

UNBOUND

THE GAROYLE

Alumni Bulletin of the University of Wisconsin Law School

Volume XII No. 2

Winter 1980-81

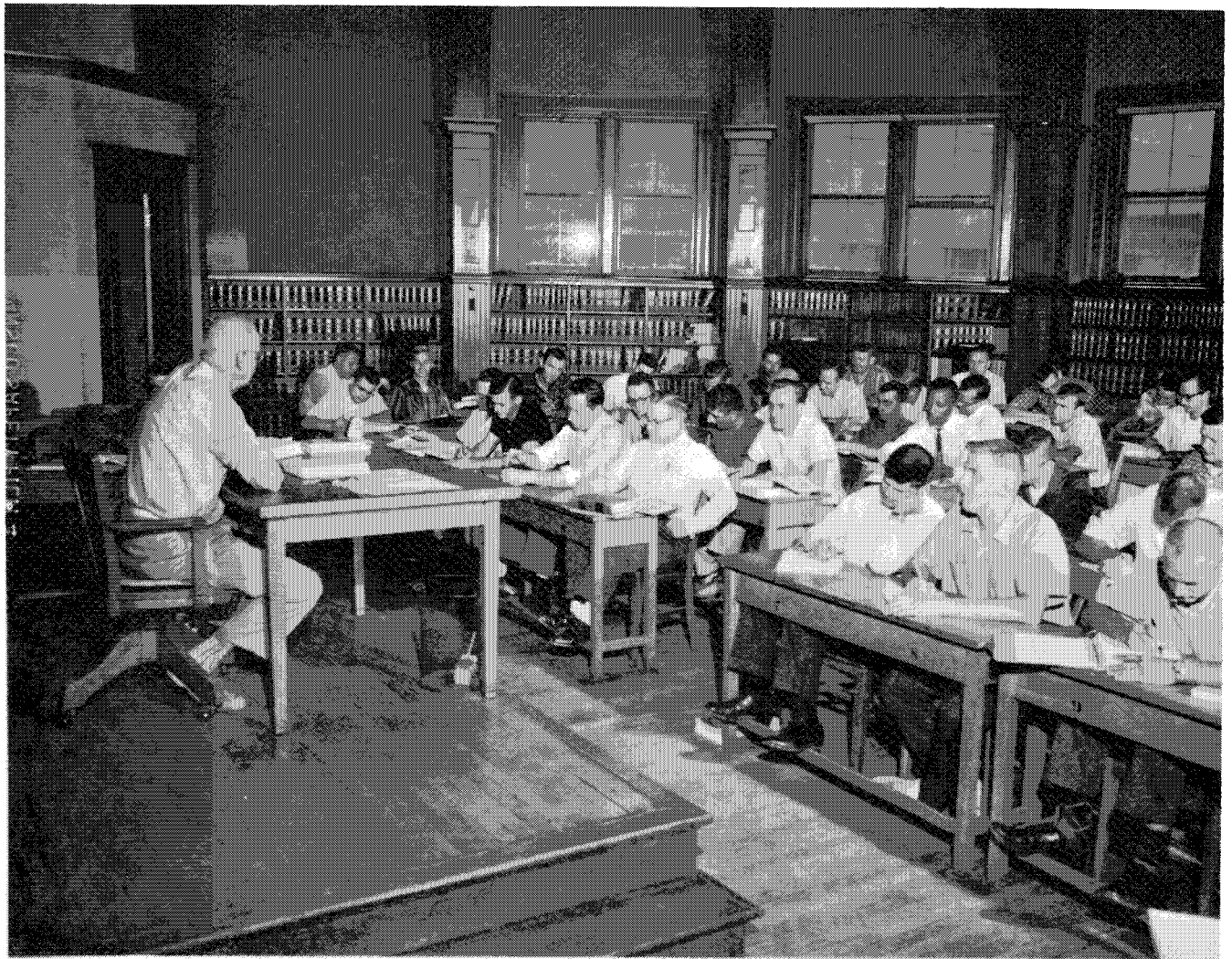


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EDITOR'S NOTE

Once again our readers have identified the mystery photo on the back cover of the last issue. Circuit Judge James C. Boll recalled that, while Dane Co. District Attorney, he would often don the judges robes for a trial practice course in the Law School. This particular instance occurred in 1965 when John H. Hendricks ('67), now practicing in Superior, tried an auto accident case before Judge Boll. Correspondents had more trouble with the two persons facing away from the camera. One reader suggested that one of these persons was James Herrick, but this part of the picture remains a mystery.

The mystery photo in this issue was obviously taken in the old building. I recognize the professor but cannot name him, although that should be easy for many of you. I would be interested in not only the names of persons in the picture but also the class and the year.

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Bulletin of the University of Wisconsin Law School, published quarterly.

Vol. 12 No. 2 Winter 1980-81

Edward J. Reisner, editor

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ON THE COVER: On January 12, 1981 another group of new graduates stood before the Wisconsin Supreme Court and took the oath of office as attorneys. For each the event signifies the end of law school and the beginning of a lifelong commitment to the learning necessary for an attorney to remain current and competent.

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Some years ago I become so incensed at the deterioration of our Law School that I began voicing my concerns; not quietly. As a result, I was invited to several of the annual Visitations, then elected to the WLAA Board, and now this year serve as WLAA President.

I found much justification for concern: following the University merger and concurrent events our Law School had indeed fallen upon hard times. The repeated rapid turnover of Deans and the publicly voiced concern of the ABA Accreditation Committee bore ample witness. I found also that my concerns as an alumnus and practitioner were shared by the Law School faculty and administration and the causes better understood. I learned, for example, that when the faculty and administration sought to cut back the swollen size of the student body to a number that could be given quality education with existing staff, facilities and budget, the University replied that the budget would be cut severely if they did so.



