

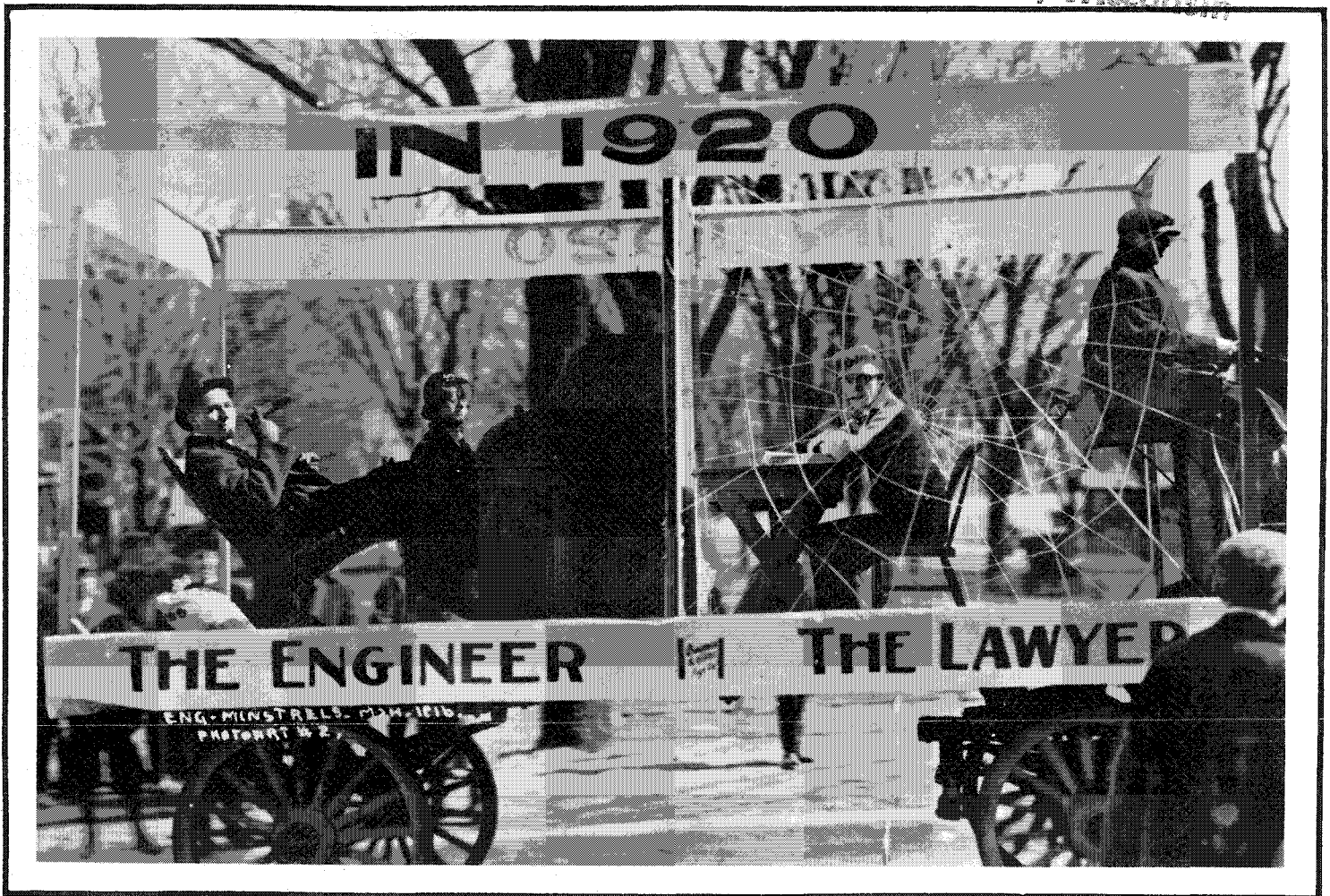
THE GAROYLE

Alumni Bulletin of the University of Wisconsin Law School

Volume XII No. 3

Spring 1981

Law Library
Univ. of Wisconsin
Madison, Wisconsin

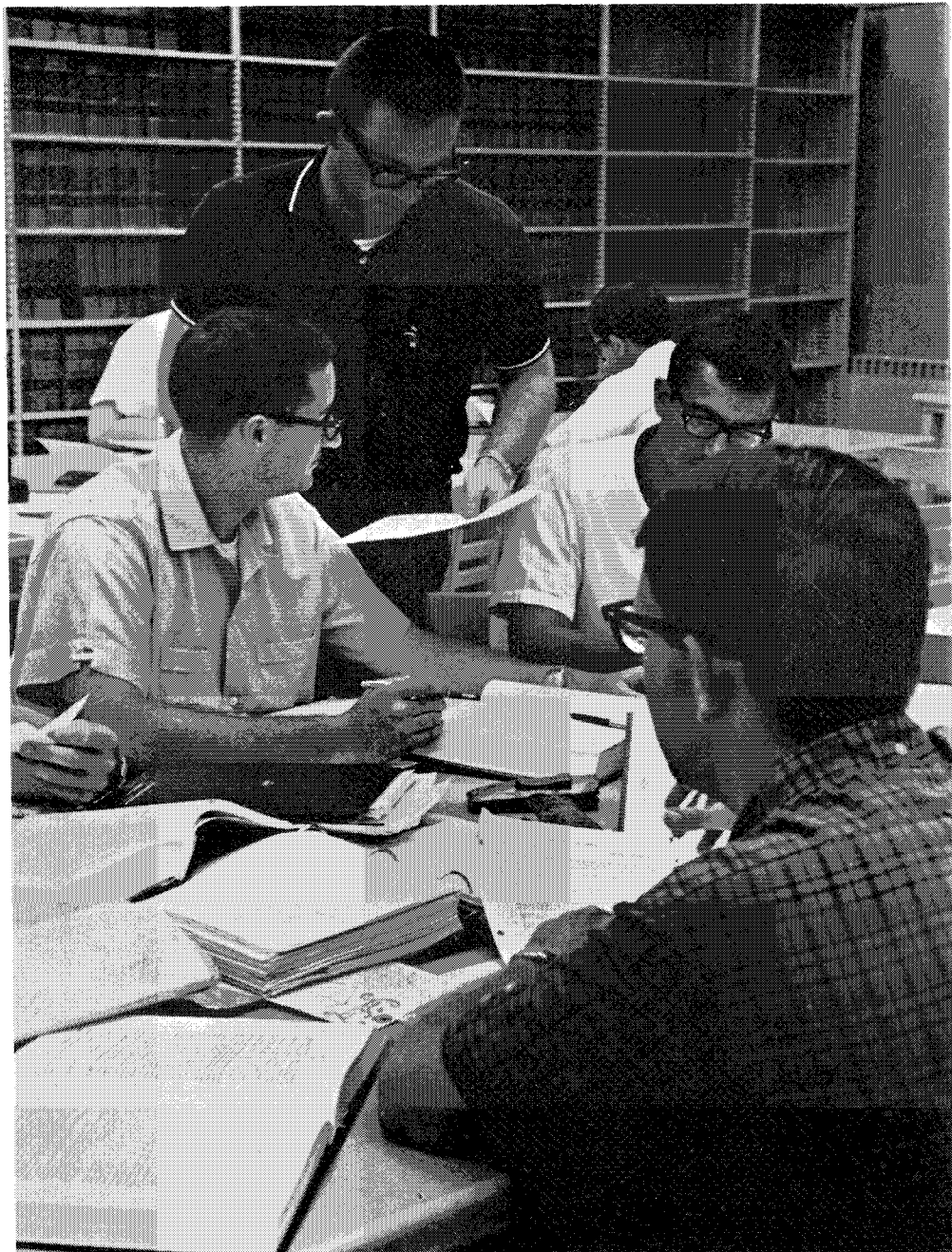


Return address:

The Gargoyle

Law School
University of Wisconsin
Madison, Wisconsin 53706

Second Class Postage Paid at
Waterloo, Wis. 53594



EDITORS NOTE

Eureka! I have found the "universal picture." The mystery photo on the last Gargoyle has been positively identified by a record number of readers. Unfortunately this outpouring of response has created a few problems. The scene was identified as taking place in two different classrooms with four different professors teaching six different courses in ten different years. Many of the respondents were so certain that they were in the picture that they have requested copies of the photo. Miraculously students from 1947 appear to be in the same class with students from 1960! Perhaps we had better recheck graduation records to see if a few grads may have violated the rule requiring completion of studies within five years of starting. One person narrowed his selection of the professor to two and then made his choice based on the professor's socks.

From greater confusion has come definition. With an assist from another Law School staff member I went to the graduation pictures posted in the building. Picking a distinguishable face I felt that it would be easy to identify at least one person and thus define the year involved. Much to my surprise I discovered that either the Law School has a sinister admissions policy that favors look-alike applicants, or, that like people and their pets, law students grow to resemble each other after three years of close companionship. One wag suggested that perhaps we all begin to resemble the gargoyle itself, rather than looking like each other.

In some desperation I turned to the old class rosters. Since each respondent had identified several classmates in the picture, it should be easy, I reasoned, to find the one class roster that contained all the right people and thus eliminate all alternatives. Again I was disappointed. The respondents were generally correct in their memory that they were in such-and-such a class, but often their classmates were not. Was this class so popular that students not enrolled attended?

The ultimate facts are few: We are certain that the professor pictured was Howard Hall. Prof. Hall taught a variety of subjects during his years here, including corporations, municipal corporations and creditors rights. Most people placed the date in either 1952-54 or 1959-60.

The process was fun but frustrating because I could not make a positive identification. I have, however, learned something: Be very careful about using large group pictures, as it seems to increase the confusion. While I tend to forget these self-defined rules, for this issue you will see a picture taken in the new library wing with only five persons who might be identified. The location makes the date post-1963, and prior to the 1978 remodeling. Do you recognize any of these students?

This issue introduces three student-writers. Their names will appear on the stories they have written in a deliberate effort to spread the blame. Seriously, I am happy to have them and hope you will find their efforts entertaining and informative.

