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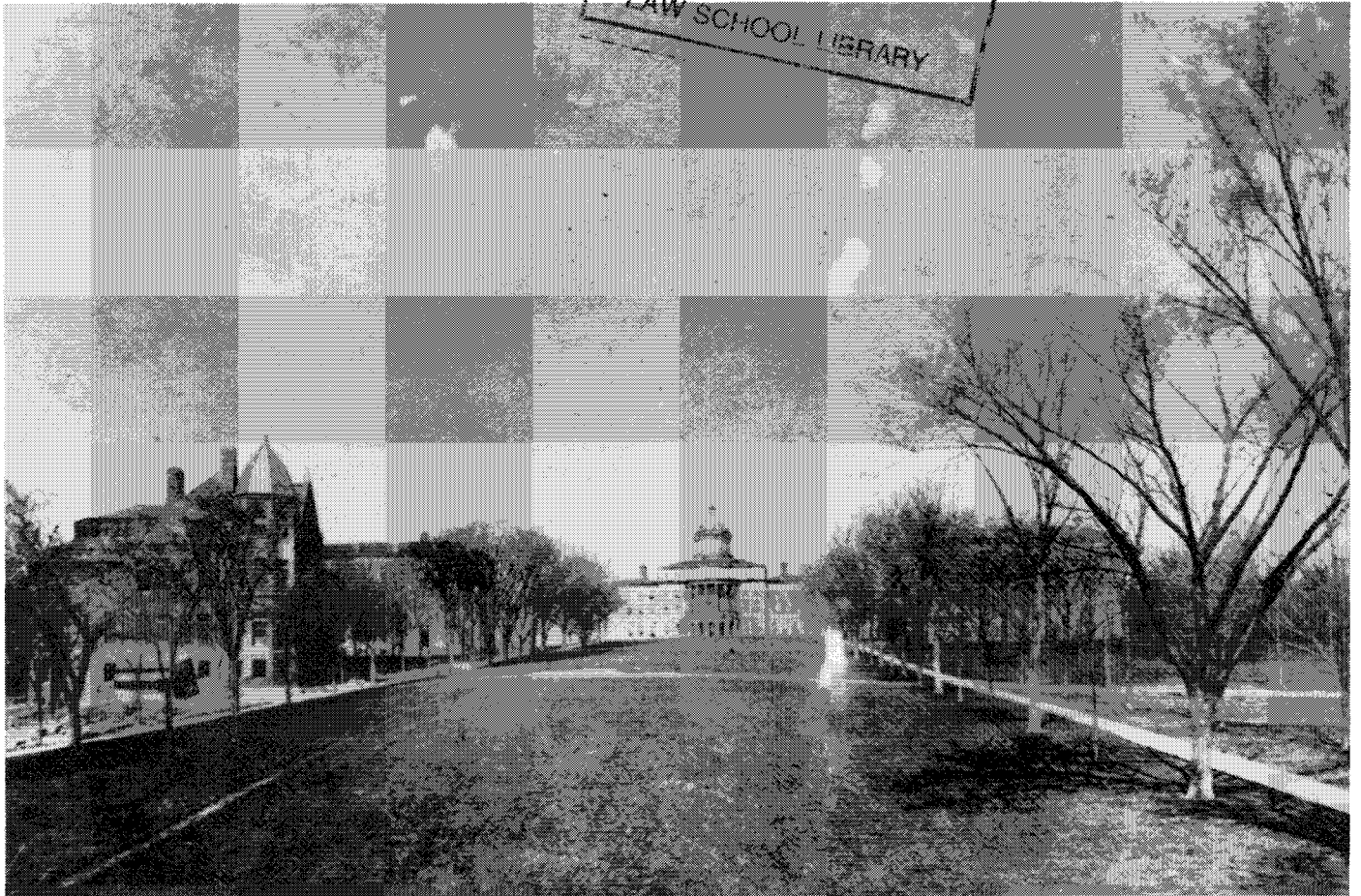
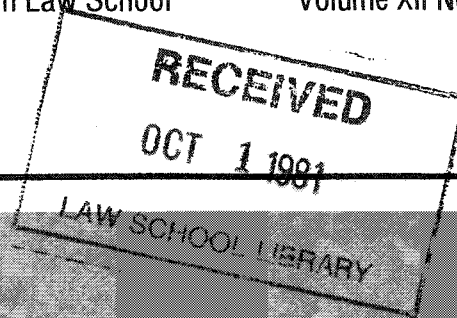
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EDITORS NOTE

I must confess, I have an obsession. When I was young I remember reading an article in *Boy's Life* on how to carve your own "cigar store Indian". My recollection is that you began by selecting and cutting an appropriate white cedar tree about 20 inches in diameter. Such trees were few and far between near my Southside Milwaukee home, and I doubt that I could have gotten permission to chop one down anyway. That desire has thus gone unfulfilled.

Sometime in the last few years, however, I began to notice a certain similarity between the brownstone gargoyle that decorates the front door of the Law Building and my old cigar store Indian. The gargoyle, you may know, once graced the roofline of the old Law Building, and fell to the ground without breaking when that building was wrecked. Since fate had been so kind to this grotesque piece of rock, it deserved enshrinement at our door, and lead to its becoming the mascot for the Law School and the Alumni Association. As time passed it received repeated coats of paint from engineers celebrating St. Pat's day, and in damp weather, like now, it often grows a complete head of moss.

