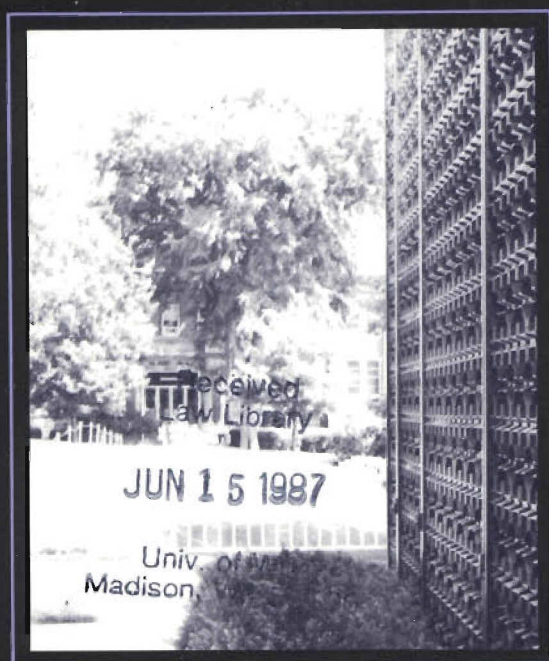


University of Wisconsin Law School Forum

GARGOYLE





Nonprofit Organization PAID Permit No. 2201
--

University of Wisconsin Law School Forum GARGOYLE

Volume XVIII Number 1.

Summer 1987



"Breakfast Club" as a "Holy Roman Empire"	2
<i>Associate Dean Gerald J. Thain</i>	
Lawyer Legislators, Part III	4
<i>Tomislav Kuzmanovic</i>	
Appointment of Independent Counsel	10
<i>Professor Frank Tuerkheimer</i>	
Annual Fund Drive Report, 1985	12
John Best Honored	16
Faculty Notes	17
Alumni Notes	17
Report of the Board of Visitors	18
Editor's Note	20
Mystery Picture	20

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

Edward J. Reisner, Editor
Earl J. Madden, Design

Publication office, Law School,
University of Wisconsin, Madison, WI.

Postmaster's note: Please send form
3579 to "Gargoyle," University of Wis-
consin Law School, Madison, WI 53706.

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

ISSN 0148-9623

USPS 768-300

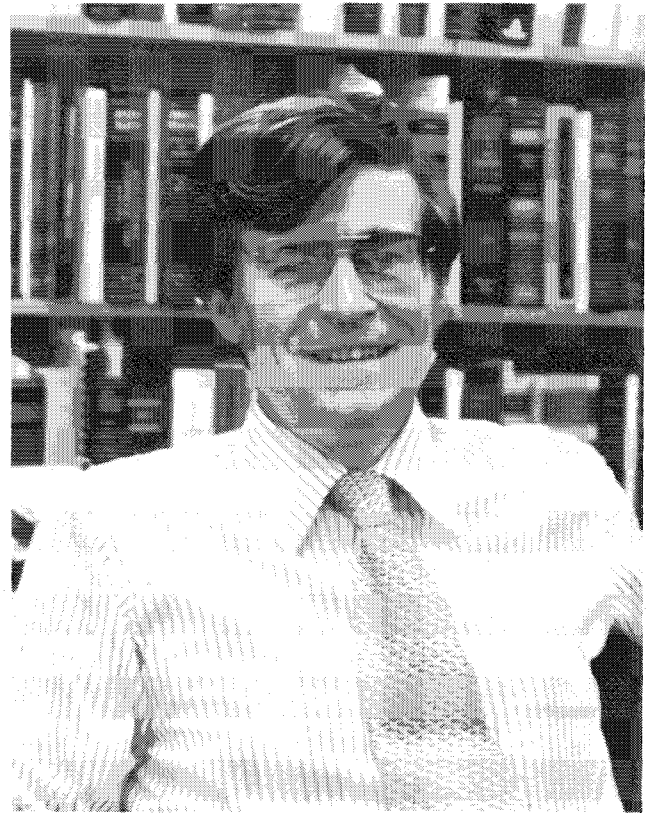
Cover:
Education Building, from the Law School.