TABLE OF CONTENTS

Distinguished Service Awards	3
The Lawyer-Athlete	4
Robert McCoy, Class of 1891	4
The Legal Writing Program	6
Faculty and Alumni Notes	10
George E. Cleary Dies	10
New Faces on the Faculty	10
On the Lighter Side	11

THE GARGOYLE

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

Vol. 12 No. 3 Spring 1981

Edward J. Reisner, editor

Publication office, Law School, University of Wisconsin, Madison, Wis. Second class postage paid at Madison, Wis. and Waterloo, Wis.

Postmaster's Note: Please send form 3579 to "Gargoyle", University of Wisconsin Law School, Madison, Wisconsin.

Subscription Price: 50¢ per year for members, \$1.00 per year for non-members.

COVER PHOTO: St. Patrick's day has come and past this year with hardly a notice here in Madison. Spring recess was underway, the state high school basketball tournament was still two days away, and certainly there was no parade on State St. The parade was a mainstay in years past, and highlighted the rivalry between the Law School and the School of Engineering. The 1920 parade saw this float portraying the difference between lawyers and engineers.

1981 DISTINGUISHED SERVICE AWARDS

At the annual business meeting of the Wisconsin Law Alumni Association, Thomas E. Fairchild ('37) and Gordon Sinykin ('33) were presented with this year's Distinguished Service Awards. The Awards are made annually to individuals who have made "... an outstanding contribution to the profession ..." While the requirement speaks of a singular contribution, the directors of the Association noted that each of these recipients had made his entire career a contribution to the advancement of the legal profession.

A native of Milwaukee, Thomas E. Fairchild today sits as the Chief Judge of the 7th Circuit Court of Appeals. Coming to this Law School after studying at Princeton and Cornell, he was admitted to practice in 1938. After practicing in Portage, and with the O.P.A. in Chicago, he returned to Milwaukee to practice. From 1948-51 he served as Wisconsin's Attorney General, from 1951-52 as U.S. Attorney for the Western District of Wisconsin, and from 1957-66 as a justice of the Wisconsin Supreme Court. In 1966 he was picked by President Lyndon Johnson to join the U. S. Court of Appeals.

Gordon Sinykin was born in Madison and received both his undergraduate and law degrees from the University of Wisconsin. In Law School, Mr. Sinykin served as editor-in-chief of the Law Review and was elected to the order of Coif. After practicing here for two years he became an executive counsel to Governor Philip LaFollette. He returned to practice in 1938, but left to serve in the U. S. Navy during World War II. While on duty he witnessed the Japanese surrender aboard the USS Missouri. In addition to practicing law, Mr. Sinykin has found time to serve a variety of community organizations, assist in law revision projects with the state and with bar associations, as well as lecture at the Law School. For seven years he served as president of the Wisconsin Bar Foundation.

It is with deep respect and appreciation that the Association honors these two distinguished alumni. Their achievements exemplify the expectations of this School and our hopes for every graduate.



Judge Thomas E. Fairchild



Gordon Sinykin

THE LAWYER-ATHLETE

The image of the student-athlete has taken a serious beating lately. Newspapers, magazines and broadcast coverage of collegiate sports are filled with reports of controversies involving the academic eligibility of athletes in major sports. Last fall the Big Ten conference was involved in a dispute over the academic eligibility of a quarterback on the University of Illinois football team. CBS broadcast a report questioning whether there was any serious attempt to educate student-athletes.

No, it has not been the best time for college athletics, and some would suggest that the days of the student-athlete are indeed gone forever. But is that the case at Wisconsin? Can students here participate in athletics and still maintain the grades and desire to

further their education after an undergraduated career? Does athletics have some positive benefit to the participants?

One way to explore that problem is to look right here at the Law School. Have former UW athletes been able to make the transition from the locker room to the Law School.

The Gargoyle has found more than 75 UW Law School alumni who participated in intercollegiate athletics during undergraduate careers on this campus alone. We expect that there are more whom we will still learn about, as well as others who came to the Law School after competing at other undergraduate institutions. Our athletes participated in a variety of sports before moving into the legal field. There are former foot-

ball and basketball players, as well as ex-golfers, oarsmen and tennis players. Some achieved fame — such as former professional football players Pat Richter and Ken Bowman. Most, however, did not have professional careers as an option when they came to law school.

Beginning with the following article about an early lawyer-athlete, *The Gargoyle* will look at our experiences to see if one can indeed participate successfully in intercollegiate athletics at the University and then go on to a successful law school and legal career.

We think some of the answers will be interesting, and we hope you enjoy them.

— Sylvan Sobel

ROBERT BRUCE McCOY CLASS OF 1891

One of the University of Wisconsin law school's first student-athletes was Robert Bruce McCoy. As a student at the school from 1888 to 1891, McCoy excelled as a varsity baseball player. After graduation he had a distinguished career as a military leader, judge, mayor, and gubernatorial candidate.

McCoy was born on September 5, 1867 in Kenosha. As a child he moved with his family to Sparta, where he lived most of his life. Before entering the University of Wisconsin in 1887, McCoy worked as a news reporter for the *Monroe County Democrat*, published by his father, and for the *Milwaukee Sentinel*.