Now as I pass Brownie (as I affectionately call him), I dream of having a replica in my own home. Can I make a clay mold and cast a plaster copy? What about mass producing copies in matte brown plastic so that other alumni can share the joy of owning their

own gargoyle. Think of the variations: a two-foot high, 30 pound paperweight; an umbrella stand; a piggy bank to save for that trip to Europe; a cookie jar with a lift-off head; or, perhaps my favorite, a night light which would encourage children to stay sleeping! This could be the commercial venture that secures the future of the Law School. Stay tuned for further developments.

In the last issue our mystery picture showed three faces, the back of two heads and one shoulder. The owners of the faces were almost unanimously identified: seated at the left is Frank Boyle, standing in the center is Ken Hill, and seated at the right is Jon Wilcox. The time seems to have been the summer of 1965, with the students preparing for the summer problems course. This feature continues to receive favorable reaction. One correspondent identified this picture with the Class of 1965 because only members of that class would "... button the third button on a button-down shirt and be seen in public with another law student who had a crewcut." Fred Hollenbeck thought that he was the back of one of the heads and commented, "I am surprised that anyone could have caught me in the Library at any time during my Law School career." The picture on this issue's back cover is probably from 1957-63. It is in the library of the old building and the statute book on the shelf is dated 1957.

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THE GARGOYLE

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

Vol. 12 No. 4 Summer 1981

Edward J. Reisner, editor

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ON THE COVER: One of the earliest views of the UW Law School, taken near the end of construction about 1894. The original Law building is in the left foreground. Immediately behind it is South Hall. North Hall, the oldest building on campus sits, nearly obscured by trees, across Bascom Hill, while at the top of the hill is Bascom Hall with the wooden dome which burned and was not rebuilt. Notice that Lincoln had not yet arrived to take his seat in front of Bascom Hall.

DEAN'S ANNUAL REPORT

This is my sixth annual report to the alumni as dean of the University of Wisconsin Law School, including one year as acting dean. Perhaps this would have been an appropriate time to take stock and to review the past six years, but I prefer to focus on the future rather than dwell on the past. However, Wisconsin Law Alumni Association President Dale Sorden's kind letter in the Winter 1980-81 issue of *The Gargoyle* compels me to take at least a quick backward glance.

It is not because of any false sense of modesty that I disclaim most of the credit which Dale gave me in what he termed bringing the school back to its former eminence. In the first place, I do not believe that we could be considered anything but a first class law school even in the financially troubled days of the early seventies. In the second place, although I certainly believe the dean has important roles to play in keeping the institution functioning smoothly and in seeing to it that financial and other support is available to the greatest extent feasible for the teaching, research and public service functions, there are many factors which go into the making of a fine law school. These certainly include a talented and dedicated faculty; a loyal, experienced and conscientious supporting staff; a talented, motivated and diverse student body; an understanding and supportive University administration; and interested, loyal and supportive alumni. We are fortunate in having all of these in considerable measure. Couple these with a long-standing tradition of high quality teaching, research and public service and an association with one of the great Universities of the world and you have the makings of a great law school.

Two news items during the past year attest to the long-standing quality and eminence of the University of Wisconsin Law School. The American Bar Foundation recently completed a study of the backgrounds of law teachers. The study found that 20 of the roughly 170 accredited law schools in the country produce almost 60% of all law teachers. Wisconsin is among those top 20. Similarly, Wisconsin ranked among the top 15 producers of top lawyer-executives of large American companies, according to a story in the *Harvard Business Review* reporting on a 10-year survey of more than 11,000 persons recently promoted to president or vice president of a major American company. I agree wholeheartedly with the editor of *The Gargoyle*, Ed Reisner, when he wrote in a recent issue: "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."

On one point, I definitely agree with Dale Sorden's letter. The Wisconsin Law Alumni Association and alumni generally have been helpful in filling "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." In the future, I see the need for even more help if we are to maintain our eminence. I discussed a number of our needs in the Fall 1980 issue of *The Gargoyle*. This is not the appropriate time to repeat what I said there, but let me reiterate one point of considerable priority. We have been very successful in the past in assembling and retaining a high quality faculty in competition with the top law schools in the



Dean Orrin Helstad

country. I am concerned, however, that the gap between our salary scale and that of other top law schools seems to be widening, not to mention the gap between what top law graduates can earn in private practice as compared with what they can earn as law teachers. The salary problem is one which exists throughout the University, so I do not believe we can expect much help from the University in solving this problem. Neither are we likely to get much help from the State Legislature in these financially austere times. What I believe we must do is follow the lead of a few other public law schools in enhancing the compensation of our faculty. Some of them have developed sizeable funds through their alumni associations which provide a sum of money from which faculty members can draw for such important incidental expenses as book purchases, summer research support, expense of travel to professional meetings, extra secretarial support, and the like. Some of them also provide additional salary support in this manner.

Turning next to some news about our faculty, I can tell you that we have hired two new faculty members since my last annual report to you. Carin Clauss joined the faculty at the start of the second semester of the 1980-81 academic year. She is an expert in labor law, having worked for the U. S. Department of Labor since she graduated from Columbia Law School in 1963. During her years with the Labor Department, she held a variety of responsible positions, culminating with the position of Solicitor of Labor during the last four years.

The second person is Judith Lachman, who will join the faculty in the second semester of the 1981-82 academic year. She received her PhD from Michigan State in Economics, taught five years in the Economics department at Vanderbilt University, and then went back to law school. She will graduate from Yale Law School in 1981 and will be teaching Taxation when she joins our faculty.

I also must report two faculty retirements at the end of the current academic year. One is Willard Hurst; the other is Carlisle Runge.