The 'Breakfast Club' as a 'Holy Roman Empire'

Associate Dean Gerald J. Thain

Despite my past life as an enforcer of the laws against deceptive advertising, I have been associated for the last two years with a "misabeled" new institution at the law school. It is called the Breakfast Club although it does not involve breakfast and cannot accurately be described as a club. Nonetheless, the term, like that of "Holy Roman Empire" during the reign of Charlemagne, seems apt even if technically incorrect.

The so-called Breakfast Club in fact is a series of morning meetings in the George Young Room of the Law School at which various members of the student body exchange their views of the Law School, over coffee, orange juice and doughnuts with Dean Cliff Thompson and me. Other, more traditional mechanisms for student-administrator exchanges continue to be utilized and to work well. Consistent contact occurs between Dean Thompson (and other Law School administrators) and the elected leadership of the student body, who serve as liaison between students and administration on matters of wide-spread concern or interest to the student body. Also, individual students with a perceived grievance or a personal problem do not hesitate to avail themselves of the appropriate office to make their feelings known. (I can testify to that fact from personal experience!) However, these channels emphasize either an individual student's particular problem or a widely held student body concern. While it is vital to have means available to address such issues, the impression received from communications of this kind does not necessarily give one an accurate "feel" of the general reaction of students to their law school experience. To obtain a sample of such reaction, Dean Thompson established the "Breakfast Club." Meetings are held once or twice weekly with students selected randomly from the student roster. The majority are third year students since they have a broader range of experience in the Law School. However, students from the other two classes also receive some invitations and, to insure the availability of the meeting to all members of the student body, a standing invitation is posted on the Dean's Corner of the Law School bulletin board, encouraging any student who wishes to come to the next session



to join the group on that day. A number of students have responded to that general invitation.

At the risk of apparent institutional immodesty, candor compels me to state that the most striking theme that has emerged from these sessions has been the considerable degree of satisfaction that students have expressed about their educational experience at Wisconsin. Students consistently have noted the generally high caliber of teaching at this Law School and expressed the opinion that they are receiving an excellent legal education. Our



Spring 1986 "Breakfast Club" group: Bill Rowland, Mary Sue Feldmeir, Dee Rowe and Gretchen Uber

clinical programs have also been the subject of repeated high praise from most of the students. Our first-year small section program has received unanimous support from these students as a means of insuring close faculty-student contact in the first semester, and a mechanism for bringing groups of law students together throughout their legal education.

Naturally, neither the students nor the administration believes that the Law School has yet reached a state of nirvana. Some concerns expressed by students at these meetings include: the building and its classrooms are not as suitably shaped as desirable for handling the present size of the student body; their law school experience would be enhanced if they had more opportunities to take classes in which a major paper or similar writing experience was a requisite of the course (a considerable majority of our students take at least one such seminar or class prior to graduation but there is a belief that more opportunities or even requirements along this line should be considered); the requirements of the evening curriculum result in more limited choices than some students would like both in the evening and daytime portions of the curriculum. There have also been a number of specific suggestions for improving the placement process and the curriculum. Some of these proposals are feasible, some impractical but virtually all reflect careful thought.

The most commonly expressed concern of students has been the fear that a significant number of our faculty is about to leave Wisconsin for academic positions elsewhere. Our view of the strength of our faculty is indeed

confirmed by the overtures and offers they receive from some of the other leading law schools in the country, but we have not yet experienced an unusually high turnover ratio in law school faculty and we hope that this will continue to be the case. I find it interesting and a mark of the quality of our faculty that when students at these sessions volunteer the names of teachers they believe to be outstanding, virtually the entire faculty is eventually mentioned. Moreover, an occasional reference to an unsatisfactory course by one student is often immediately countered by another student at the same session indicating a belief that that particular course was among the best!

