So, don't fear being wrong or becoming mixed up when recalling a fact or discussing a point of law. It happens occasionally to everyone. Remember, there are good reasons law school is three years long, and, generally, professors will get you back "on point" through Socratic questioning. Ultimately, there is no shame in being wrong; there is only shame in being unprepared--and, trust me, the difference between those two possibilities is immediately obvious to your professor and classmates. Prepare in earnest. Then, engage regularly and let the chips fall where they may as long as you're learning and growing.



James Cramp, 2L

I don't know if my suggestions will work for everybody, but they worked for me.

1. Sit in the front row. It's easier to stay focused on the professor.
2. If you use a laptop, only use it for notetaking during class.
3. Don't miss class
4. Be prepared every class.
5. When preparing for class, think of what questions the professor will ask. What kinds of questions (i.e. policy, interesting facts in case, who is suing, etc.) does the professor like to ask?
6. Listen and write down anything the professor says about the exam or what makes a good essay.
7. Write down any phrases, rules, or "magic words" that a professor repeats or emphasizes verbatim, so that you can write them that way on the exam.
8. Make your own outline.



Sean Henricksen, 1L  
Evening Student

My best advice for 1L's is to figure out how you learn sooner rather than later, and realize that the advice you are given by everyone may not apply, but its a good starting point. Most importantly, have fun. Law school is too expensive to be miserable!



Cheryl Auster, 3L,  
*The Scholar*, Editor-in-Chief

## Why Should Law Students Attend Red Mass?

By Elizabeth Gutierrez, 2L  
Law Ministry Research Assistant

As the beginning of each fall semester commences at St. Mary's University School of Law, inevitably students and faculty alike begin to talk about Red Mass. For the incoming first year law students and even some second and third year students the conversation usually begins with the same questions... "What is Red Mass?" and "Why should we attend?"

Red Mass is a Mass that is celebrated annually by the Catholic Church for judges, attorneys, law school professors, students, and government officials. The name is derived from the red vestments that are traditionally worn in honor of the Holy Spirit by the priests and the red robes worn by judges and all doctors of law. The Mass is typically celebrated in October, to coincide with the new term of the U.S. Supreme Court, and is used to request guidance and enlightenment for those who practice law throughout the new judicial year. In the fall, on the Sunday before the first Monday in October, the U.S. Supreme Court celebrates their Red Mass in Washington D.C. at the Cathedral of St. Matthew the Apostle. It is sponsored by the John Carroll Society and is attended by not only the Justices but also members of Congress, the diplomatic corps, the Cabinet and other government departments.

Red Mass is celebrated in cities throughout the United States and Texas. In San Antonio, St. Mary's University School of Law and the Catholic Lawyers Guild of San Antonio have celebrated Red Mass for 58 years and will be celebrating its 59th this October 27, at 6pm at San Fernando Cathedral. From approximately 1973-1983, a faculty member by the name of Harold Gill Reuschlein, a nationally prominent figure in legal education and a pillar of the church, organized St. Mary's University School of Law's Red Mass. Reuschlein recruited many student helpers to produce the annual Red Mass, and many of those students went on to prominent positions in the legal community. Following in this tradition, each year the legal community and people of all faiths are invited to join in celebrating Red Mass.

For law students, Red Mass is an opportunity to participate in a very special tradition of the legal community here in San Antonio. Red Mass also embodies and reminds the students of the commitment to service that St. Mary's University School of Law is devoted to, and inspires the legal community and lawmakers to take action on behalf of those lacking resources and access to justice, which prevents injustice against the poor. Red Mass is a way for students to participate with the legal community and take part in requesting for peace, justice, and compassion for the professional community which they will soon be a part of. Nicole Monsibais, a law student who has continually participated in Red Mass comments, "Red Mass provides a time for law students to connect with the legal community and reflect upon the greater meaning of the work we do--justice. Sometimes the daily grind of law studies and courtroom advocacy can make us lose sight of the reason why we were inspired to fight for justice in the first place. Red Mass offers a respite in the hectic lives of the judicial system to reflect upon justice: it's meaning in our lives, for our clients, and for our society."