Willard Hurst has been a member of the faculty since 1937. He has been Vilas Research Professor since 1962 but has continued to teach the courses in Legislation and Modern American Legal History to hundreds of students each year in addition to fulfilling his role as the Law School's preeminent legal scholar. The Madison Capital Times in a recent story accurately referred to him as a legend. To quote briefly from the Capital Times story: "Most widely known as a legal historian and constitutional expert, Hurst has always seemed to embody the rich history of jurisprudence he teaches, his former students will tell you. Many recall his lectures as their most memorable moments in law school, and they often cite Hurst himself as their greatest single influence."

Carlisle Runge joined the law faculty in 1951 but has been on leave from the Law School for extended periods of time to hold other important public service and University assignments. Among these are service as Assistant Secretary of Defense for Manpower in the Kennedy administration and chief of staff for the state Coordinating Council for Higher Education prior to the merger which created the University of Wisconsin System. In recent years, he has served as chairman of the University's Department of Urban and Regional Planning, chairman of the instructional program of the Institute for Environmental Studies and Director of the University's Center for Public Policy and Administration.

Death also took its toll of our staff during this past year. They include two persons from our support staff, Violette Moore from the secretarial staff and Catherine Booth from our duplicating office staff. Death also claimed Arnon Allen, chairman of the University's Extension Law Department and Associate Dean for Continuing Legal Education. Professor Allen had devoted almost all of his professional life to the field of continuing legal education. He had served continuously as Chairman of the Extension Law Department since 1963.

I will not devote much time this year to faculty and student activities. I can say very briefly that faculty members continue, as in past years, to engage in a wide array of scholarly pursuits and public service activities, in addition to meeting their teaching commitments. The students continue to be an impressive lot. Interest in legal education on the part of those not yet in law school continues at a high level. For the fall 1981 entering class, for example, we have about 1,650 applicants competing for about 285 places in the entering class. Job placement opportunities for graduates also have been holding up very well. Starting salaries keep increasing each year, the median for 1981 graduates now standing at about \$20,000 with offers ranging as high as \$37,500.

For the remainder of my report, let me provide you with a brief summary of the self study which the law faculty engaged in this past year. It is about as thorough an examination of our total operations as has taken place in a long time. One aspect of the study still continues, namely, a thorough review of our second and third year curriculum. This could turn out to be the most significant as well as the most controversial aspect of the study as goals are examined and proposals for change are reviewed. I cannot report further on this aspect except to say that I have appointed a special 3-member faculty committee to gather facts, do an analysis and report findings, conclusions and recommendations to the faculty in the fall of 1981.



The rest of the study encompassed a broad range of subjects. This will become apparent as I briefly outline some of the conclusions and recommendations. Because every accredited law school is expected to engage in this process at least once every seven years, it might be called a medium-range planning process. Of course, review of various segments of law school operations take place almost every year, so it should not be surprising that most of the recommendations for change are rather minor.

1. We looked at the objectives of the J.D. program and concluded that its basic purpose is to graduate law-trained persons capable of serving society in a variety of law-related careers and not to train specialists. The career patterns of our graduates have been quite varied, and we believe this is likely to continue to be true in the future.

2. We gave some thought to the question whether we ought to continue to enroll roughly 900 students each year. We concluded that interest in legal education is likely to remain high for the next six or seven years, so that there is

not likely to be a problem from the standpoint of having an adequate supply of good applicants. We also asked ourselves whether society needs all these lawyers. We noted that the pool of lawyers in the United States is growing at a rapid rate and that the job market for lawyers almost certainly will tighten considerably in the next ten years. We noted, however, that legal education is a very broad form of education which develops the kinds of skills graduates are likely to find useful in a wide variety of law-related occupations and that we ought not be unduly influenced by prospects of a tightening job market. In sum, we concluded that we should continue to enroll approximately the same number of students for the next several years.

3. We reviewed our admissions standards and procedures and concluded that we saw no reason for making any basic changes.

4. We reviewed our first-year curriculum and concluded that it is essentially sound. The emphasis is on training in legal analysis, on providing students a grounding in the basic principles in substantive and procedural law, on training in

the types of oral and written communications skills in which lawyers ought to be proficient, and on familiarizing students with the institutional contexts in which law operates.

5. We concluded that we have not had enough experience with the part-time program mandated by the legislature a couple of years ago to make a judgment as to whether there will be sufficient interest in or financial support for the program to make it feasible to continue the program in the long run.

6. We reviewed our graduate programs, which typically enroll no more than a dozen persons each year, and concluded that we should not make any effort to increase enrollments in these programs as long as they remain essentially research oriented. Some law schools run programs at the graduate level designed to train specialists in fields such as taxation or international law. We concluded that we should not move to specialization program at the graduate level without considerable study as to the needs of the practicing bar and the availability of financing.

7. With regard to the research mission of the Law School, we concluded that the mission is being satisfactorily fulfilled at the present time. Faculty research is about as extensive as at any law school in the country. Research is fostered both by an organizational structure which includes a faculty member who serves on a part-time basis as associate dean for research development and a liberal leave policy which permits faculty members to take advantage of outside funding for research purposes whenever such funds become available. Most research funding has come from federal government sources. There will be a need to make strong efforts to develop other sources if federal funding is cut back.

8. We noted that public service activities on the part of the faculty seem to be thriving without any special organizational structure to promote them. When outside funding for these activities become available, leaves have been granted as liberally as for research. We concluded that this policy should be continued but that, both in case of research leaves and in case of public service leaves, efforts should be made to minimize the impact on the instructional program.