The Law School McCoy entered in 1887 was different from the school as it is today. There were only 61 law schools in the United

States, and only 18 had any entrance requirements. Wisconsin admitted students who presented evidence of good moral character and a high school diploma. Fees were sixty dollars per year. The school had not yet incorporated the casebook teaching method begun in the east in the 1870's. Instead, the curriculum was modeled on the apprenticeship system, and students spent much of their time performing the duties of law clerks. The school's first full-time dean, Edwin G. Bryant, was appointed in 1889.

McCoy's athletic career began in his sophomore year, at the university, his first year in the law course. He was pitcher and captain of the sophomore class baseball team, which played against other class teams. McCoy also played third base on the "League Nine", which consisted of the school's best players. The "League Nine" competed on the intercollegiate level against Lake Forest, Racine College, Northwestern, and Beloit.



McCoy as a law student

The following article was originally prepared for an Association of American Law Schools conference on "Effective Legal Writing Programs." It was included in the materials distributed for our recent "self study." The adequacy of our legal writing program is often a topic of discussion. This article should provide background for these discussions.

A DESCRIPTION OF THE LEGAL WRITING PROGRAM

Historical Background

The term "legal writing" generally is understood today to encompass a fairly broad range of skills considered essential in the lawyering process, including legal analysis and problem solving as well as written and oral communication. The historical development of legal writing in its present format at the University of Wisconsin Law School probably has followed a pattern not too different from the development in other law schools.

Practice in oral argument as part of case clubs and practice in the drafting of legal documents such as pleadings, deeds and wills go back well beyond the start of this century. However, the semblance of a first-year required legal writing program did not appear until the 1914-15 academic year. The Law School Bulletin for that year lists a first-year required one credit course in "Briefmaking". The course is described as "use of law books ... training in the art of legal research and the collection of authorities, use of the various source books, digests, etc." By 1916-17, the course credits had been increased to two and written and oral legal arguments had been added to the contents. In 1921-22, however, the course credits were dropped back to one and the name changed to "Legal Bibliography". The course appears to have remained essentially in this form until the early fifties.

In 1954 the course again became a 2-credit offering, with one credit allotted to each semester of the first year. The name was changed to "Legal Writing (a)" and "Legal Writing (b)" and content emphasis had changed to legal analysis and problem solving "with some objective exercises in the use of law books." The second semester portion of the course was described as "a continuation of the first semester course and consists of three or four written projects, including an appellate brief, which will be argued in Moot Court." Finally, in 1971, the course credits were increased to three, all of them listed for the 2nd semester. However, it was understood that legal bibliography exercises would continue to be done in the first semester. This is essentially the present structure of the course.

Special tutorial services for those students having problems with grammar and composition were added in the early seventies. And in 1974, writing exercises were incorporated into the first-semester small section program. This is a program started in 1969 to give each first-year student the opportunity to have one small section in one of his or her substantive courses. The original sections contained 30 to 35 students in each, but this was reduced to 15 to 20 when the writing component was added. The first semester small section program has never been well coordinated with the second semester Legal Writing course.

The staffing pattern for the basic Legal Writing course dates from the fifties. The first-year class is divided into sections of about 15 students in each. Each section is taught by a teaching assistant who is a second or third year student selected and trained for the job. A recent law graduate is hired to serve as general supervisor of the course, and a faculty member serves as advisor.

The Wisconsin staffing format was touted initially as an effective and inexpensive way to teach legal writing. It still is relatively inexpensive in view of the student-teacher ratio of 15 to 1

(about \$65,000 per year in salaries). The first-semester small section program would cost about twice as much, if the net costs of the program were attributed entirely to the writing component.

The Present Legal Writing Program

The first year Legal Writing Program at Wisconsin consists of several formal coursework requirements and of informal, voluntary tutorial assistance through workshops and individual tutoring.

The First Semester Small Section Program

Although the formal, three-credit first year Legal Writing course does not begin until second semester, first year students are exposed to legal writing and research in the first semester.

In their first semester, first year students take four courses: Torts I, Contracts I, Civil Procedure I, and Substantive Criminal Law. Three of the four are large lectures. The other is taught as a "small section" of approximately twenty students. First year schedules are determined by lottery; students have no choice as to professor, time, or subject matter of the small section to which they are assigned. Small section professors generally assign several writing exercises during the semester. Type and number vary by professor, some assigning as many as four or five papers; in past years, some professors assigned none. The exercises may include a case brief, mid-term examination, office memorandum, court brief, or an essay. One professor requires his students to present a short oral argument based on a written assignment. Feedback also varies by professor; some comment on both analysis and composition, some on analysis only. Lack of coordination among small sections and between small sections and the Legal Writing course has, in the past, required that Legal Writing address the problems of students who have had little or no exposure to legal writing formats or conventions.

Methods or coordination are now under study with a view toward consistency among small sections and consistent transition from small sections to Legal Writing.