Although Red Mass is a tradition of the Catholic Church, all of those who have attended will attest that it is an event for everyone, regardless of faith and religion. As third year student Mark Poling recalls "In my first year at St. Mary's, Sister Grace invited all of the law students to Red Mass. I went and enjoyed the beautiful ceremony at San Fernando Cathedral. It strengthened my faith in God, my faith in the legal community, and my faith in my decision to join such a noble profession. As a Lutheran, I truly never considered the fact that Red Mass is a Catholic service, because Sister Grace invites the entire legal community and people of all faiths to attend... I enjoyed the service and fellowship that first year and will attend every year from now on." Third year law student Ciara Tanner added, "I have attended Red Mass every year since starting law school at St. Mary's. As a student who does not consider herself to be very religious I am sometimes asked why I choose to attend a Catholic ceremony and my answer is that Sister Grace never tries to alienate students of a different faith or no faith at all. She endeavors to make Red Mass as inclusive as possible and to make all feel comfortable enough to attend. I don't see Red Mass as a strictly religious event but as one that attempts pull the legal community together and to highlight our combined interest in justice--whatever your religion may be."

In addition to participating in the Mass itself, Red Mass as an event serves as an excellent opportunity for law students to really meet and interact with legal professionals. As third year law student and current SBA president Jenna Reblin notes, "Red Mass is an opportunity to gather with the legal community and celebrate our profession and faith. The reception following Red Mass is a great networking opportunity for law students to meet prominent attorneys in the San Antonio legal community." Red Mass is truly a remarkable and



Above, from left to right, San Fernando Cathedral, Municipal Building & Frost Building  
Photo by Lauren O'Toole



Stephanie Miller, Matthew Howard, 2L, & Jeff Benavides, 2L.  
Photo by Melanie Davis



Kirsten Ruehman, class of 2011, Mark Polling, 3L, Lona German, St. Mary's School of Law Alumnus, and Emily Jirovec, St. Mary's School of Law Alumnus  
Photo by Melanie Davis



Stacy Fendley, 3L, & Jena Reblin, 3L  
Photo by Melanie Davis

memorable event. Nick Guinn heard about Red Mass through Professor Vincent Johnson who "told our Torts class that Red Mass was the event that showcases our law school like no other. After attending, I realized that Professor Johnson's claim was a mere understatement..."

## Red Mass in an Earlier Era

By Vincent R. Johnson  
Professor

When I arrived at St. Mary's in 1982, there was one member of the faculty who was especially notable, Harold Gill Reuschlein. He was a "grand old man," a pillar of the Church (twice made a Papal knight), and an elder statesman of the faculty.

Reuschlein had been the founding dean of Villanova Law School in Pennsylvania. After nineteen years in that position, he moved to St. Mary's for the final decade or so of his career as the Katherine A. Ryan Distinguished Professor of Law.

Reuschlein looked like FDR and acted with the confidence of Churchill. He had a commanding presence and liked to "hold forth." He regaled young faculty members with stories about how he built Villanova. We heard some of those tales more than once, but I always enjoyed them.

I was told to call Reuschlein by his first name, "Harold," because we were colleagues. That was a bit difficult for me because Harold was nearly fifty years my senior.

When Reuschlein and his wife Marcie entertained, they were a grand team. Marcie cooked, and Harold poured the drinks (Manhattans, Martinis, that sort of thing). He played the piano for his guests and sang old "standards." The conversation never lagged. It was easy to picture how Harold and Marcie had performed those hosting roles for an endless stream of guests over two decades of deaning.

Reuschlein was a nationally prominent figure in legal education and the author of books on agency and partnership. However, his great love, his passion, was the Red Mass, that ancient tradition of the Catholic Church that invokes God's blessings on the judiciary and members of the legal profession. He talked about the annual Red Mass all year.

When Reuschlein moved to San Antonio, the style of local Red Mass was not to his liking. Too plain. Too little pageantry. Not enough pomp and circumstance.

Harold preferred the Catholic Church in all of its Roman glory—incense rising, music enveloping the rafters, the clergy at their ceremonial best. So, Reuschlein did the logical thing. He wrested control of the event from its erstwhile caretakers and ran it in high-church style until he retired.

This was fine with San Antonio church leaders. Harold was on a first name basis with San Antonio archbishops, bishops, and prelates. I remember an Easter dinner at the Reuschlein home where the pastor of the local church was the honored guest.

With Reuschlein in charge of the Red Mass, nothing was overlooked. He took a special interest in coaxing out of the university music department the most spectacular instrumental and choral performances. He himself was an accomplished organist and had played regularly for his parish church during the years when he was a law professor at the University of Pittsburgh.