9. With regard to continuing legal education and similar outreach activities designed to serve the bar and the public generally, the Law School faculty adopted a resolution in 1976 which approved "an outreach program in teaching, law in action research and public service as an official law school function." Considerable progress has been made in the past four or five years in involving faculty members in this type of activity in a joint effort with the Extension Law Department, although many problems remain to be solved, including more adequate support of service activities which are not self-supporting in the sense that they do not generate sufficient program revenue to fully cover their costs, Univer-

sity Extension as a whole is undergoing a thorough study at present. We concluded that, pending the outcome of this study, we should continue present Law School policies unchanged.

10. The major, formally recognized student activities are (a) Student Bar Association activities; (b) the Bookmart; (c) the Law Review; and (d) moot court competitions. For the most part these seemed to be adequately organized and financed. We did conclude that thought should be given to a more formal organization of the various moot court competitions which have been proliferating in recent years and that support services for the Legal Education Opportunities (minority/disadvantaged student) Program should be reorganized by the appointment of an assistant dean who would assume primary responsibility for the various support services.

11. We looked at the faculty as a group and, although this statement may seem self-serving, concluded that on the whole the faculty we have assembled at Wisconsin is about as diverse and talented a group of scholars and teachers as will be found at most any other law school. This does not mean that there are no problem areas. We have had difficulty in recent years in adding faculty to provide the strength we would like to have in areas such as taxation and trusts and estates, but we believe these problems can be solved by continuing attention to them. As I noted previously, we also are concerned about our salary structure as it relates to the ability to hire and retain good faculty members.

12. The law library clearly meets, and in most respects exceeds, the basic minimum standard of providing adequate support services for our programs of teaching, research and public service. Nevertheless, there is cause for concern in that book prices keep increasing at a much faster rate than the budget. Reporters, continuation services and the like

now consume over 85% of the book budget, leaving little for the purchase of individual books. Clearly, the infusion of major sums of money into the Law Library's book budget is a matter of considerable priority.

13. With regard to other support services, we noted a need to improve secretarial services for the faculty and approved the acquisition of modern word processing equipment as one means of doing so.

14. We noted that physical space continues to be at a premium and concluded that we should continue to press our case before the University administration for more space.

15. We concluded that we need to do a better job of informing our alumni of our needs and to enhance alumni fund raising in view of the tightness of the state budget.

16. With regard to the state-supported budget, about 77% currently goes for instruction, 6% for research and 17% for library. We concluded that this distribution is about right in view of the fact that we could use more support in each category. Allocation of the major portion of the budget to instruction enables us to maintain an overall student-teacher ratio of roughly 20 to 1. We believe that any substantial deterioration of that ratio would also cause a deterioration in the quality of instruction.

In summary, we did not find any major defect in our organization or our programs. The self-study nevertheless was a useful exercise in helping all of us to "see the big picture" while at the same time pinpointing some areas in which we think we could stand improvement. I might close by saying that I believe we have a very fine law school, one of which all of you should be proud, and I hope you will help us maintain the tradition of excellence which I believe exists at Wisconsin.

Lawyer/Athlete: Clarence Sherrod

One of the outstanding athletes who has attended the University of Wisconsin Law School, is Clarence Sherrod. As a three-year starter on the Badger basketball team from 1968 to 1971, Sherrod set a Wisconsin career scoring record. He earned All-Big Ten honors in his junior and senior years. He was the Big Ten's best free throw shooter during the 1969-1970 season.

Sherrod, however, feels his greatest challenges came from the undergraduate and law school classrooms. "I didn't go to college just to play basketball," he says. "For me, basketball was always a means to an end. I never let it overshadow my desire for an excellent education. And law school was definitely something I had always wanted in my educational career."

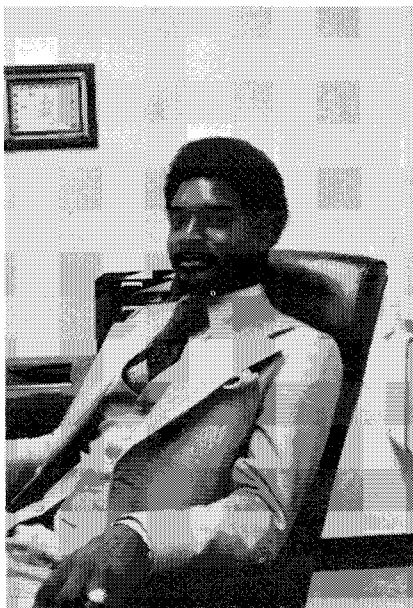
Clarence Sherrod was born on October 29, 1949 in Milwaukee. At Milwaukee Lincoln High School, where he was class valedictorian, he starred at guard on teams that won public school state championships in 1966 and 1967, compiling a two-year record of 50-1. One of his teammates at Lincoln was Fred Brown, who went on to play for the University of Iowa and the Seattle Supersonics of the National Basketball Association. In addition to basketball, Sherrod ran cross country and played baseball and freshman football.

Like any high school athlete who is outstanding enough to play basketball on the major college level, Sherrod was the target of intense campaigns by recruiters. His academic and athletic skills attracted the attention of nearly 350 colleges. "There was a great deal of pressure," he says. "Many of the recruiters tried to influence my mother. A lot of them called me daily during my senior year." Sherrod also received a legislative

appointment to the Air Force Academy, which he turned down. He chose to attend Wisconsin primarily because of its strong academic reputation. As a high school senior, he was already interested in a legal career, and during his visit to the Wisconsin campus, he toured the law school.