Dale L. Sorden
'53

I am happy to report that those dark days have passed. For several years now our School has been climbing steadily towards its former eminence. Many share the credit but surely most must go to the unbelievably effective efforts of the quiet man: Dean Orrin Helstad.

I am pleased also to report, however, that your WLAA has played a most useful role. WLAA Board members and Visitors, after learning the facts, had useful discussions with University administrators, Regents and legislators. The fruit has been good. WLAA funds, contributed by you, have filled many small but important gaps in what could be done with budgeted funds, particularly in connection with recruiting and keeping quality faculty and in keeping quality students.

The resuscitation of our Law School has come far. It must continue. Your contributions, and if possible your personal involvement, really are important and needed. "Forward."

Sincerely,

DALE L. SORDEN

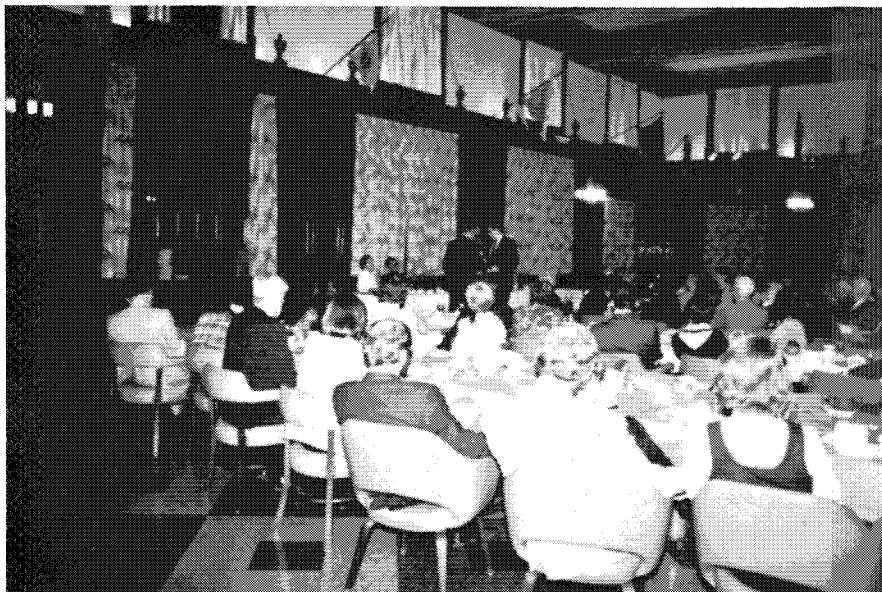
LAW SCHOOL HONORS PRACTITIONERS

At the Board of Visitors Dinner on October 19, 1980, the Law School honored 67 practitioners from the Madison area who had taught in the Law School from 1935 to 1975. In his remarks Dean Helstad not only congratulated these individuals for their time and effort, but also pointed out how practitioners affect the curriculum. Honored guests were:

A. Roy Anderson
Richard W. Bardwell
Glen H. Bell
W. Wade Boardman
John L. Bruemmer
Floyd A. Brynolson
Frank J. Bucaida
Brian E. Butler
Kenneth P. Casey
Richard L. Cates
William A. Chatterton
James R. Cole
Gerald T. Conklin
Edwin C. Conrad
John P. Desmond

Jack R. DeWitt
James E. Doyle
William F. Eich
Milo G. Flaten
Paul C. Gartzke
Stephen E. Gavin
Eugene O. Gehl
Theodore F. Gunkel
David J. Hanson
Walter L. Harvey
Nathan S. Heffernan
Daniel W. Hildebrand
Richard A. Hollern
C. Vernon Howard
James D. Jeffries
Conrad H. Johnson
Donald D. Johnson
Percy L. Julian, Jr.
Allan R. Koritzinsky
Moria Krueger
Beatrice W. Lampert
Robert R. Lehman
Priscilla R. MacDougall
Norris E. Maloney
Joseph A. Melli
Earl H. Munson, Jr.

Robert B. L. Murphy
Gerald C. Nichol
James A. Olson
Richard L. Olson
Kenneth M. Orchard
Maurice B. Pasch
Robert R. Pekowsky
Thomas G. Ragatz
William A. Rosenbaum
Frank A. Ross
Frank A. Ross, Jr.
Gordon Sinykin
Robert William Smith
Steven H. Steinglass
Myron Stevens
Warren H. Stolper
Seward R. Stroud
Robert D. Sundby
Sverre O. Tinglum
Ray A. Tomlinson
Jack W. Van Metre
David G. Walsh
James E. Webster
Cheryl Rosen Weston
Michael W. Wilcox
Donald D. Willink



TESTIMONIAL FOR ORRIN B. EVANS ('35)

On September 17, 1980 the University of Southern California Law Center honored Professor and Dean Emeritus Orrin B. Evans. Dean Evans graduated from our Law School in 1935 and was a visiting professor here in 1960. His accomplishments are numerous, and we join with USC in congratulating him. The remarks below are reprinted from the program of the testimonial:

Orrin B. Evans has been at USC since 1947, and was at the time of his retirement on June 30, 1980, the most senior member of the law faculty. His long and brilliant career at USC included eleven years' service as Associate Dean (1952-63) and four years as Dean (1963-67).

A special honor was bestowed on Orrin Evans when he was named the prestigious Henry W. Bruce Professor of Law in 1952, at the time the only named professorship at the Law Center. He retained that title for 27 years until he was chosen as the George T. Pfleger Professor of Law in 1979.

His contributions to the USC Law Center have been innumerable, constant and enduring. It was during his deanship that the evening degree program was discontinued. This bold and courageous decision, although misunderstood in many sectors, was necessary both fiscally and to preserve the high quality of education. Integrity, more than any other characteristic, exemplified his decision-making while dean.

Interdisciplinary approaches to legal studies began during Orrin Evans' tenure as dean and included the beginning use of social science materials now widely embraced nationally among law schools.