Reuschlein hired a carpenter to build a large wooden mace for the law school. When he led the Red Mass procession into the Cathedral holding that symbolic weapon, he looked as though he could use it. Faculty members in their colorful academic robes and the priests in their red vestments followed in his wake.

Marcie sat up front in the pews reserved for faculty spouses. In those days, that meant faculty wives.

During the Red Mass, Reuschlein quietly paced up and down the side aisles in his bright red Cornell academic robes, keeping an eye on everything. Decked out in a red mortar board and red gown, with natural patrician bearing, he looked like a

Cardinal, a prince of the Church. It was certainly possible to picture him sitting in the Sistine Chapel voting for a new pope.

Reuschlein enlisted an army of student helpers to assist in running the Red Mass. Many of those law students went on to leadership positions in the legal profession. When I see some of those persons, I remember them for what they did when Reuschlein ran the Red Mass. I look at a judge and think, "he was the crucifer." I look at a former city attorney and think, "he was a thurifer."

Harold had strong opinions about what made for great Red Mass. One of those things was the National Anthem sung as a final hymn. It was a potent blend of Church and State which has since gone out of favor.

In the Kenedy library at the St. Mary's campus, there is a framed selection of fading color photographs from the 1977 Red Mass and Dinner, with hand-lettered inscriptions. Those events marked the fiftieth anniversary of the law school and the twenty-fifth anniversary of the San Antonio Red Mass. In the photo at the bottom right, you can see Reuschlein beaming, standing behind Dean Raba. Harold was in his glory.

Reuschlein's era at St. Mary's ran from roughly 1973 to 1983. In his last year as maestro of the Red Mass, the featured speaker was Professor Thomas L. Shaffer, former dean of Notre Dame Law School. Shaffer was my mentor, and is more responsible for my being a law professor than anyone I know.

As the new kid on the faculty, I had no standing to nominate anyone for anything. So I encouraged Reuschlein to nominate Shaffer, a prolific scholar, for the law school's St. Thomas More Award. Harold did that one better, and at the 1983 Red Mass Shaffer was presented with the award and with an honorary doctorate, while his wife Nancy looked on with pride from the audience. Shaffer, interestingly, had taken law classes at St. Mary's decades earlier when he was stationed at a San Antonio military base.

When Reuschlein retired from St. Mary's in 1984, a San Antonio newspaper ran an article that intended to say that he was finishing a distinguished career of more than a half century of teaching law. That was an impressive record. It was made even more so by the fact that the article accidentally left out the word "half."

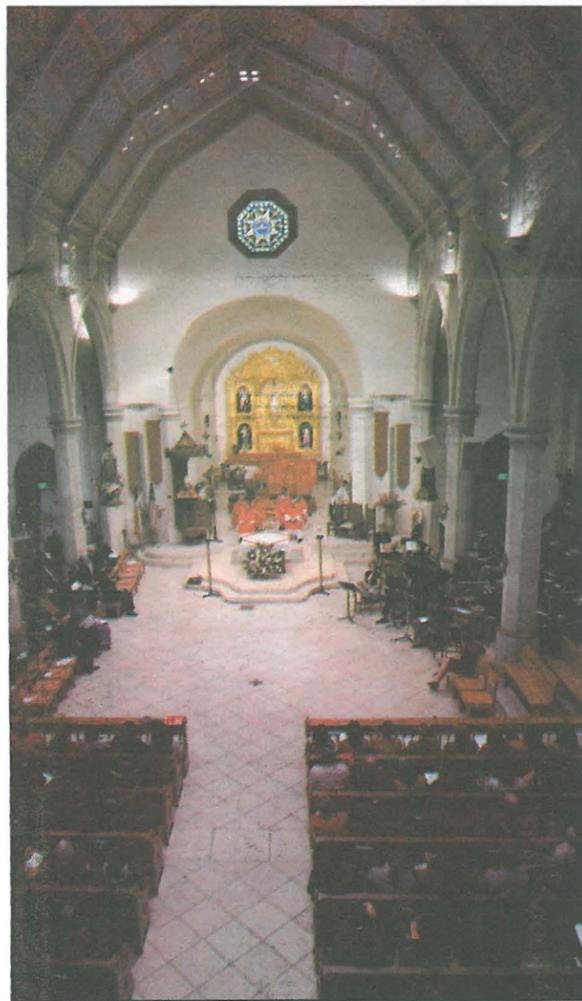
As a young member of faculty, it fell to me to run the Red Mass for the first three years after Harold's departure. It was an assignment with endless details. Each year, no one was more pleased than I was to hear the choir intone the recessional song of the Red Mass.