Unlike the past three years, when we had a smaller number of professors on leave than usual, we now have returned to the usual higher number of the preceding decade. As a result, some students perceive an increased number of faculty on leave or at risk of being hired elsewhere, when the pattern is more normal than their experience here may indicate. Although students are concerned that those faculty on leave are not available to teach their regular courses, the general response to our lecturer-faculty substitutes for those courses has been very positive. Indeed, many students express appreciation for the opportunity for some exposure to practitioner views from our lecturers and the General Practice course. Students find faculty members generally accessible (several have said "surprisingly accessible") as well as responsive to student interests and concerns, when approached outside the classroom.

Knowledgeable alumni are aware of Dean Thompson's prowess as a photographer. He exercises it, at the conclusion of each of our sessions by taking a photograph of the students for posting on the Law School bulletin board. Students are often reminded that our Law School "bureaucracy" consists of the Dean, the Associate Dean for Academic Affairs and three Assistant Deans, all of whom are generally available to students for much of each week. Dean Thompson and I appreciate both the apparent overall general satisfaction of students with their educational experience here and their willingness to share their interests with us. These meetings have strengthened the suspicion that the rich variety of our students, in terms of their backgrounds, interests and career goals, is one of the important facets that make the Wisconsin Law School "a very special place" (in the words of one of our recent graduates). We have been delighted to be reassured of this at the "Breakfast Club" meetings, even if we did not affix a technically accurate name to our gatherings!

Lawyer Legislators, Part III

Tomislav Kuzmanovic

In this issue we conclude the series on Lawyer Legislators begun in Vol. 17, number 3. There undoubtedly are other alums out there who have served or are serving as legislators. We apologize if we have missed you (and we would like to know). Perhaps there are still others who will consider this form of public service as a result of these stories.

The author, Tom Kuzmanovic, is a second year law student, who works part-time as a research assistant for Dean Thompson. These articles represent a lot of hard work for Tom, and we hope you have enjoyed them.

Representative Joseph E. Wimmer ('61) 32nd Assembly District, Waukesha, Wisconsin

While admitting he always had a latent desire to get into politics, Republican Representative Joseph E. Wimmer, 53, waited until almost 20 years from the time of his J.D. to run for political office.

"I ran for State Senate and lost in 1980. I was encouraged to run in 1982 because reapportionment had opened a seat."

Wimmer won that election, for State Assembly, and won re-election in 1984 handily.

"I guess I've always had a secret desire to enact legislation and be involved in politics. The action is in Madison and I like to be where the action is."

He says had it not been for reapportionment, he probably wouldn't have run again.

"The timing was right and at the time I thought that I had some knowledge that I could share in Madison. I'm happy the way things have turned out so far."

A mid-fifties Army veteran, Wimmer became involved in public service upon arriving in Waukesha 25 years ago. His involvement with the International Association of Lions Clubs led to his being the club's international director. This meant travel worldwide for speaking engagements and fund raising for projects ranging from sponsoring little league teams locally to work with the blind and sight handicapped. The international directorship was a non-paying job and the Lions

Club is the largest service club organization in the world with members in 153 countries.

"I spent one-third of the two years I was international director outside of Wisconsin at various conventions. I've been to Japan, Europe and South America, among other places, speaking about motivation, inspiration and leadership, trying to help people in these areas further their causes."

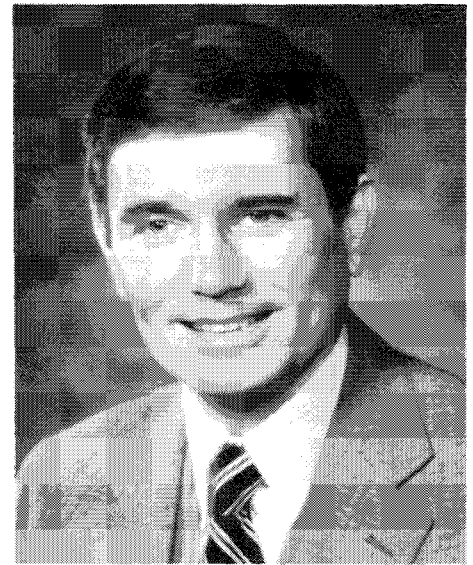
He still remains active in the Lions Club and has also served as chairperson of the March of Dimes in Waukesha.