Perhaps the most lasting contribution he made was in directing the largest fund raising effort ever attempted at the Law Center up to that time. During Orrin



Dean Orrin Evans

Evans' deanship, the plans were formulated to raise \$3.2 million to build a modern building which would become a permanent addition to the USC campus. He also guided the physical planning of this building as chairman of the faculty building committee.

Orrin Evans has taught hundreds of students such courses as Personal Property, Real Property, Equity, Restitution, Gifts, Wills and Trusts, Community Property and Bankruptcy. The future of many law students has seen his guiding hand on the Law Center's Admissions Committee. Likewise, students petitioning for special consideration during the course of law school needed to pass his scrutiny on the Administrative Board (and sometimes didn't). In testimony to the esteem in which

he is held by his faculty colleagues, he often has been elected by them to the three-member Administration and Finance Committee, the only elected faculty committee.

Professor Evans' career at the Law Center is only part of his history as a scholar. A native of Wisconsin, he attended the University of Wisconsin, graduating in 1931 with a B.A. degree and in 1935 with the LL.B. (with honors).

Admitted to practice in 1935 in Wisconsin, Professor Evans practiced law in Madison for one year, and then entered Yale University to pursue advanced legal studies as a Sterling Fellow in Law. He received the J.S.D. from Yale in 1940. For the following six years he served as attorney for the

University of Missouri while also a professor at its law school.

Service to his community and profession has been very much a part of Professor Evans' career. From 1961-65, he was the Vice President of the Los Angeles Civil Service Commission. He has served the Association of American Law Schools as its Assistant Secretary and member of its Executive Committee, and has been a member and President of the Law School Admission Test Council. He has served as an Inheritance Tax Appraiser, as public trustee of the Food and Drug Law

Institute, and on the Arbitration Panel of the American Arbitration Association.

An active fisherman and hunter, Orrin Evan is married to the former Margaret Searle, and is the father of three children — Margaret, Evan and David. He is the proud grandfather of two.

Orrin B. Evans has been our colleague, our dean and our law professor at the USC Law Center for 33 years. He has been a legal educator for 43 years and has taught at many of the major law schools across the nation including the universities of Missouri,

Yale, Northwestern, Wisconsin and the University of California at Berkeley and Los Angeles. His more than 30 publications have been published in the Michigan, Minnesota, Missouri and Southern California Law Reviews. But his career is more than a tally of years and schools. It is a description of a man who has dedicated his talents to improving legal education, and moreover, a description of a man who more than any other has shaped the course of legal education at the University of Southern California Law Center.

LAW SCHOOL RANKS AMONG LEADERS

There are many ways to measure the success of a law school in educating its students. Periodically rankings of schools appear based on any variety of "statistical" measures. These rankings often lead to claims that this law school or that is one of the 165 law schools in the "top ten." Nevertheless we were pleased to see our Law School favorable mentioned in two recent articles, articles placing the University of Wisconsin Law School among the "top fifteen" in at least two areas.

The American Bar Foundation recently examined the law school training of law teachers in the U.S. They discovered that 20 law schools generate almost 60% of all law teachers, with our Law School ranking 12th on the list with 63 alumni teaching law. The study went on to disclose that five schools (Harvard, Yale, Columbia, Michigan and Chicago) together produce one-third of all law teachers. The study suggests a fear of inbreeding, particularly within the faculties of the major "producer" schools themselves.

Only about one-fourth of the UW Law faculty are our own graduates.

The second study was reported in the Harvard Business Review (September-October 1980). After a 10-year survey of more than 11,000 persons recently promoted to vice president or president of a major American company, the survey found that 11% were attorneys. These lawyers followed persons trained in business administration (33%) and engineers (18%) as the most numerous among top executives. Again the UW Law School was among the leaders. Fifteen schools together produced almost 60% of all lawyer-executives, with UW ranking fourteenth. Harvard, Michigan, Columbia, Yale and New York ranked at the top.

These two reports indicate not only a healthy respect for our graduates, but also the diverse career paths available to lawyers. With only about 45% of our graduates entering private practice we are pleased to see that the others are successful in their chosen fields.

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(The Board of Visitors of the Wisconsin Law Alumni Association conducted its annual inspection of the Law School and its program on October 19-20, 1980. Their report is printed here in full.)

BOARD OF VISITORS REPORT

The University of Wisconsin Law School Board of Visitors was created in 1957 "for the purpose of assisting in the development of a close and helpful relationship between the Law School and the University of Wisconsin Law School Alumni on all matters of mutual interest, including Law School facilities, curriculum, placement, admission and public relations of the School and the Bar ... " Since 1970, the Board has devoted at least one day each year to an annual visit of the Law School, during which the Board has observed classes, reviewed programs, and met with students, faculty members and administrators to discuss issues concerning the Law School.

On October 20, 1980, we, the present members of the Board of Visitors, visited the Law School. This is our report.

Classroom Observation. On the morning of the visit, individual visitors attended nearly two dozen classes, taught by 20 different teachers. Some of these classes were conducted in the lecture hall setting which, along with the Socratic method, has until recent years dominated American legal education. Some classes, however, were taught in smaller discussion sections. While most classes were taught by full-time faculty members, a few were conducted by practicing attorneys.

Our classroom observation and discussion with students convinces us that the teaching ability of the faculty remains high. Especially impressive is the student-teacher rapport in the small sections. In prior reports we recommend that, within budgetary constraints, the number of small section classes be increased. This again is our recommendation.

Evening Classes. Under part-time attendance law enacted by the Legislature last year, the Law School must offer students the option of attending school part-time. The law also requires that sufficient classes be scheduled in the evening so a student could meet graduation requirements by attending classes only in the evening. The Law School began to implement the law this school year by offering two first year classes in the evening.