The commitment to playing in one of the country's strongest basketball conferences made achievement in the classroom more difficult. "Athletes have it harder than most other students," Sherrod says. "If you don't perform on the basketball court people tell you you're no good. If you don't make it in the classroom, people think of you as a dumb jock. You have to meet the demands of both worlds."

Sherrod met the demands well. His greatest assets on the court were his quickness and his shooting eye. He earned a starting berth on the team as a sophomore and never gave it up. In his junior year, he averaged 22.5 points per



Clarence Sherrod

game, and in his senior year he averaged 23.8. In 1970, he was chosen for the All-Big Ten academic team. He graduated in 1971 with a B.S. in education.

The summer following graduation, Sherrod toured Australia with a group of Big Ten players. Drafted by the Chicago Bulls and the Kentucky Colonels, and after tryouts with the Colonels and the Dallas Chaparrals of the American Basketball Association, he played briefly for Hartford of the Eastern League. The next year he returned to Madison and entered law school. While in law school, Sherrod served as a teacher's assistant. On weekends he played for the Waukegan Lakers, a semi-pro team. He graduated from the law school in 1975.

In 1975, Sherrod became an assistant district attorney in Milwaukee. From 1977 to 1979, he was deputy district attorney in Dane County. In 1979, he was appointed legal counsel for the Madison Metropolitan School District. As legal counsel, he represents the district in all litigation, drafts contracts, interprets school board policies and defends against complaints filed with administrative agencies.

Sherrod retains an avid interest in college athletics. Like most Badger fans, he is excited by the seven basketball players recruited last spring by coach Bill Cofield. "It will be tough for them to win a lot of games in the Big Ten as freshmen and sophomores. But if they can reach their potential, I think that by the time they are juniors they will be in the race for the league title and for national recognition."

Sherrod is also disturbed by the academic scandals that have shredded college football and basketball in recent years. "It's easy to understand why they happen. So much is wrapped up in the desire to produce a winning team. Winning is important to the coaches, to the fans, to the alumni, and to the school's tradition. But I think Wisconsin is one of the schools where athletes have the chance to combine athletic achievement and academic excellence."

— Doug Putnam

LAW SCHOOL ADMISSIONS — INTERVIEW WITH PROF. RAUSHENBUSH

Professor Walter Raushenbush of the Law School Faculty is currently completing the first year of a two-year term as President of the Law School Admissions Council, a non-profit educational association made up of the 171 ABA-approved law schools in the country. As its name indicates, the Council provides services and conducts activities to serve and inform those involved in the law school admissions process — applicants, law schools, and undergraduate institutions.

Not surprisingly, one of the Council's central functions is the administration of the Law School Admissions Test (LSAT). Although the test is actually owned by the member law schools, through the Council, the test is currently administered by the Educational Testing Service. Starting this year, the Council has assumed for the first time full responsibility for operating the Law School Data Assembly Service, which previously was also contracted out to ETS.

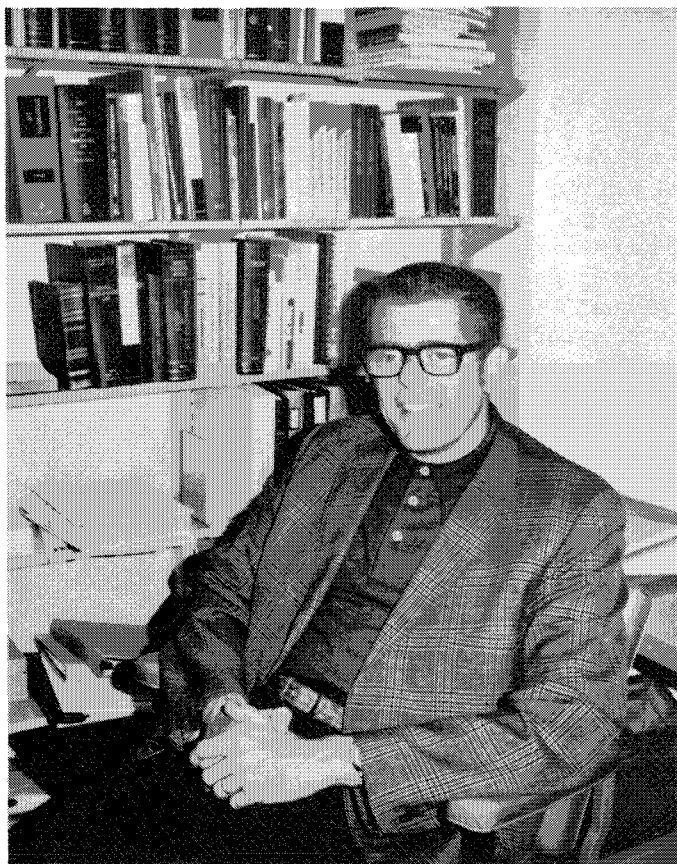
In his role as Council President, Professor Raushenbush has gained a special perspective on future trends in law school admissions. He states that the Council is particularly concerned with estimating future demand for law school places, since this has important implications for the member schools and the planning they must do for the coming years. As anyone who has been connected with legal education knows, the past fifteen years or so have seen a boom in law school applications, with the numbers more than doubling from 1964 to 1971. During the last several years, however, this trend appears to have changed, resulting in a levelling and even some decline, in numbers of applicants.

If this downward trend continues, as the Council believes it

will, more law schools will once again be faced with the nearly forgotten dilemma of deciding which among the field of applicants are qualified for a particular school and which are not. This is in sharp contrast to the present situation in which most schools are inundated with many more qualified applicants than they can accept. Decreased numbers of qualified applicants will have an impact on law schools in budgetary terms, resulting in schools' being faced with a need to fill all slots in order to produce needed revenues, a pressure which can work against the desire for a strongly qualified student body. One way to meet this challenge is the development of innovative recruiting practices, which most law schools have not had to engage in for many years. One of the Council's roles in the years

ahead will be that of a resource to law school admissions committees in assisting them to resolve these difficult problems.