The Reuschleins retired to Pennsylvania, near the Villanova campus. I visited them on what happened to be Harold's eighty-fourth birthday, in early December 1989. In the Reuschlein's large apartment, there were three Christmas trees set up in different rooms to remind everyone of the approaching Christmas holiday. Harold was still on his game. The two of us walked the Villanova campus for four hours. He talked for four hours; I listened eagerly the whole time.

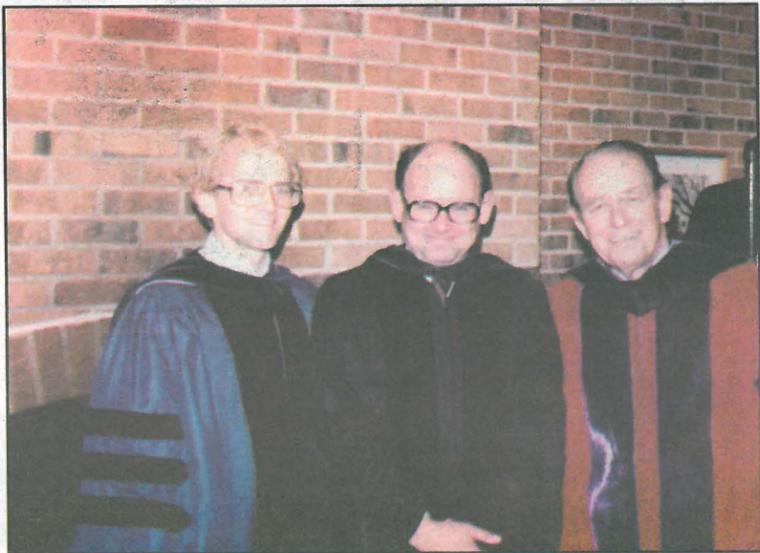
It was not surprising to see that Harold's portrait was hung in the Villanova law school. However, what was special was that there was a portrait of Marcie Reuschlein, too. She was not a lawyer and had never taught on any faculty. But she had been part of the team that founded a great law school. The Villanova alumni had recognized her efforts. (A picture of Harold's Villanova portrait hangs at St. Mary's in the rotunda on the second floor of the Raba Law Building.)

When Reuschlein turned 90, his birthday was celebrated by his friends in San Antonio, even though he was observing the occasion on the East Coast.

Today, Red Mass is as much of a "production" as it was in Reuschlein's time. Sister Grace is now in charge. The style is different, but it is still grand. (A wag might say, "less Ex Cathedra", and more "Vatican II"). Over a quarter century after Harold and Marcie left San Antonio, the annual Red Mass is still the most splendid public occasion of the law school year.



Harold Gill Reuschlein and Marcie Reuschlein, May 1984.  
Photo by Vincent Johnson



From left to right, Professor Vincent R. Johnson, Thomas L. Shaffer, & Harold Gill Reuschlein, November 1983

### 59th Annual Red Mass Celebration

**What:** Annual event "to request guidance and enlightenment for those who practice law throughout the new judicial year."

**When:** Thursday, October 27th, 2011, at 6pm, "to coincide with the new term of the U.S. Supreme Court."

**Where:** San Fernando Cathedral, 115 Main Plaza, Downtown San Antonio, Texas.

**Reception:** For St. Mary's Students, Faculty, & Alumni, at the Frost Bank Tower, Plaza Club, top floor, 100 W. Houston Street, Downtown San Antonio, following Red Mass, 7:15-10 p.m.

# Chief Executive Complaint, Frontier Airlines is "A Whole Different Animal"

209 West Ridgewood Court  
San Antonio, Texas 78212

September 13, 2011

Mr. Bryan Bedford  
Chairman, President, & Chief Executive Officer  
Frontier Airlines, Inc.  
7001 Tower Rd  
Denver, CO 80249

Once again, Frontier has proven to be the most reliable and dependable airline when it comes to providing customers the experience of "a whole different animal." I can always expect the same when I fly Frontier--missed connections, horrible customer service, and lack of administrative responsibility. My trip out west began with a warning to friends, "don't fly Frontier! I have never had an easy time. They truly are 'a whole different animal.'" I flew Southwest, two friends flew American, and one flew Delta. My friends listened to my advice and we all met in Denver at our scheduled times.