Fewer than 25 students have signed up for the part-time option, and, of these, fewer than 10 attend classes only in the evening. Unfortunately, the small number of evenings-only students has necessitated assigning full-time students to evening classes to fill out these classes. This has resulted in some complaints from the involuntarily assigned full-time students. The scheduling difficulties will probably increase in coming years, when, to meet the course requirements of the evenings-only students, the Law School will be required to offer a fuller array of evening classes.

This school year the evenings-only students are in their first year. However, in coming years, as

these students achieve advanced standing, the Law School will be required to offer second-year and third-year courses in the evening to meet these students' course requirements. First-year courses will have to be offered in the evening to serve evenings-only students in future classes. This will result in more and more full time students being assigned to fill out the evening classes. It is likely that full time students — who normally expect to attend daytime classes and to have their late afternoons available for work or family responsibilities — will encounter difficulties resulting from unanticipated assignment to evening classes. For some these may be serious problems, and the Administration should be sensitive to these problems and attempt individual rescheduling of classes.

The evening classes have created a whole new series of problems for both the Law School Administration and for the full time student body. We therefore recommend that a study of the anticipated impact of the expansion of evening classes should be made and that the findings of the study should be reported to the University Administration and the Legislature.



Board of Visitors Meet

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Board of Visitors Meet

Faculty Leave Policy. The Law School's liberal leave policy for faculty members is also a source of student concern. For several years students have complained that leave-taking by faculty members has made it difficult to anticipate who will be teaching a given course in a given semester. The liberal leave policy is viewed by the faculty as an attractive fringe benefit. Moreover, for the Law School to live within its budget, it is necessary that a significant number of faculty members be on leave each year. Therefore, we believe that, for the Law School to continue to maintain a faculty of national repute at the present salary levels, the present leave policy should continue. However, to make it easier for students to plan their future class schedules, faculty members should be encouraged to make their leave-taking plans known as early as possible. The Dean has agreed that he will then announce these leave-taking plans to the student body.

Student Placement. This school year more employers will interview students at the Law School than in any previous year, and the students' job prospects appear to be brighter than in the recent past. Despite this, Assistant Dean Reisner, who is in charge of placement, reported to us that students this year are unusually apprehensive about their ability to sign up for interviews. Apparently as a result of this apprehension, long lines of students form outside of the Placement Office before the interview sign-up sheets are scheduled to be posted. Sometimes these lines start forming two hours before the posting of sign-up sheets during the noon hour.

Students and faculty members view these long, early-forming lines as a major problem. Students often have to cut late morning classes to assure themselves an early place in line. Moreover, students who want to interview with a specific employer often feel crowded out by students who indiscriminately sign-up for every possible interview. Finally, the noise caused by the lines of students outside the Placement Office is disrupting to nearby classrooms.

Because of these and other problems, some other law schools have abandoned the first-come, first-served sign-up system in favor of a lottery system or a bid system. Both of these latter systems would reduce long lines, but each has disadvantages. A lottery system, under which students would be selected for interviews on a random selection basis, would not adequately serve the needs of students who are only interested in interviewing with a few but well-chosen employers. These students would be better served by a bid system, but such a system could be administratively unwieldy. Under a bid system, all students would be given an equal number of "interview bid points" at the start of the school year. Students then could use these points to bid for the opportunity to interview with the employers of their choice, with the high bidders

being allowed to interview. Despite the disadvantages inherent in the lottery and bid systems, we recommend that they be studied further and that a new interview sign-up system be devised for implementation in the 1981-82 school year.

Curriculum and Programs. The students to whom we spoke were generally pleased with Law School programs. If they had criticisms, it was not with existing course offerings or programs. Instead, their criticisms — really suggestions — focused on the need for more programs and activities to supplement existing programs and to foster a sense of community in the Law School. Specific suggestions included the organization of forums for outside speakers on law-related subjects, the holding of longer orientation programs for new law students, and the holding of a graduation ceremony for law



students apart from the all-University graduation.

We believe that such activities are worthwhile for the Law School. However, we make no recommendation as to any specific program because we feel that individual programs should be worked out by the Dean and the Student Bar.

Conclusion. There appears to us to be a higher degree of satisfaction with the Law School among students and faculty members this year than in the recent past. Moreover, although prospects for the future well-being of the Law School appear good, we believe that the problems caused by the part-time attendance program re-

quired by the Legislature merit serious attention by the Administration and all concerned alumni.

Respectfully submitted,

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Deborah S. Kleinman
Robert B. L. Murphy
Susan Wiesner-Hawley

ON THE LIGHTER SIDE

Speaking at the recent Board of Visitors Dinner, Associate Dean Stuart G. Gullickson told two stories that are included here with apologies to all who are, were or would be a dean. Said Dean Gullickson:

"Isn't the law wonderful! An assistant professor can take a single point of law and turn it into a whole lecture. An associate professor can take that same point and construct an entire course from it. A full professor is able to take the self-same point and build an entire career from it. And then there is the dean — he is the one who has forgotten what the point was!

"When I practiced law in Mer-

rill," Dean Gullickson went on, "I had some doctor friends who annually traveled to North Dakota for bird hunting. On one of these trips they chanced to rent the best bird dog any of them had ever seen, a dog named 'Professor'. The next year they returned and asked the outfitter for 'Professor'. 'Oh, you can't have him this year,' the outfitter answered. 'But we're willing to pay double,' cried the doctors. 'It's not the money, he's just no good anymore. Another party took him out and, after he had done his usually outstanding job, they thought they would honor him by calling him Dean. Now all he will do is sit on his tail and bark.'"