The Reagan administration's proposed student financial aid cutbacks may also soon affect law school admissions, according to Professor Raushenbush. A decrease in the amount of "cheap money" for graduate and professional education could have a serious impact on the numbers of students who will be able to attend law school. The proposed "needs test" may be very restrictive and it is unclear if the independent status of most law students will be adequately recognized. The Council will attempt to influence the funding picture by resisting decreases in financial aid and by urging that decreases that do occur should not have a disproportionate impact on graduate and legal education.



Prof. Walter Raushenbush

In addition to financial aid concerns, the Council has also been involved in extensively revising the LSAT. The need for revision is primarily the result of a "Truth in Testing" Act passed in June, 1979 by the New York Legislature. This law mandates disclosure to the public of the contents of tests such as the LSAT and requires the test, with its answers, to be filed as a public document and to be provided on request to anyone who has taken the test. Subsequent to the enactment of the New York statute, the Council decided that fairness and consistency dictated the disclosure of the test and its answers in all areas of the country. Although the tests had previously been re-used three or four times, the new policy precludes using a test more than once. One result is that a new test format became necessary if scores are to be comparable from one adminis-

tration of the test to another.

Although the new test will be quite similar in content to the old one, a new scoring scale will be used. Possible scores will range from ten to fifty, rather than the present range of 200 to 800, for LSAT's administered starting in June 1982. New test forms are now being developed and pre-tested by ETS, with all questions being reviewed by a Council committee of experienced law teachers.

"'Truth in testing' legislation is a 'glamour' project right now," says Professor Raushenbush, adding that Congress and many state legislatures are interested in passing laws similar to the New York statute. "Since the Council would have a difficult time complying with thirty different state laws, and the costs of such compliance would necessitate dramatic fee increases," he states,

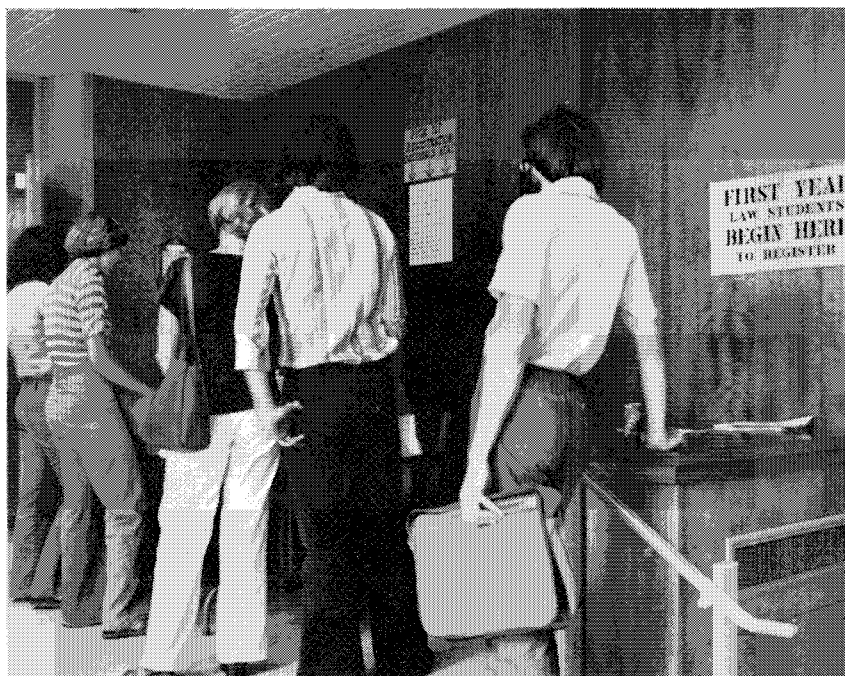
"we are actively engaged in efforts to either defeat these proposed pieces of legislation or to assure that, while reasonably meeting the objectives of proponents, they will not be too costly to comply with, or too damaging to the testing process." He points out that fees had to be increased as a result of the Council's nationwide compliance with the New York law.

"However," he adds, "recent news of flawed questions in some ETS tests underlines the value that substantial test disclosure can have from the standpoint of accountability and quality control. Whether voluntary (as we would prefer) or required by legislation, such disclosure looks like an idea whose time has come."

Suzanne Williams



Hon. Thomas E. Fairchild (left) and Gordon Sinykin (right) were the recipients of this year's WLAA Distinguished Service Awards. The presentation was made during the Annual Meeting on May 1, 1981.



FACULTY/ALUMNI NOTES

Prof. Arlen Christensen has been appointed as Associate Dean to serve in place of Prof. Stuart Gullickson, who will spend the fall semester teaching at Duke University.

Nancy Bernstine, who received her LL.M from this Law School in 1977 has been named Assistant Dean and will administer the Legal Education Opportunities program. She will also assist with financial aids and interpretation of rules.

Recently promoted by the Board of Regents to Professor of Law were Peter C. Carstensen, Stephen J. Herzberg and Leonard V. Kaplan.

Prof. Richard B. Bilder, who's new book entitled *Managing the Risks of International Agreement* was published by the UW Press, has been elected vice president of the American Society of International Law.