In addition to his public service work, Wimmer has spent the majority of his time after law school in private practice. After working as an Assistant District Attorney in Waukesha County from 1964-67 and Muskego assistant city attorney from 1968-73, Wimmer used his experience to start a private practice.

"I think a key factor in winning my election was my 25 years of practicing law in the area. It allows you to make contacts, get name recognition and experience. It also implies having a certain degree of knowledge."

He still maintains his practice although he says it's often very difficult to balance practice and politics.

"Practicing in my own firm allows me to schedule my time and the courts have been cooperative in scheduling matters when I'm not in session."



Wimmer feels his practice experience helps him make the tough decisions in Madison.

"It gives you an ability to deal with people in all walks of life. Trial work gives you self-assurance and self-confidence, speaking poise and a broad base of situation and reactions to them. It gives a basic understanding of many laws of the state. You have a perspective of looking at laws enacted that probably haven't been given thorough thought."

Law school specifically has helped this as well.

"My legal education has trained me not to make rash decisions; to gather facts and analyze them thoroughly before making a conclusion; to understand both sides of the argument which, by the way, tends to make you more moderate."

He doesn't single out any particular class or professor, but emphasized that research and analyzing skills were valuable lessons in law school, as well as receiving a basic understanding of the laws of Wisconsin.

The legal training he received also helped try to grasp what he thinks is the toughest part of his job.

"Government is very complex and it's almost impossible to become an expert in all facets of government. Keeping informed about committee bills and keeping abreast of generally every floor bill is the key to being a good legislator. My schedule also is a headache sometimes. It seems like it's never set in stone and I'm always revising it to meet both legislative and practice demands."

Wimmer says he enjoys a very close relationship to the Republican leadership and tries to keep a good rapport on both sides of the aisle. He feels like he is able to express himself and his ideas to the leadership and as a result he feels he has a good insight into the thoughts of leadership in the legislative process. He is discouraged, however, with the process by which some legislation is enacted.

"There's a system of developing a budget in a closed caucus that tends to have legislation passed that isn't good for the state. The process is flawed. Take comparable worth, for example. If the majority of the legislature had voted on their own volition, it would have been voted down. But the majority party goes into closed caucus and the unit rule prevails. If 27 of the 52 members of the majority party vote in favor, the item goes into the budget. The state Supreme Court has upheld this form of budget process and it's very discouraging when you're in the minority party."

He feels that many ideas the Republicans come up with weren't enacted simply because they are the minority party.

Nonetheless, Wimmer says that they must keep moving forward.

Wimmer sits on both the Judiciary and Ways and Means Committees. He feels his 25 years of legal experience was a big reason for his involvement on the Judiciary committee.

"This committee pertains to the court system and matters lawyers deal with daily. We've increased the number of courts in the state. To be a non-lawyer and deal with and understand the marital property reform would be difficult. But there I feel we could've kept the separate property arrangement and could've accomplished goals without revising a couple hundred years of common law."

Other bills he's worked on include bolstering penalties for drunken driving and changing the State's child support standard.

"I've tried to use my background in finance and law to make amendments to bills on a regular basis, particularly in committee. But I really don't try to make it a point to kill bills."

Projects he's working on right now on the Legislative Council Committee include liability insurance, making it more available and affordable, and studying tort reform.

Although he has no long term plans, he does have one definite goal.

"I'd love to see the Badgers win the Rose Bowl before I die. But for now I'll just accept as many challenges that present themselves and deal with them accordingly. As far as the legislature as a whole, I think we need people with a variety of backgrounds, particularly farmers and people with environmental and labor backgrounds. Variety is very important. I also think we need to change the legislative process and reduce state spending. But we must stress education at all levels in order to improve overall."

"It gives you an ability to deal with people in all walks of life. Trial work gives you self-assurance and self-confidence, speaking poise and a broad base of situation and reactions to them. It gives a basic understanding of many laws of the state. You have a perspective of looking at laws enacted that probably haven't been given thorough thought."

F. James Sensenbrenner, Jr. ('68)

9th Congressional District, Menomonee Falls, Wisconsin

As the only lawyer legislator to have served in both State houses and the United States House of Representatives, Republican Representative F. James Sensenbrenner, Jr. viewed his legal education as the best preparation for political office anyone could receive.