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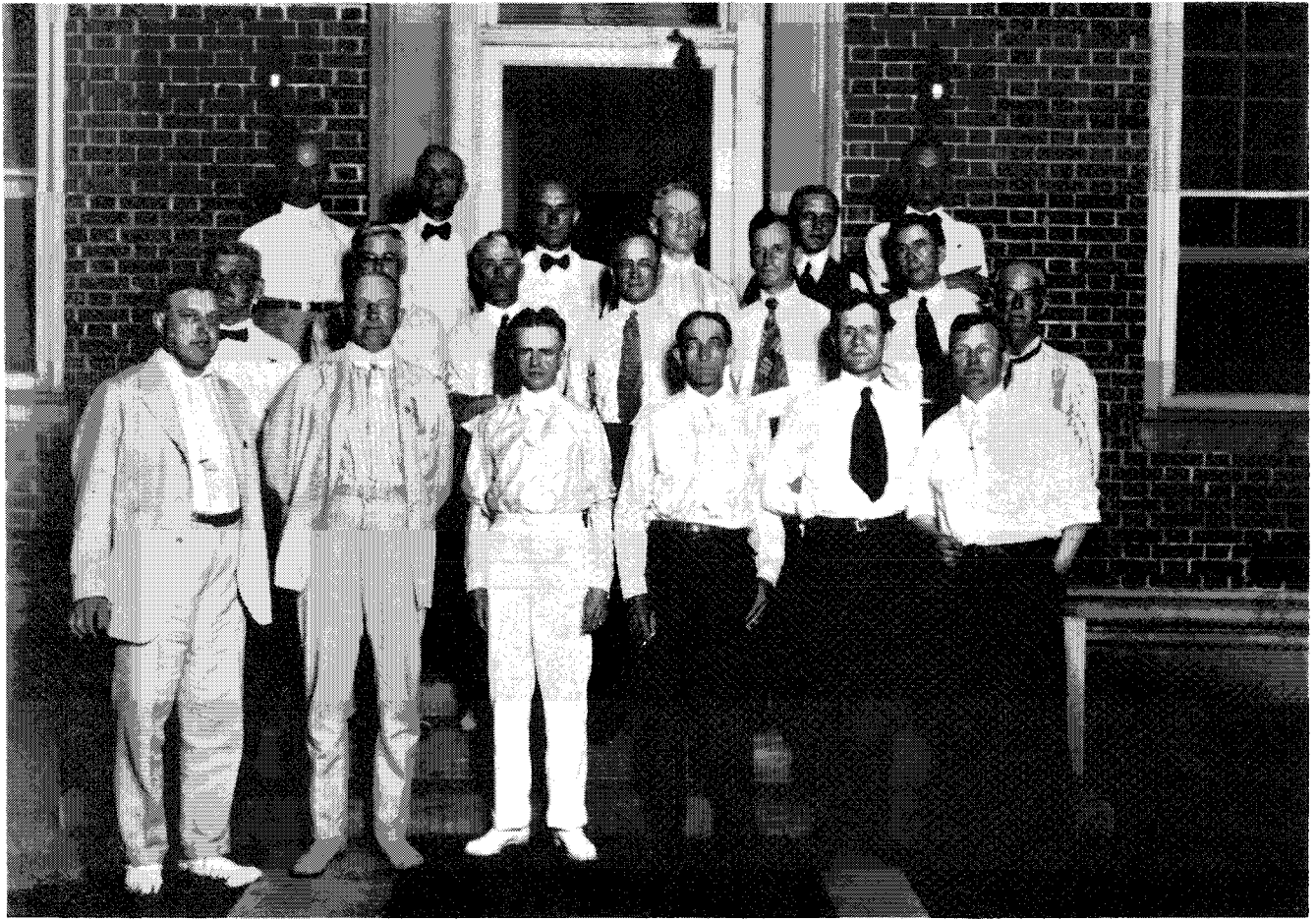
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Law Class of 1894 Reunion at the Madison Club

UNIVERSITY OF WIS. ARCHIVES

Although the 25th reunion of the Class of 1894 was held long before the first Annual Law School Spring Program, such reunions have been part of the Program tradition from its beginnings. This year's events will be held on May 1-2, and will include reunions for the Classes of 1931, 1936, 1941, 1946, 1951, 1956, 1961, 1966, 1971, and 1976. Details are forthcoming, but mark your calendars now for the 38th Annual Spring Program.

**38TH ANNUAL
LAW SCHOOL SPRING PROGRAM
1-2 MAY 1981**

(The following article is adapted from a background paper written by Prof. William Clune for a recent faculty retreat. The paper resulted from interviews with most faculty members soliciting their comments about curriculum concerns as well as ideas for reform or restructuring. Some of the suggestions have a broad base of support and are at least potentially feasible. Others, clearly identified, were born in Prof. Clune's mind and are given here for the first time. The faculty retreat is one step towards completion of a Self-Study, required for reaccreditation by the American Bar Association.)

CURRICULUM IDEAS

Writing Skills Courses The most widespread sentiment on the faculty was the need to improve the writing skills of our students, including the sense of craft in writing. Many people felt that too many of our students are drastically deficient in writing skills and that teaching is capable of making significant improvements. This was not a criticism of the legal writing course or even a comment on the first year curriculum. On the contrary, legal writing is conceived by most of us to convey bibliographical, analytical and elementary writing skills. The lack of more advanced writing skills was seen as a failure of the second and third year curriculum. That is to say, most people with this point of view saw the need for an advanced writing experience in the second and third years. The task should be of major proportions, including conceptualization, research, outlining, and drafting. The experience could not be meaningful without detailed feedback to the student at each stage of the writing process, and the feedback, it was felt, would have to come from faculty.

Some law schools, such as Arizona, provide this experience in a course called a "super seminar." In such courses, faculty members take a relatively small group of students — say ten or 15 — and work with them through a complete writing project.