In addition to the four substantive courses, first year students must complete in the first semester Legal Bibliography, a no-credit course run by the Law Library staff. The course runs about three weeks and is divided into three parts: Secondary Sources, Reporters and Digests, and Federal and State Statutes. Students buy a packet of materials containing short reading assignments and several exercises. This year, West's Nutshell on Legal Research and the "Uniform System of Citation" were required. Students read materials pertaining to the exercises and then complete the exercises which are unrelated to each other and of a scavenger hunt nature. Because, Legal Bibliography is a short course run early in the first semester and for no credit, students tend not to take it seriously or to remember the skills. Legal Writing teaching assistants find they must either teach or extensively review Legal Bibliography second semester before they can introduce students to comprehensive legal research exercises.

The Second Semester Legal Writing Program

In the second semester, first year students take Legal Writing for three credits and three substantive courses for eleven credits: Property, Criminal Procedure, and one of Contracts II, Civil Procedure II, Legal Process, or Constitutional Law I.

Legal Writing is a required three credit course. Students receive a letter grade of A, A/B, B, B/C, C, D, or F. The letter grade is not averaged into the cumulative grade point which is based on numerical grades given in substantive courses. Students must attain a "C" average in Legal Writing to pass. Students who do not attain a "C" average must retake the entire course; no "in-completes" are given which might allow a student to make up only

those assignments missed, although extensions on individual projects may be granted for good cause. The original grade of a student who retakes Legal Writing is not superceded by the grade received for the rewritten course.

The three credit Legal Writing course is supervised by a recent graduate and taught by second and third year law student teaching assistants. For several years, twenty teaching assistants have taught sections averaging fifteen first year students. The sections meet three times each week early in the semester for fifty minute periods. As the students become more involved in research and writing, the sections meet as a group less frequently; in lieu of classes, teaching assistants run research workshops in the library for small groups and schedule individual conferences for each paper.

Students were assigned readings for class discussion and as background information for written assignments and in-class exercises. Teaching assistants individually developed many in-class exercises or used exercises they had been assigned as Legal Writing students. The major writing assignments were developed by groups of four teaching assistants, with the exception of the "Canned Memo".

The "Canned Memo" is a "closed universe" problem for which students receive a case sequence upon which their memos are based. No outside research is allowed. The memo format is a law office memo to a senior partner, requiring facts, issues, conclusions, and discussion. This year the supervisor assigned a sequence of four New York cases on the emergency doctrine in negligence suits; the memo facts were adapted from a recent New York case not part of the assigned sequence. The sequence demonstrated development of the doctrine in one jurisdiction; the problem required student analysis and projection of that development. The teaching assistants believed the problem conceptually difficult so required an outline before the memo was due in order to spot problems of analysis and

organization. All students were required to rewrite the Canned Memo; most teaching assistants graded the original memo either satisfactory or unsatisfactory to avoid discouraging students on their first attempt. Rewrites received letter grades.

The other three writing assignments, Research Memo, Trial Brief, and Appellate Brief, were related by a core fact situation. Five core problems were developed. Four teaching assistants worked on each problem set during the first semester; the teaching assistants divided by twos so that two sections represented the plaintiff and two the defendant for all three assignments. The objective of this coordination was to give students insight into the development of a case from the client's first interview to an appeal from trial disposition. All assignments were given as a memo from a senior partner requesting work of a junior associate. Students worked individually on the Research Memo and Trial Brief, and in teams of two on the Appellate Brief, both members of the team receiving the same grade.

Research Memos were designed to make students familiar with the general substantive law in the area by applying their own research and analytical skills to several specific issues. In general, the memos were to be approximately fifteen pages in a law office memo format. Statutory interpretation issues were incorporated where possible. If a statute was not in issue in the Research Memo, teaching assistants incorporated statute or rule interpretation into the Trial Briefs.



Trial Briefs were less lengthy and involved pretrial or trial motions to dismiss, to join a party after the statute of limitations had run, for change of venue, and for summary judgment. Trial Brief problems were presented as a continuation of the case students had researched for the Research Memo. Teaching assistants provided students with applicable court documents and additional facts in a memo from the senior partner.

Another memo with documents and trial transcript evidencing the trial outcome prefaced the Appellate Brief assignment. Students were paired, some voluntarily; some were assigned partners, particularly when they failed to pair voluntarily. Often appellate issues were refinements of issues researched for the Research Memo. Teaching assistants found this a considerable obstacle when drafting the appellate problems. Although we wanted to avoid excessive additional research and to have students concentrate on appellate advocacy skills, we did not want mere repetition of Research Memo arguments. We are considering for next year coordinating the Trial and Appellate Briefs but using a separate problem for the Research Memo.

The original rewrite policy required students to rewrite the Canned Memo, Trial Brief, and either the Research Memo or Appellate Brief. The supervisor and teaching assistants agreed that rewriting was more effective than numerous new assignments in requiring students to incorporate critiques. They also agreed that the schedule was too demanding to require rewrites of every assignment, hence the option of rewriting one of the longer papers. As the semester progressed, however, the teaching assistants found the schedule tighter than it appeared on paper. In order to avoid rampant student and instructor frustration, the teaching assistants revised the rewrite policy to make rewrites of the Research Memo and Appellate Brief completely optional. As the original and rewrite grades are averaged, many students have

chosen to rewrite at least one of the longer papers in order to improve their grades.