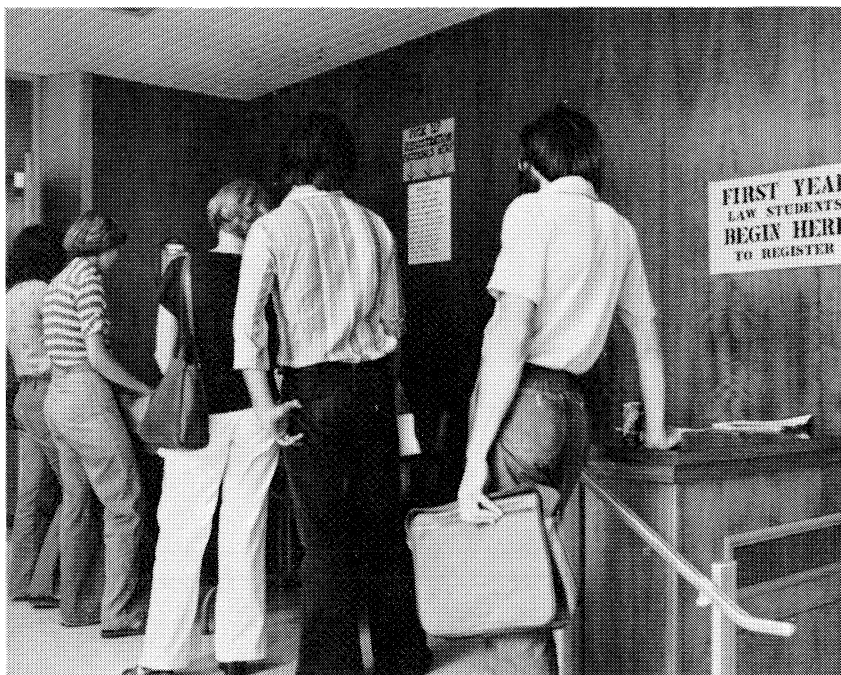
Oliver Bright (Class of 1961) passed away in London this April. Mr. Bright was born in Monrovia, Liberia, and, after receiving his law degree here, returned home to begin a career in government. Before resigning from government service in 1979, he served as Assistant Secretary and Under Secretary of State, Minister of Health and Welfare, and Minister of Justice. In addition he was Special Envoy for two Liberian

Presidents at various international conferences and Legal Advisor to the Liberian Delegation to the Organization of African Unity.

Michael G. Price (Class of 1966), the Deputy Administrator of the Wisconsin Board of Attorneys Professional Responsibility, is the new President of the National Association of Bar Counsel.

Alan R. Post (Class of 1972) has been promoted to the position of Assistant General Solicitor for the Burlington Northern Inc.

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SUMMER DOLDRUMS?

Those unfamiliar with the operations of the Law School often ask, "What keeps you busy in the summer when there are no students around?" Were it only so, we sometimes think!

With the number of courses offered here each summer it is possible for a student to earn a full semester of credit in thirteen weeks. The summer begins with an intensive three week session and then offers a variety of courses in lengths including four, five, eight and ten weeks. Summer enrollments are up this summer and now total almost one-half of our "regular" enrollment. The residency rules now permit students to complete their degree in two years and two summer sessions which may account for the increase in our summer enrollment. Many of our summer students are from other law schools where no summer classes are offered.

Nor does the admissions process end as summer begins. By late spring the majority of the Class of 1984 had been offered admission but there is still a waiting list of several hundred hoping for some

change which will allow them to join the Class. Students may be admitted from the waiting list as late as the first day of classes. Some years ago one of these late additions arrived with no place to stay. Our admissions director offered her home and wound up with a live-in law student until other arrangements could be made.

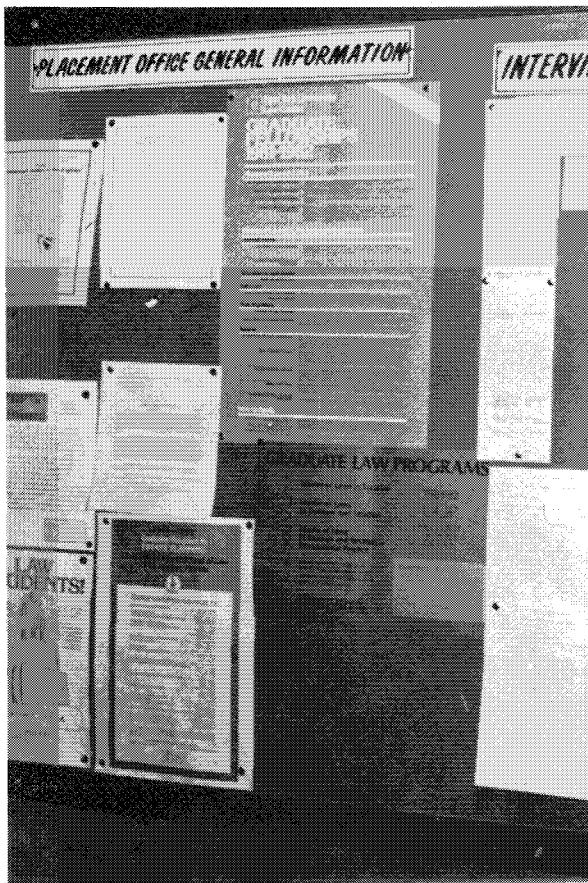
Summer is also a busy time for the placement office. Invitations to arrange on-campus interviews are sent out each spring. By early

summer tentative arrangements have been made with more than one hundred firms, corporations and agencies to visit with our students. As the summer goes on, these arrangements must be confirmed and adjusted. By late summer everything must be in place for more than 3,000 individual interview appointments. After the fall rush, the cycle begins again.