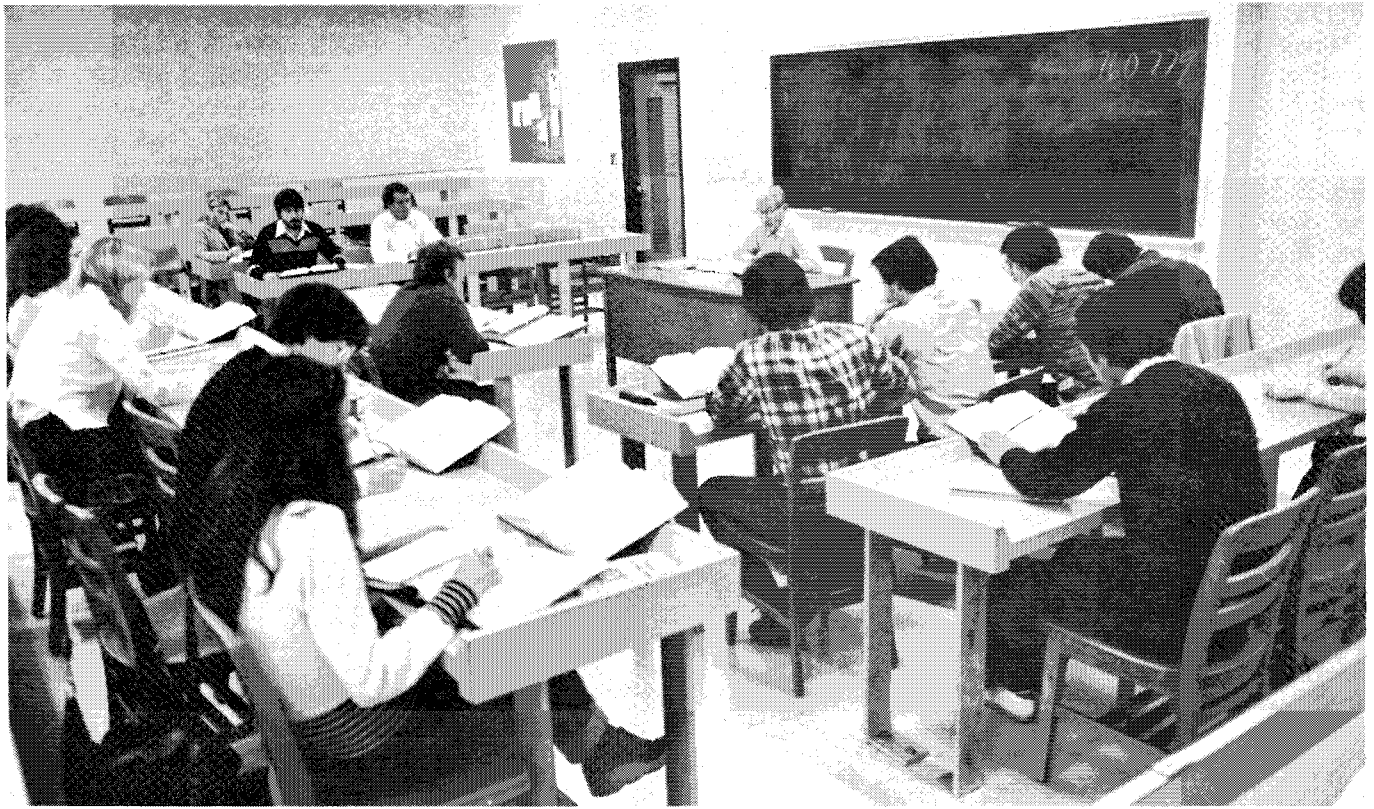
Typically, the product would be a research paper in an area of the faculty member's interest; but experiences other than research seminars could readily fill the underlying skills objective. Law Review and certain clinical experiences involving major writing projects come to mind. The essence of the writing skills experience is faculty feedback at each incremental stage of producing the paper. Thus, comments and discussion should take place at perhaps each of two outlining stages and each of two drafts. The extra work for faculty members might or might not require an adjustment of teaching credit. If more credit were given, an already difficult resource question, discussed below, would become more difficult. Extra teaching credit was not given at Arizona, and it may be that such writing seminars do not require many class meetings. (This is, they could

operate more like 10 or 15 small directed research projects than a traditional seminar.) Faculty members who have taught such seminars report that they are pedagogically successful and an exceptionally good way to get to know second and third year students and insure that they are working hard.

It seems to me that there is an enormous amount going for this proposal. The second and third year curriculum was identified by the faculty as in need of serious attention, and this was identified as the most serious area of need. Unfortunately, there is an enormous, perhaps impossible, budget constraint. The putative writing seminar is like other "new wave" skills courses in demanding an extraordinary amount of faculty resources. If we were to require one such experience of every law student sometime during the second and third year, we would need



Prof. William Clune



to serve about 250 students a year (I am guessing that about 50 students per year already have experiences which could be readily adapted to the new format). In round numbers, that means offering about 20 writing seminars per year. As always, the problem is which of our alternative current offerings to cut back. The first year small section program is very popular, and I do not see support for abandoning it. This seems a bad time to recommend cutting back on core survey courses, which may have been cheated somewhat in recent years as it is. Ordinary seminars are an obvious candidate for retooling as writing seminars, but I do not think we offer nearly enough of these to fill the bill. Perhaps it is logical to ask whether our current skills budget — and here I refer to clinical and simulation courses — reflects the sense of priorities which the faculty holds. Are writing skills so important that they should have first priority in our very expensive skills budget to the exclusion, if necessary, of other meritorious but less important functions? Such questions are difficult and controversial, but they are ex-

tremely typical of curriculum questions generally. It is easy to sit in one's office and think of wonderful educational innovations. Giving up some other worthwhile activities which have strong constituencies is quite another matter. A proposal which seems self-evidently meritorious in the abstract may seem highly problematic in light of its realistic costs.