The supervisor and teaching assistants agreed that oral argument is important to a writing program and a beneficial experience for first year students. In past years, students presented oral argument only on appellate briefs; in some years students argued from a model brief rather than from their own and argued one on one rather than in Moot Court style teams. We made several changes this year. Eight of twenty sections, working with two problem sets, scheduled motion argument on the Trial Briefs. This eased the burden on facilities and gave students an opportunity to practice motion arguments which they will more likely confront in practice than they will appellate argument. Students argued one on one at motion arguments. The remaining sections scheduled appellate arguments, the paired students arguing as a Moot Court team. In all arguments, students argued from their own briefs against students from another section. Teaching assistants from both sections sat on the bench with one or two local attorneys or judges who critiqued the arguments but did not rule on the case or decide best oralist. Outside judges were asked to score the students' advocacy skills, but these scores were advisory only; teaching assistants assigned grades.

We found local attorneys and judges enthusiastic when solicited to judge. A number of outside judges were particularly pleased that some students would argue trial motions rather than appeals. While providing first year students the opportunity to present argument is a good exercise, our schedule does not permit time for argument on both brief exercises; trial and appellate advocacy courses are offered as electives for students who wish to pursue those specialties.

Staffing by Teaching Assistants

It has been the practice at Wisconsin for a number of years to hire second and third year stu-

dents as Legal Writing teaching assistants under the supervision of the Legal Writing Instructor and a full-time faculty advisor. The Instructor is a recent graduate, hired as nontenure-track academic staff for a one year contract, renewable for a second year. Teaching assistants are hired on a third-time basis for second semester. First time second year student assistants often apply to teach again in their third year. This helps overcome some problems of continuity in the writing program. In the fall semester, both new and continuing teaching assistants take a three credit course "Legal Teaching Methods", more properly "Legal Writing Curricula".

The Tutorial Service: Supplementary Writing Education

Use of the tutorial service as supplementary, rather than solely remedial, education has developed gradually at the UW Law School, as demand and potential grew. Until the 1978-79 term, the tutor had been a graduate law student hired for ten hours a week to work with students identified as having the most severe writing problems. In August of 1978, the Law School hired a composition instructor half time, thus increasing both the hours a tutor was available and the emphasis placed on student writing skills. During that term, students were encouraged to come to the tutor to improve writing skills regardless of current ability: the tutor offered workshops in paragraph organization, conciseness, and sentence structure and marked every student's diagnostic exercise to suggest ways to improve his or her writing. As the stigma of seeing a tutor faded, student use of tutorial services increased. This demand led to an increase in the hours the tutor was hired for the 1979-80 term; it also led to an increase in the range of uses of the tutorial service. Graduate students came in for help on theses; workshops were added in case briefing, course outlining, resume writing, and effective word choice; the tutor worked

with students writing briefs for clinical programs, papers for law courses, and occasionally briefs for clerking jobs. Some students came in for weekly appointments for up to a semester, working on organizing quickly for exams or writing cogently for course papers. Accordingly, the tutor worked with professors and teaching assistants to choose sample exam questions or to focus comments on writing habits most critical to the students' improvement in a given course. Teaching assistants then began to bring in problematic student papers to discuss ways to attack teaching the student better writing skills. The remedial work was thus integrated into a larger program of supplementary writing instruction.

The legal writing tutorial service now helps meet many education needs in the Law School. It increases student and faculty awareness of the usefulness of good writing skills in law by providing continued opportunities for students to work on improving their writing. These opportunities for workshops, individual sessions, and additional comments on work done for content courses encourage students both to develop and practice good writing skills outside formal legal writing courses and to continue improving their writing throughout the three years of law school. The supplementary information and materials augment the content of legal writing courses. The workshops provide opportunities for practice and feedback of specific writing skills. Finally, the presence of a resident composition teacher draws tools from the disciplines of communication, rhetoric, and education and applies them to the specific writing tasks in the discipline of law.

Second and Third Year Writing Program

Although the University of Wisconsin Law School does not at this time require a formal writing

program for upperclass students, it does offer several advanced elective courses and provides tutoring and workshops under the Legal Writing Tutor, a composition teacher.

Advanced Legal Writing - 2 credits. This seminar course is currently team taught by the Legal Writing Supervisor, a law graduate, and by the Legal Writing Tutor, a composition teacher. Students must write in-class exercises, weekly assignments, and multiple drafts of a lengthy final project. Students choose the format and subject matter of the final project (research memo, brief, law review article) and draft a contract specifying tasks to be completed, due dates for each interim and final draft, instructors' duties, and student's objectives. The course emphasizes writing rather than research; students were encouraged to choose projects involving minimal research time, such as revisions of past projects. Several students have coordinated their projects with the Legal Assistance to Inmates Program by updating and revising LAIP research and briefs on issues which LAIP frequently raises in its representation of indigent institutionalized persons. In addition to drafting a contract, students must draft pleadings, jury instructions, and various types of letters. Students receive some instruction on legislative drafting, statutory construction and interpretation, but the Law School offers a separate course in Legislative Drafting.