"After graduating and winning an Assembly seat [in 1968], my legal background became very useful—it was an economic necessity. My first years in the legislature were spent working two jobs, as a representative and as a part-time practitioner. Over the years this became quite helpful in seeing and solving problems. At that time the state legislature met less often and representatives were paid around \$8,900 per year, so having a private practice was a must."

He dealt with real estate and bankruptcy proceedings, among other things, in a small general practice firm in Cedarburg.

"What also was important at that time was the fact that I wasn't married and didn't worry about making time for family like I do today."

From the Assembly, Sensenbrenner moved to the State Senate, winning a 1975 special election. Then he served as Assistant Minority Leader in 1977. Soon, he would have to make some tough career decisions.

"My goal was to run for governor of Wisconsin. Senator Kasten [then a US Representative] ran for the Republican nomination and lost out to Gov. Dreyfus. I saw an opportunity to advance in the political sphere and that a chance to run for Congress shouldn't be passed up. It was the right place at the right time. In my opinion, timing is the single most important element for a politician. Had I lost the election or stayed on in the senate, I might have run for governor in 1982. But by then I may have become stale."

Since winning his Congressional seat in 1978, Sensenbrenner has been reelected to three consecutive terms and is working on a fourth.

"It's so different comparing the two campaign styles. In a state assembly or senate campaign, district canvassing is much simpler. When you run for Congress, you can't effectively make an impact going door to door. It's more group appearances and at least thirty to forty percent of the time is spent raising campaign funds."

He does, however, see many things in common between the two legislatures.

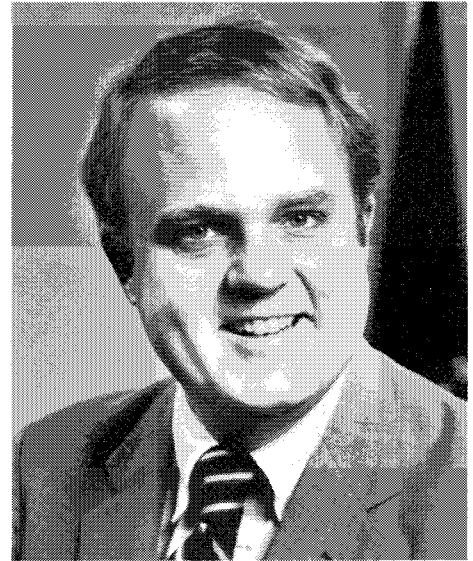
"I don't care if you talk a lot or work hard behind the scene, lawyers always attempt to get to the bottom of the issue. They see the argument on both sides. Obviously what you personally feel is important, but the analytical structure is the same. Law school teaches you well how to do this."

Sensenbrenner recalls many a nerve-racking day and night spent at the law school, but enjoyed his professors and his overall experience.

"The most influential part of law school today is the discipline you need. In school there was a commitment to a goal, graduation and bar acceptance, and you worked hard to achieve it. I like to think that the same discipline has stayed with me. I like to think of myself as a Congressman who does his homework."

Even before running for elective office, Sensenbrenner knew where he'd end up someday.

"Ever since high school, I was interested in politics. When I spent some interesting stints as an assistant to Jerris Leonard [former state senate majority leader from Milwaukee] I was fascinated with the process and knew what I wanted to do."



"The most influential part of law school today is the discipline you need. In school there was a commitment to a goal, graduation and bar acceptance, and you worked hard to achieve it. I like to think that the same discipline has stayed with me. I like to think of myself as a Congressman who does his homework."

The legislative process is something Sensenbrenner enjoys, especially since he's been in Washington, although being in the minority party, he often feels frustrated.

"Sitting on the Judiciary Committee, probably the most liberal committee in Congress, is frequently frustrating. It's never easy to stop legislation you think is poor. Take, for example, a recent bill that came out of our committee. The provision in question would've required colleges with students on Guaranteed Student Loans to put an abortion facility in the student health service. The bill was eventually made abortion neutral, letting the schools decide, but not without a lot of wheeling and dealing."