Two large, on-going research projects are active here this summer. Both the Civil Litigation and Legal History projects are well into their respective programs. Since both involve faculty who may not be teaching, they are, if anything, busier in the summer than at other times. The Legal History project sponsored a month-long workshop bringing together students and scholars in the field. Five Fellows of the project discussed their research in the area of "Law in the Life of Associations, 1870-1980."

In addition to the activities which are directly related to the mission of the Law School, there are others taking place in our building that are not part of our program but which do add to our duties. Several hundred Dane county youngsters participated in a new program called "College for Kids" during three weeks of this summer. For part of that time those interested in the social sciences field were in the Law





ON THE LIGHTER SIDE

This spring, Prof. John Kidwell presented the 2nd Annual Ambrose Bierce Lecture as part of this School's Law Day celebration. He entertained his audience for an hour with a collection of original and classic pieces of law-related humor. One of the classics is presented here, and may be found in *The Criminal Law Quarterly*, Vol. 8, page 137.

(IN THE SUPREME COURT)

REGINA v. OJIBWAY

Blue, J. August, 1965

Blue, J.: — This is an appeal by the Crown by way of a stated case from a decision of the magistrate acquitting the accused of a charge under the Small Birds Act, R.S.O., 1960, c.724, s.2. The facts are not in dispute. Fred Ojibway, an Indian, was riding his pony through Queen's Park on January 2, 1965. Being impoverished, and having been forced to pledge his saddle, he substituted a downy pillow in lieu of the said saddle. On this partic-

ular day the accused's misfortune was further heightened by the circumstance of his pony breaking its right foreleg. In accord with Indian custom, the accused then shot the pony to relieve it of its awkwardness.

The accused was then charged with having breached the Small Birds Act, s.2 of which states:

2. *Anyone maiming, injuring or killing small birds is guilty of an offence and subject to a fine not in excess of two hundred dollars.*

The learned magistrate acquitted the accused holding, in fact, that he had killed his horse and not a small bird. With respect, I cannot agree.

In light of the definition section my course is quite clear. Section 1 defines "bird" as "a two legged animal covered with feathers". There can be no doubt that this case is covered by this section.

Counsel for the accused made several ingenious arguments to which, in fairness, I must address myself. He submitted that the evidence of the expert clearly concluded that the animal in question was a pony and not a bird, but this is not the issue. We are not interested in whether the animal in question is a

School to learn about the legal system and its institutions. This group was followed by a slightly older group, graduates of other law schools here to take the Wisconsin bar examination. Almost 250, the largest number ever, spent a day and a half on essay questions and the Multi-state exam. This group was followed by again an older group, the Graduate Bankers School, who spent a number of weeks on campus studying the esoterica of current banking practices.

Almost before we recognize its beginning, summer is near its end, and students are beginning to filter back to Madison.

bird or not in fact, but whether it is one in law. Statutory interpretation has forced many a horse to eat birdseed for the rest of its life.

Counsel also contended that the neighing noise emitted by the animal could not possibly be produced by a bird. With respect, the sounds emitted by an animal are irrelevant to its nature, for a bird is no less a bird because it is silent.

Counsel for the accused also argued that since there was evidence to show accused had ridden the animal, this pointed to the fact that it could not be a bird but was actually a pony. Obviously, this avoids the issue. The issue is not whether the animal was ridden or not, but whether it was shot or not, for to ride a pony or a bird is of no offence at all. I believe counsel now sees his mistake.

Counsel contends that the iron shoes found on the animal decisively disqualify it from being a bird. I must inform counsel, however, that how an animal dresses is of no concern to this court.

Counsel relied on the decision in *Re Chicadee*, where he contends that in similar circumstances the accused was acquitted. However, this is a

horse of a different colour. A close reading of that case indicates that the animal in question there was not a small bird, but, in fact, a midget of a much larger species. Therefore, that case is inapplicable to our facts.

Counsel finally submits that the word "small" in the title Small Birds Act refers not to "Birds" but to "Act", making it The Small Act relating to Birds. With respect, counsel did not do his homework very well, for the Large Birds Act, R.S.O. 1960, c. 725, is just as small. If pressed, I need only refer to the Small Loans Act R.S.O. 1960, c. 727 which is twice as large as the Large Birds Act.

It remains then to state my reason for judgment which, simply, is as follows: Different things may take on the same meaning for different purposes. For the purpose of the Small Birds Act, all two legged, feather-covered animals are birds. This, of course, does not imply that only two-legged animals qualify, for the legis-

lative intent is to make two legs merely the minimum requirement. The statute therefore contemplated multi-legged animals with feathers as well. Counsel submits that having regard to the purpose of the statute only small animals "naturally covered" with feathers could have been contemplated. However, had this been the intention of the legislature, I am certain that the phrase "naturally covered" would have been expressly inserted just as 'Long' was inserted in the Longshoreman's Act.

Therefore, a horse with feathers on its back must be deemed for the purposes of this Act to be a bird, and *a fortiori*, a pony with feathers on its back is a small bird.

Counsel posed the following rhetorical question: If the pillow had been removed prior to the shooting, would the animal still be a bird? To this let me answer rhetorically: Is a bird any less of a bird without its feathers?

Appeal allowed.



UW Law Alumni in California

you are invited

to an ALUMNI LUNCHEON

as part of the

State Bar of California

1981 ANNUAL MEETING

Tuesday, October 13, 1981 at noon

Town & Country Hotel, San Diego

Among those attending will be Dean Orrin Helstad
and Emeritus Prof. John Conway

Details and reservation forms will be
mailed in September.