Legal Assistance to Inmates Program - This is a clinical program and not part of the Legal Writing Program. We mention it here because LAIP has retained the Legal Writing Tutor for a set number of hours per week to work with LAIP students and attorneys who are writing and drafting briefs, memoranda, and pleadings for LAIP clients. The Tutor edits student and attorney work and confers with the writers on editorial suggestions.

Legal Teaching Methods - 3 credits. This is a first semester course for second and third year students hired as teaching assistants for the first year Legal Writing course in the second semester. Part of the Legal Writing Program, it is open only to teaching assistants. The course covers curricula, policy, and administrative matters for the first year writing course. It is not properly a writing course but does require the teaching assistants to prepare writing and research problems for the first year program.

Legislative Drafting - 2 credits. This seminar focuses on the techniques for drafting legislation in clear, concise fashion.

Law Review - 2 credits. A number of students each year receive intensive Writing experience and some instruction in writing as part of their Law Review experience.

General Practice Course - 8 credits. This course, taken by about 150 third-year students each year, provides instruction and experience in the drafting of a wide variety of documents commonly used by lawyers.

Appellate Advocacy I and II - 3 credits each. These are moot court programs involving intensive experience in brief writing and oral argument.

The Tutorial Service - In addition to formal course offerings, the Law School offers to all students voluntary individual tutoring by the Legal Writing Tutor. The Tutor also offers small group workshops throughout the year in case briefing, sentence structure, paragraphs, organization, word choice, conciseness, outlining, and exam taking. Although these workshops are directed primarily to first year students, all students are welcome to attend.

Seminars and Directed Research - There are abundant seminars and directed research opportunities for second and third year students. These afford opportunity for writing experience but little in the way of instruction in writing.

FACULTY AND ALUMNI NOTES

Professor J. Willard Hurst delivered Columbia University's 1980 James S. Carpentier Lectures on October 15-17. The lectures were titled "The Jurisprudence of Legislation."

Professor John Robertson is serving on the Legal Advisory Committee for an educational group called "Concern for Dying." The Committee is studying ways of safeguarding the rights of terminally ill patients. Prof. Robertson also recently testified before the Health Subcommittee of the House Committee on Interstate and Foreign Commerce about drug treatments for terminally ill patients.

Dean Orrin Helstad and Professor June Weisberger are serving on the Nominating Committee for Judge and U. S. Attorney in the Western District of Wisconsin.

Ann L. Hannon ('75) was elected to the position of District Judge in Kalamazoo, Michigan.

Charles H. Jagow ('34) was the project director for the recently completed "Corporate Debt Financing Project" of the American Bar Foundation. The project published its fourth report, "Mortgage Bond Indenture Form," this year, completing 20 years of effort.

GEORGE E. CLEARY DIES

George E. Cleary, a leading New York tax lawyer and a founder of the firm of Cleary, Gottlieb, Steen & Hamilton, died March 26, in New York. He was 90 years old.

Born in Platteville, Wis., he graduated from the University of Wisconsin Law School in 1914, where he was first in his class. He practiced law in Wisconsin, taught at the University of Montana Law School and worked briefly for the Internal Revenue Service before going to New York City and joining the firm of Root, Clark, Buckner & Ballantine.

In 1946 Mr. Cleary joined three other partners, Leo Gottlieb, Melvin Steen and Henry J. Friendly, who went on to become chief judge of the United States Court of Appeals for the Second Circuit, and two other lawyers, Fowler Hamilton and George W. Ball, who became Under Secretary of State, to form the Cleary, Gottlieb firm.

Mr. Cleary was a senior partner in the firm until 1974, then became counsel to the firm on a part-time basis.

A specialist in taxation, Mr. Cleary taught for many years at New York University Law School and was a frequent contributor to professional periodicals. He served on bar association committees dealing with tax law and for 15 years was chairman of the Committee on Taxation and Public Revenue of the Commerce and Industry Association of New York.

NEW FACES ON THE FACULTY

THOMAS M. PALAY, a new faculty member, joined the Law School last August as Assistant Professor. He taught Introductory Torts during the fall semester and this spring is teaching the first-year course in Property.

After graduating from Tufts University with majors in economics and political science, he enrolled in the University of Pennsylvania's Law School as well as its School of Public and Urban Policy. He received his J. D. in 1979 and is currently completing work on his dissertation for a Ph.D. in economics.

Palay's interest in comparative institutional choices and their interrelationships with law, economics and public policy is reflected in his dissertation, in which he explores the economics of contracting. He is particularly interested in the informal relationships that develop around contracting; the decision-making process as it affects solutions to prob-

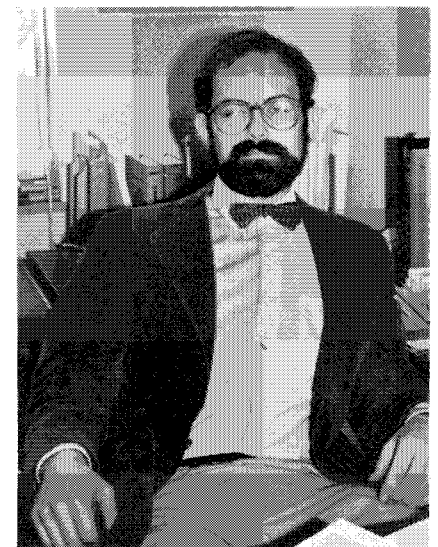
lems that are created; and the specific, informal organizations the contractors may create.