Even with the frustration, Sensenbrenner says his favorite piece of legislation came out of that committee.

"The extension of the Voting Rights Act in 1982 was very significant. We worked hard in compromise, including working with Congressman Kastenmeier with whom I often disagree on issues."

Sensenbrenner says that in order for the Judiciary Committee to function properly, it's members almost have to be lawyers.

"If a member here wasn't a lawyer I guarantee that he or she would be lost without that background. Both the Democratic and Republican leadership determine that a law degree is almost a prerequisite for that committee."

The same can't be said for the other committee on which he sits, Science and Technology.

"There are definitely no scientists on this committee. We determine funds for non-military, non-nuclear research. We operate a cost effectiveness formula to try to ensure that government monies are not duplicating something going on in the private sector. Lately we've reduced funds appropriated by 40 percent."

"He says that this reduction is mainly due to the private sector picking up projects like conservation, weatherization and clean coal technology.

"We took some advice from Sweden that government should get out of some of the business the private sector can handle."

Though the Science and Technology committee does not often make headline news, Sensenbrenner sees it as a good balance to the often covered Judiciary Committee. He's critical of the way the Judiciary committee has handled the Judge Claiborne impeachment proceedings.

"Both the House and Senate Judiciary Committee moved too slowly. Here he's getting \$215 a day plus retirement for jail time while foot dragging goes on here concerning his case. The trial did not go well and it wasn't limited to tax evasion. Any other misconduct brought out was irrelevant as far as the impeachment is concerned."

Sensenbrenner sits on the Immigration Subcommittee which is in the midst of passing a bill he calls "godawful." The bill deals with agricultural labor in the west and southwest and how it would allow workers to easily obtain green cards and then try to get their families into the United States.

"What we need are strong employer sanctions, not \$200 fines for violations. What is drastically needed is a beefed up border patrol. Recently, I was in a border patrol helicopter on evening patrol south of San Diego. You could see the 'coyo-

tes'—the guides that lead groups past the border and into the city where they disappear—sneaking people across the border. From five to ten that night at least 1,000 to 1,200 people moved across along the 15 mile stretch we covered."

Though he'd like more enforcement; he thinks it will take more than double the manpower and equipment; he doesn't see the military as the answer.

"The Army's not the police. They wouldn't be effective because it's not what they're trained to do. Additionally, military justice is different than civil justice. I wish they were more cooperative with helicopters and infrared goggles."

Sensenbrenner is working on reforming the legal immigration system by putting a cap on who can be let in. As of now, that determination is made on a preference system based on familiar relationship.

"In various parts of the world, there are great differences in what the definition of family is. Right now there are 80,000 fifth preference visas out with a backlog of 1.2 million. [A fifth preference visa includes brothers and sisters of someone already in the United States.] We have to learn when to say no."

Learning when to say no is also tough for Sensenbrenner when it comes to his constituents.

"Helping my constituents solve their problems with government is the most gratifying part of my job. Legal training is helpful because you know what questions to ask in a complex situation. Sometimes there's a problem because the person dealt with a terse or rude employee."

Finding enough time for his family is a big concern.

"Being away from my four- and two-year-olds is tough. I come back two weekends per month. My hours in this job are not very regular and the time commitment is much greater than when I was in state government. It's like law school though, you have to discipline your time and eventually everything works out."

"Helping my constituents solve their problems with government is the most gratifying part of my job. Legal training is helpful because you know what questions to ask in a complex situation. Sometimes there's a problem because the person dealt with a terse or rude employee."

Senator Susan Shannon Engeleiter ('81)

33rd Senate District, Menomonee Falls, Wisconsin

After obtaining her undergraduate degree in 1974 from UW-Madison, Republican Senator Susan Shannon Engeleiter was already serving in the state Assembly.

"I had served in the Assembly in 1974 and again in 1976 so for me law school was geared toward a legal career, not a political one."

Engeleiter, 35, says she didn't have the legislature in mind while in law school because she was too busy with more important things at the time.