We headed out to the mountains for the weekend, went to a wedding, and returned to Denver on Sunday, August 15th. I was planning on driving to Durango, Colorado, in order to avoid flying Frontier, but I decided to risk going against my own advice. I purchased a seat on flight 975 to Durango, leaving at 7:15 pm. I arrived to the airport 2 hours early. My friends were flying back to Austin, Texas on American and I jokingly told them that something was definitely going to prevent me from making it to Durango on time and they would see "a whole different animal" at work. My friends were able to check in to their American flight without any problem. I went to a self-service kiosk and received a message that I had arrived too early to check in to my flight! That didn't make any sense because after all, I was only about 2 hours early.

I went to the ticketing counter to figure out what was going on. I was told that my flight was cancelled. I asked if I could get on the 9 pm flight into Durango and was told that one was cancelled also. I asked for a hotel room for the night and was told unwaveringly "No!" I asked why the flights were cancelled and was told that it was due to a mechanical failure. Having experienced the untrained, unfriendly, and resentful employees that Frontier either recruits or creates (I still haven't figured that one out), I immediately changed from a distressed passenger to a proactive travel agent. First of all, I asked how two different flights scheduled for two different aircraft could both be cancelled for mechanical issues? Secondly, I informed her that if a flight is cancelled due to a mechanical failure, the airline has a duty to get me to my original destination as soon as possible. She said that I was already booked on a flight for the next day at 3 p.m. - 2 1/2 hours later! At this point, she offered me a hotel! Is it Frontier policy to try and dupe unknowing passengers? Had I not told her what she was obligated to do, I would have been stuck in the airport for days (no doubt more of Frontier's new fleet of flippant fury friends would come down with some sort of ailment and be taken out of rotation). I then informed this undertrained employee about Frontier's regional partnerships and sister airports and the other parts of her job that she should know and I should not be required to recount. I finally had her help me secure a flight to Farmington, New Mexico on Great Lakes Air. Unfortunately, I did not have time before this new flight to explain to the agent or her supervisor that they were also obligated to get me to my final destination in Durango, Colorado; not 1 1/2 hours away in Farmington, New Mexico! At that point my friends had been waiting for over thirty minutes just witnessing the "whole different animal" that Frontier truly is. They won't be flying Frontier ever they assured me!

I wish I had had the luxury of making that decision, but unfortunately, I had already booked another Frontier flight 242 from Durango to Nashville, Tennessee via Denver on August 18th. The plane actually departed Durango on time, arrived in Denver and I made my connection to Nashville! When I got off the plane in Nashville, I realized that I had left my fly rod on this flight, but not until I had already walked through security. I was not allowed to pass back through security so I ran to the ticketing counter and asked if they could call a gate agent to check the plane. They told me they would not call the gate because the crew would either clean the plane and deliver lost articles to the ticketing counter or it would go back to Denver where the plane would be cleaned and any lost items would be sent to corporate headquarters to be logged and held...if found. There is no doubt that my property would have been found if the ticketing agent had called the flight crew before they left, or alerted someone in Denver. This is perhaps one of the worst policies of Frontier. I tried to talk to the ticketing agents, I called 1-877-461-5737, the number they gave me, I called the Frontier customer service desk at the Denver airport and asked to speak to the agents at the gate where the plane that took me to Nashville would arrive, but was told NO. I did all of this in order to alert someone what to look for, to put them on notice that Frontier was now the bailee of my personal property, with a legal duty to return it to me, but someone at Frontier thought it would be a good idea to streamline all inquiries to one voicemail and/or one email address.

If you thought my horrible experience with Frontier ended there, you obviously don't fly on your own planes. I had an on-time departure from Nashville but when I got to Denver, Frontier's national hub, "a whole different animal" was about to

come alive; or, rather, hibernate. We were scheduled for on-time departure until 15 minutes AFTER final boarding call, when the captain stood at the front of the plane and told us that we could not leave until his co-pilot showed up! And he didn't know when that would be. How does it take an airline over an hour and a half to find a co-pilot for a regularly scheduled flight; not only at an airport, but in their home city, the 10th largest in the nation?