In addition to contracts, Palay has strong interests in state and local government law and regulation, areas which he is quick to point out relate to comparative institutional choices. Convinced these areas of the law comprise a significant part of many lawyers' practices, he strongly believes they are an important and relevant part of a Law School curriculum.

A native of Milwaukee, Palay enthusiastically extolls the virtues of both Madison and the University of Wisconsin Law School. "Both my wife and I feel Madison is an ideal city for two-professional families. In addition, the Law School provides a terrific academic environment," he says, adding, "It's really the finest compromise one could want, since there is a strong push for both scholarly research and teaching quality — a combination that is difficult to find."

Palay's wife, Diane Gutmann, is a practicing attorney with the Madison law firm of LaFollette, Sinykin, Anderson & Munson. A graduate of the University of Pennsylvania Law School, she worked for the U. S. Department of Justice before coming to Madison.

Cooking is another of the couple's favorite pursuits. Because of



Thomas M. Palay

their busy schedules, they look for recipes that aren't time consuming and do most of their cooking when entertaining. Proof positive of Palay's culinary expertise is the Second Prize he recently won in the First Annual Bakeoff sponsored by the Student Bar Association. His prize-winning concoction? Chocolate Mousse Pie.

The newest member of the Law School faculty is CARIN CLAUSS, who has come to Madison from Washington, D.C., where she was General Counsel for the United States Department of Labor. This semester she is teaching a course in Protective Labor Legislation.

A graduate of Vassar College and Columbia Law School, Clauss has specialized in labor law for the past 17 years. While in the career government service, she served as Counsel for Appellate Litigation and later as Associate Solicitor for the Fair Labor Standards Division. For the past three years, her work as Solicitor of Labor, a political appointment, included primary responsibility for the Labor Law Reform Bill and for handling legal aspects of the coal, railroad and trucking strikes. She served as the Labor Department's representative to the United States Administrative Conference and played a major role in the Depart-

ment's regulatory and legislative process.

Clauss' background in labor law, with its strong emphasis on trial and appellate litigation, has given her an interest in teaching appellate advocacy, evidence, and civil procedure in addition to substantive labor law. During the years she served as Counsel for Appellate Litigation in the Labor Department, she was closely involved with all aspects of litigation under the Equal Pay Act and the Age Discrimination in Employment Act. She feels strongly about the importance of an appellate advocacy skills course and has taught such a course at George Washington Law School.

Her hectic schedule in Washington, plus frequent speaking and lecture engagements, left Clauss little time for writing, and she looks forward to having more time to devote to this pursuit. Teaching has always been one of her strong interests, and she says she has settled nicely into the academic life here at Wisconsin. Although her move to our state coincided with minus 50-degree wind-chill temperatures, she says the cold weather is the only drawback she has encountered so far. "Wisconsin is unique for its depth of interest in labor law," she states. "And I find the enthusiasm of the



Carin Clauss

students, plus the comraderie of the faculty, special qualities not found in other schools."

Travel, coupled with an interest in anthropology, is a major focus of Clauss' non-law activities. She has explored much of the globe in her search for areas with interesting anthropological backgrounds and archaeological sites. Last summer she spent four weeks in New Guinea and the barrier reefs of Australia. She combines photography with these other interests and has an extensive collection of slides and photographs from her travel adventures.

Not surprisingly, Clauss has a long-standing interest in politics. She plans to continue her interest and involvement in the political process here in Wisconsin.

— Suzanne Williams

ON THE LIGHTER SIDE

This issue's column was contributed by David Reith, La Mesa, California. It shows that "it's a small world" even for UW alumni.

Manzinar is in the middle of the Owens Valley in California, between Reno and Los Angeles. The desert brush grows no higher than your waist and there are no trees. The long summer brings the relentless sun and steady temperatures of 100° or more. What little water that had been there has been taken by Los Angeles to wash off their sidewalks. An entire lake nearby has disappeared.

I turned off the highway to show my wife the only structure that remains. The section of wall with a

remnant of roof marks the place where 10,000 Japanese-Americans during World War II. We looked around, absorbing the historical flavor and the desolation, and noticed a man and woman walking toward us with some resolution. Their car was parked in the distance.

The man approached and asked if I had jumper cables. I assured him that I had. Unhitching my trailer, I drove to his car parked in the open area between long rows of disappeared housing. As the car started I heard sighs of relief.

"Can I pay you for this?" he asked.

"No," I answered, "It was my

pleasure."

In the awkward silence we started some small talk. He mentioned that he came from Wisconsin. I said that I had lived in Madison for eight years. He had spent seven years there also, finishing Law School in 1957. "I finished in August of 1957," I said. He introduced himself as Lew Tibbits. I admitted that I did not recognize him, and he suggested that it may have been because he had graduated a few months earlier. Nevertheless we parted with warm feelings, and amazement that classmates could have run into each other in such an out-of-the-way location.