"I worked full-time while in law school and I was going to school full-time. My goal was strictly a legal career. For me, there was really not much time for socializing."

But in 1980, she ran for an open state Senate seat in a special election and won, putting her back in the legislative arena.

"It was the timing of the whole thing. I also had an interest in serving my area and I just couldn't pass up the opportunity."

A former teacher, Engeleiter enjoys working with people. Perhaps that is one reason why her peers elected her Assistant Senate Minority Leader in 1983 and Minority Leader in 1985, the only woman to hold a major officer position in either chamber.

"I do have some goals as minority leader and it helps when you get along personally with the people you're working with. Helping colleagues as Republicans work effectively as a group is my main objective. Voting in a block, voting consistently and getting our ideas and input into the state budget are also very high priorities."

She does, however, find the going often tough.

"Being Republican floor leader in the Senate is very time consuming. It is often difficult to find enough time to fulfill my duties. But I've always felt confident in my ability and in the leadership as a whole. It's gratifying knowing that you're trying to do the best job you possibly can, then you know that you're not short-changing your constituents, colleagues or yourself."

Although her Assembly experience aided her transition to the state Senate, her legal education added much in her development as a legislator.

"Law school in particular helped in drafting legislation, making it more specific. The courses covered so many different topics and really helped provide a solid analytical background."

Engeleiter says that she enjoyed most professors she had.

"If I had to single out anyone it would be Professor Baldwin for both Con Law I and II. I also enjoyed Advanced Criminal Procedure with Jim Shallow and Steve Glynn from Milwaukee. The class that benefited me most personally was tax because I had no previous business background."

She also feels that her course variety helps her with her committee duties. Being minority leader also leads to bring on some of the more influential committees. Engeleiter serves on the Strategic Development Commission; the Legislative Council, where she sits on the Interstate Banking and Law Revision Committees; the Joint Committee on Employment Relations and Joint Committee on Legislative Organization; and the Senate Organization Committee.

"The Strategic Development Commission is important because we look at how we can strengthen our economy by means such as expanding our trade abroad and comparing Wisconsin to other states in terms of spending and tax policy."

She also enjoys her role on the Legislative Council because it has direct input on studying legislative proposals and presenting them to the legislature for action.

Engeleiter says she likes "being in on the action," whether initiating or criticizing proposals. Although she says she does have aspirations for higher office, she barely lost a Congressional race in 1978 in the Milwaukee area, she is unsure of her future.

"Right now, I just want to do the best job I could possibly do and worry about the future some other time."



Representative Steven C. Brist ('82)

67th Assembly District, Colfax, Wisconsin

Over the past decade, an increasing number of college graduates have delayed post-graduate education while gaining experience in the working world. Thirty-two year old Democratic Representative Steven C. Brist was elected to the state Assembly in 1976 and is one of two UW law graduates who didn't run for reelection in November.

"I've served in public office before I went to law school so I honestly don't think it's a prerequisite. But it has changed my emphasis on certain issues."

As a result, he became more aware of problems in areas such as securities issues and limited partnerships, both of which he says he wouldn't have emphasized if not for law school.

"Law school exposed me to so many different issues that I really didn't know that much about. It gave me a great background on policymaking and policy assumptions."

This exposure led to a change in the way certain stock offerings are handled in Wisconsin. For example, if a small entrepreneur wanted to seek investors in a project, he usually had to go through a full-blown state-implemented Security and Exchange Commission process. Brist says that these things can be very expensive. The modified process, according to Brist, allows for a simplified security registration when there are small stock offerings. The modified version allows entrepreneurs to keep small business and investors in the state.

"This is something I became very interested in while in law school and something I'm proud of. Now securities are a hot issue, before they weren't."

He enjoyed the policy emphasis professors supplied in law school.

"At this law school in particular, great attention is paid to why things were done in certain ways. That's often more important than just having the answer."

Although Brist feels that the whole law school experience and not one class was a big plus, he lists as being influential Professors Macauley, Palay and Whitford.

"I deliberately didn't take Legislation," he jokes, "because I only wanted to take classes I'd enjoy."