Reorganization of the Business Curriculum Probably the next most significant area for possible change is the business curriculum. Specific changes here would have to be proposed by the faculty members in the business area, but the general principles can be discussed usefully by the whole faculty. There were two major areas of concern. On the one hand, it was felt that by comparison to common law and public law courses, we do a comparatively weak job in guaranteeing that our students possess a minimum degree of competence in business law. On the other hand, the business curriculum itself seems in need of restructuring and reordering; and the time is

ripe to do it. We have a fairly large group of young faculty members teaching the business courses with lots of interesting ideas for change. Let me address each of these areas of concern.

An argument can be made that we need to require some basic business law course, if necessary by de-requiring some other course. It would seem to me and others that federal income taxation is one of the most important courses in the law school, in terms of practical application, in terms of legal theory, and in terms of importance for public policy. In addition, that course can serve well as an introduction to business law. It deals with a wide spectrum of economic transactions and organizational forms, viewing them from the point of view of law, economic reality, and public policy. As important as these other courses are, it is difficult for me to see why the second constitutional law course or the second criminal law course or trusts and estates can be considered more important to the education of the law student than federal income taxation.

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(The following article is adapted from a background paper written by Prof. William Clune for a recent faculty retreat. The paper resulted from interviews with most faculty members soliciting their comments about curriculum concerns as well as ideas for reform or restructuring. Some of the suggestions have a broad base of support and are at least potentially feasible. Others, clearly identified, were born in Prof. Clune's mind and are given here for the first time. The faculty retreat is one step towards completion of a Self-Study, required for reaccreditation by the American Bar Association.)

CURRICULUM IDEAS

Writing Skills Courses The most widespread sentiment on the faculty was the need to improve the writing skills of our students, including the sense of craft in writing. Many people felt that too many of our students are drastically deficient in writing skills and that teaching is capable of making significant improvements. This was not a criticism of the legal writing course or even a comment on the first year curriculum. On the contrary, legal writing is conceived by most of us to convey bibliographical, analytical and elementary writing skills. The lack of more advanced writing skills was seen as a failure of the second and third year curriculum. That is to say, most people with this point of view saw the need for an advanced writing experience in the second and third years. The task should be of major proportions, including conceptualization, research, outlining, and drafting. The experience could not be meaningful without detailed feedback to the student at each stage of the writing process, and the feedback, it was felt, would have to come from faculty.

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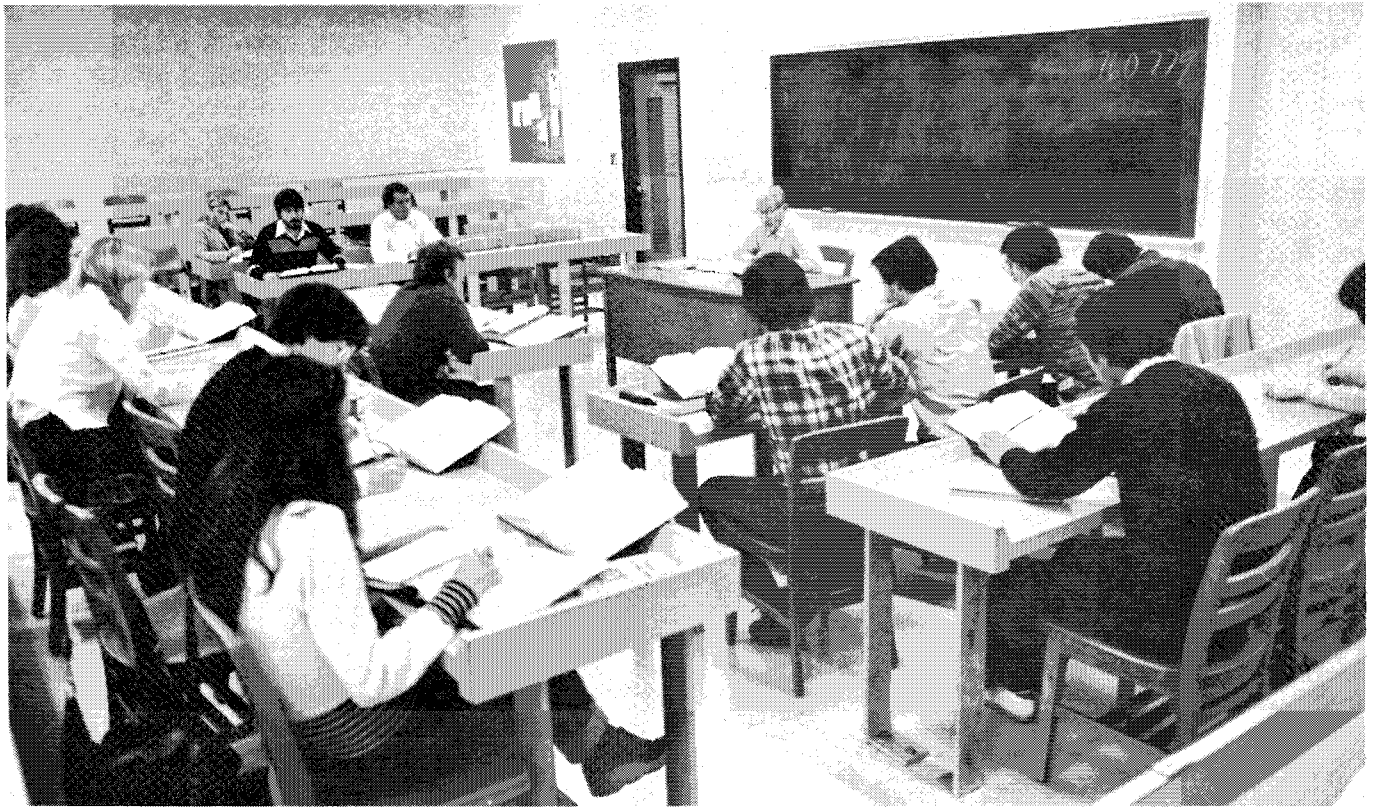
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idea was what the existing business organization courses are somewhat thin and archaic. In law practice, business law tends to fall into three categories: (1) Problems of the small firm or enterprise, that is, the techniques of bringing together capital, labor, and expertise in small entrepreneurial ventures, whether through agencies, partnerships, contracts, incorporation, joint venture, or whatever. The required techniques are advanced and "interdisciplinary" (in a law curriculum sense). Tax considerations, for example, loom importantly at every stop. (2) Problems of the large corporation such as securities regulation, proxy fights, anti-trust, and the like. (3) Problems of consumer protection, such as debtor creditor and commercial law.