In the days following this routine Frontier experience, I made several phone calls, left voicemails at different numbers, and I sent three emails within a week of the flight to [lostandfound@flyfrontier.com](mailto:lostandfound@flyfrontier.com) and only now, 26 days later, did I receive a reply that my fly rod was not found (see enclosures). There are a million better ways to handle lost and found, but I guess you don't get the benefit of human logic and reason when you're flying with "a whole different animal."

This is from your website:

If you've already left the airport, please contact our Found Property voicemail at 877 461-5737 (option 2) or send an email to [lostandfound@flyfrontier.com](mailto:lostandfound@flyfrontier.com) with a detailed description of your lost item, your flight information, and your contact information. All recovered items are sent to Found Property and held for 30 days, while we attempt to reunite them with you. If your lost article is found, one of our representatives will contact you. However, if we don't locate your item, please understand that we will not be contacting you.

However, I was contacted. I had a missed call on my cell phone from 303.342.7697 on August 18, 2011. This is a phone number registered to Frontier Airlines corporate offices, so I figured that my property was located, or at the very least a Frontier employee was responding to the notice I gave them as to their legal obligations to locate my fly rod and return it to me. However, when I called back I had the displeasure of talking to one of the worst customer service representatives that Frontier wastes money on. She was rude and unhelpful and in so many words told me that I was an idiot. This is unacceptable!

I did not buy a ticket on Frontier in order to be treated like a child, or to allow my legal property rights to be circumvented by administrative corporate oversight concerning Frontier's legal duties and responsibilities. "An agreement to carry luggage between a passenger and an airline is a bailment contract. [...] The duty owed by the bailee is one of reasonable care to protect the bailed property; the bailee's duty runs to bailor's property, not solely to the bailor. If the bailment contract is breached, then the bailee is liable for damage to the bailed property," *Barrett v. United Airlines, Inc.*, 697 P.2d 408. Frontier Airlines did not exercise reasonable care to protect my property. Frontier Airlines, through its agents and employees, was immediately put on notice about my bailed property before the plane even left the Nashville airport. There is no doubt that my fly rod was on the plane--a fact corroborated by the girl who sat next to me during the flight and walked through the terminal, past security, and to baggage claim with me. The failure of the Frontier employees to alert someone on the plane or at the arrival gate in Denver, led Frontier Airlines to breach its duty to me and my property, and thus Frontier Airlines is liable for said breach. Frontier employee Dennis Hutsell impliedly admits to the breach in the enclosed email response on September 12, 2011. Because Frontier had adequate notice but did not take reasonable steps to bail my personal property, Dennis' admission that Frontier "do[es] not have [my] Sage fly rod," will serve as prima facie evidence that Frontier breached its duty. Although federal law limits a carrier's liability to \$750, this will not be an issue as

Frontier can either make it a priority to find my bailed property which they have been on actual notice about, or Frontier can send me a Model 00710-4 TXL-F, 7'10", 00wt, Sage fly rod for \$625 from the Sage website.

Frontier Airlines truly is "a whole different animal!" On your website Frontier claims, "A whole different animal" represents our commitment to do the little things that make a big difference to our customers." It is the little things that have made a BIG difference to me. Here's some advice: Instead of trying to tame wild animals that are unpredictable and sometimes ferocious, and always lacking social graces, not to mention legal duties, maybe Frontier should try to be just one kind of animal--perhaps a dog: man's best friend; reliable, friendly, and trustworthy.

Seriously,  
Jeffrey R. Parsons, Jr.

## Enclosures

Cc: Wayne Heller  
Executive Vice President and Chief Operating Officer  
Frontier Airlines, Inc.  
7001 Tower Road  
Denver, CO 80249-7312

Lars-Erik Arnell  
Senior Vice President of Corporate Development  
Frontier Airlines, Inc.  
7001 Tower Road  
Denver, CO 80249-7312

Joe Allman  
Vice President and Controller  
Frontier Airlines, Inc.  
7001 Tower Road  
Denver, CO 80249-7312

Jerry Balsano  
Vice President of Customer Service  
Frontier Airlines, Inc.  
7001 Tower Road  
Denver, CO 80249-7312

Jeff Domrese  
Vice President of Maintenance and Technical  
Operations  
Frontier Airlines, Inc.  
7001 Tower Road  
Denver, CO 80249-7312

Don Osmundson  
Vice President, Flight Operations  
Frontier Airlines, Inc.  
7001 Tower Road  
Denver, CO 80249-7312

*This is a recent letter by Buddy Parsons, 1L at St. Mary's School of Law.*



# Open Mic Night offers friendly, musical distraction

By Lauren O'Toole, 1L  
Editor-in-Chief

Not only is the atmosphere at Hemingway's Tavern laid back, comfortable, and unpretentious, for Tuesday's Open Mic Night, it is a way for musicians and lovers of music to gather, mingle, and experiment with the art.

Over this past summer, Michael De Guzman, 3L here at St. Mary's School of Law and President of the Legal Society of Musicians, "began pilot testing a full blown Open Mic Night at Hemingway's Tavern," and "it has been a great success," said De Guzman. "We have had great participation from local artists, and now I am extending the invitation to you guys."

In an effort to facilitate the endeavor and make the tough lives of musicians easier, "We have a full pro-level PA system, [which is the] best in town, along with a drum and bass amp backline. All you practically need to do is just--show up, plug in, and play your heart out," because "mics are ready to go," said De Guzman.

When I inquired about drumming, De Guzman responded, "We actually have a full Yamaha kit ready to go." Packing, hauling, unpacking, and repacking drums all in one night is not much fun, so De Guzman's news allowed me a happy sigh. De Guzman also added that I might want to bring some hot rod sticks, which help "control the overall volume." At the time, I did not know what "hot rod" sticks were. It was a learning



experience, that I do not regret.

According to Stewart, a bartender at Hemingway's, the crowd on Tuesday night is "a mix of people." Stewart also said that working at Hemingway's is

De Guzman said that the best thing about Open Mic Night at Hemingway's Tavern is "true live music experiences...No sampling, no A/D conversions, [just] music in flesh and bones."

A break is always welcome, especially in the context of being a law student. "Music helps us all keep sane in this hectic life," said De Guzman, and "love of music transcends all socio-economic, man-made barriers."

Michael De Guzman will be graduating this winter, so the Legal Society of Musicians is looking for a new president! De Guzman said the position requires, "creativity, love of music, [and] willingness to organize the unorganizable."

To apply for the position, contact Michael De Guzman at mdeguzman1@yahoo.com.

fun.

De Guzman said, "the owners [of Hemingway's] have close ties to St. Mary's Law, and they are open to anything musically." Additionally, "We've hosted Lawlapalooza here for the past two years."

Kevin Addair, a student at U.T.S.A., sees open-mic night at Hemingway's as "a general oddity." Addair is a musical composition major, who plays classical guitar when he's on.

After a couple acts, and once everyone has settled in, things start to become more collaborative and exploratory. Musicians will join different sets, and the line-ups continually change. Since my band does not have a bass player, Open Mic night gave us the perfect opportunity to play with a few different bassists.

"It's a great way to meet other musicians," said Jonathan Alexander, drummer for the band, Three Legged Horse. His bandmate and vocalist, Mark Holguin, sees Open Mic night as a way to "work on new music" and "work on my craft."



From left to right, Ryan O'Toole on guitar, Lauren O'Toole on drums, & Mike DeGuzman on bass.

Photo by Stewart, Hemingway's Tavern bartender.



From left to right, Peter Hernandez on guitar & Mike DeGuzman on vocals.

Photo by Lauren O'Toole

What: Open Mic Night  
Where: Hemingway's Tavern  
8931 Wurzbach,  
78240  
When: Every Tuesday night,  
from 8-12 p.m.  
Cover: free

## Law Ministry Events

### Religious Leaders' Dialogue on the Death Penalty

Monday, October 24th, 2011, 7-9 p.m.

Trinity University,

Laurie Auditorium

One Stadium Drive,

San Antonio, TX, 78212

### Innsbruck Fundraiser Beer & BBQ

Friday, October 14, 2011, 6:30-10 p.m.

Professor Richard Flint's house, 108 West Mulberry Avenue

### Habitat For Humanity Build

Saturday, October 22, 2011, 1 p.m.

Location: T.B.A.

\*\*service hours can apply to Community Service Pro Bono Certificate

### Red Mass

San Fernando Cathedral

Thursday, October 27, 2011, 6pm

\*\*see pages 4-5 for details

### Boo Bash

Halloween Party for St. Mary's and Area Children

Friday, October 28, 2011, tentatively

4:00-7:00 p.m.

\*\*Volunteers needed; to volunteer or donate candy,

Contact Sister Grace Walle, at gwalle@stmarytx.edu, or

Elizabeth Gutierrez, at elizabethogutierrez@gmail.com

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thelegalminute@gmail.com