The proposal for change is to redirect the efforts of the business law faculty along the lines suggested by this functional division of law practice. Basic corporations law in its present form would not be taught, but the same course label could be used for a more advanced course in corporate finance. (Thus covering the large corporation.) Business organiza-

tions in its present form would not be taught. In its place, would be an advanced course on business planning, dealing with the world of small ventures (including, by the way, farming). The consumer protection area did not seem in need of major change, but we do have a potentially serious staffing difficulty in that area.

Restructuring of Trusts and Estates The time seems absolutely right for a restructuring of our trusts and estates offering. A proposal which has been widely discussed runs along these lines: A one credit course would be made available on important public policy issues of the trusts and estates area. In spite of its reputation as a dull course, trusts and estates does have a surprising number of these issues (e.g., marital property and the distribution of wealth). The practitioner aspects of trusts and estates could be handled in a separate two credit course, and it would be possible to offer this course from either faculty members or lecturers. The two credits should deal with essentials of will and trust drafting, tax considerations and probate administration. The existing prac-

tice-oriented content of Trusts and Estates(a) would be altered. The lengthy treatment of such things as will contests, restitutionary remedies, and the legality of will substitutes could be drastically shortened or eliminated in favor of more pressing practical concerns. Trusts and Estates(b) would be demoted to an "infrequently offered" course.

Certain Changes in the First Year Curriculum, Including Limitation of Required Courses to That Year

Although it was widely felt that the first year is generally a success, and, therefore, that we should not fall into the trap of endlessly revising the first year curriculum, certain changes are worthy of consideration. Also, changing the First Year might help solve some of our problems (like the need for Advanced Writing courses). There's a strong argument for beginning the constitutional law sequence in the first year, because the argument for requiring constitutional law at all rests heavily upon the fact that it is a general prerequisite to a variety of other courses. Another point which seems valid about the first year is that we are heavy on common law courses and the activity of courts. Should we not introduce legislative and administrative processes in a general way in the first year? (This is one of the strong arguments for criminal justice administration, although that is a rather special look at administrative law.)

It is possible to construct bandaid solutions to this and other specific problems. I might suggest, however, the development of a single two semester course on "Liabilities and Sanctions" to replace first year courses in Contracts, Torts, Property and Substantive Criminal Law. The nineteen or more credits presently devoted to these courts could be reduced to — say — ten and substantive contents from each course incorporated into a single 5-credit per semester sequence. Almost all first year teachers I talked to said that they primarily teach legal method and legal process in the basic first year course, that for



these purposes the substantive content is relatively unimportant, and that important substance, in the sense of survey material, could be moved to advanced courses. The idea of this course is not as novel as it sounds. It is a progressive concept, reflecting a good bit of serious thought; it is being used or developed at other law schools, and several people here have a good grasp of why it is possible to combine the above-mentioned first year courses.

Required Third Semester If we keep our present distribution of required courses, I suspect that, absent resource constraints, there would be considerable support for a required third semester. While it is difficult to come up with a very satisfactory specific proposal, I am sure something could be agreed upon. However, it seems clear that the required third semester is in irreconcilable conflict with the first year small section program. (Both would be offered in the fall semester.) Too many of our first year teachers also teach the required second and third year courses that would be the logical candidates for a required third semester. I see no prospect that the required third semester is valued more highly than the first year small section program.

Opening Up the Rules for Non Law Courses and Joint Degrees

Given the interdisciplinary approach of our faculty, it is quite remarkable that our rules about interdisciplinary credit are so restrictive. It seems to me that we should consider changes both in the automatic credits allowed for non-law school work and in the availability of joint degrees. Rule 3.08 might be amended to allow 8-12 credits rather than 6 of relatively automatic non-law work. Further, those of us interested in interdisciplinary work might get together to design a variety of one semester and even full year non-law options. I have in mind here a kind of course package which would be fully defensible as basic education for the modern sophisticated lawyer. Consider such courses as microeconomics, statistical interference, public finance, sociology of the police, business organizations, or even special interests like hospital administration. In order to justify a large number of credits, the content of such non-law packages presumably would have to be of high quality, difficulty and relevance to law practice. At the same time, it is probably impossible to design a single package which would suit the needs of diverse student objectives. Therefore, if we go this route, it may make sense to design a variety of packages, or put the

more extensive non-law option under the direction and approval of a particular hard-nosed administrator or faculty member.

In addition to automatic non-law credit and specially designed non-law packages, I believe that we should be more flexible and tolerant toward joint degree efforts. The problem currently is that, other than public policy and industrial relations degrees, a joint law/non-law degree at Wisconsin means separate admission and filling all the separate requirements of the law school and another department. I think it is possible to design a set of umbrella rules along the lines of the ones adopted for the JD/Public Policy degree which would permit quick construction of a variety of joint degree programs. The most critical part of a joint degree planning effort is the designation of which courses in the law school and the other department deserve joint credit. I do not see why faculty members in the law school and non-law departments should not be trusted to construct lists of such courses within the credit limits established by the umbrella rules. In any case, each program could come before the faculty. The problem is that now we have no routine planning vehicle for the construction of joint degree programs.