While the overall process affected him positively, Brist singles out Criminal and Commercial law as being helpful in the legislature.

"In criminal law, we looked carefully at issues like determinant sentencing, courts and how they operate, and areas where additional emphasis would help

the system altogether."

The experience has helped him in his work on the Judiciary Committee.

Perhaps his most challenging work is done as co-chairman of the Administrative Rules Committee, which has the statutory authority to suspend influential administrative rules.

"It's a very influential committee because we can actually make or change laws. Therefore in a sense we're quasi-legislative. We can order agencies to promulgate proposed or existing rules and we can conversely suspend them."

Brist feels that although his committee has a great deal of force of law, the government overall does the poorest job of supervising existing things and knowing what particular agencies are doing.

Other committees he serves on are the Agriculture; Elections; and the Educational Communications Board.

Though he gets a great deal of satisfaction from getting bills through the legislation, Brist feels his job wears him down.

"Trying to have a public and private life at the same time is difficult. People expect me to go to every local meeting. The commute is very difficult. These are basically the reasons why I'm not running again."

For now, Brist is content to serve out his term. Condominium time-share problems and a newly proposed lobby law are projects he's currently working on. The Administrative Rules Committee is also a year-long job.

Brist, who was a Young Democrat in high school and a legislative assistant to Congressman David Obey, says he's always been involved.

"I wouldn't rule out running for something again, I just don't know. Right now I'd like to get into private practice full-time. I've done everything that I've wanted to do here and it's time for me to move on."

He does, however, have strong feelings about the make-up of today's state legislature.

"There aren't so many attorneys in the legislature as there used to be and I think it's a good thing. There needs to be diversity of all types. I remember a Polk County farmer who was in the Assembly, Harvey L. Dueholm. [He was elected to the Assembly from 1959-77]. He used a great deal of common sense and he had a good conscience. Those are probably the two biggest assets a legislator could have. He was a good legislator and we could use more attitudes like his."

"At this law school in particular, great attention is paid to why things were done in certain ways. That's often more important than just having the answer."

Appointment of Independent Counsel

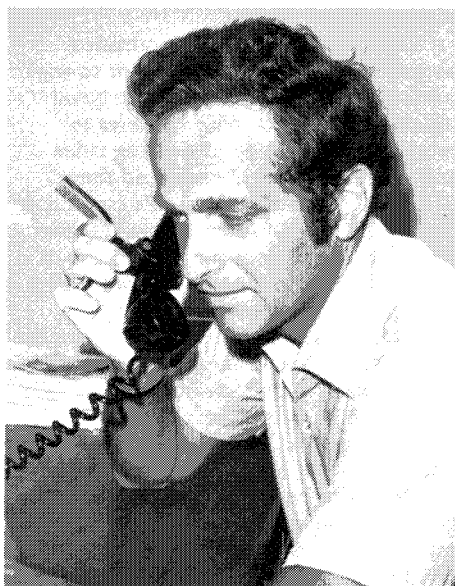
by Frank Tuerkheimer

Litigation presently pending in the District of Columbia concerning the appointment of independent counsel under the 1978 Ethics in Government Act in the cases of Michael Deaver and Oliver North reflects the uncertainty, even now, 200 years after the adoption of the Constitution, about the separation of Executive and Judicial power.

In the federal system, Executive Power is given to the President. Numerous cases, including U.S. Supreme Court cases, have stated that the prosecution of crime is an Executive function. This presents a problem, however, when the Executive must investigate and possibly prosecute high members of the Executive branch because the danger, either of a cover-up or a perceived cover-up, is real.

The problem is augmented by the historical practice of presidents of both parties to appoint as the chief law enforcement officer—the Attorney General—a person close to the president politically. For at least 50 years, presidents have appointed as Attorney General either their campaign manager or someone close to them in a partisan sense: FDR—Homer Cummings, Harry Truman—Howard McGrath, Dwight Eisenhower—Herbert Brownell, John Kennedy—Robert Kennedy, Richard Nixon—John Mitchell, Ronald Reagan—Edwin Meese. President Johnson remained with the Justice Department he inherited from President Kennedy; President Carter's appointment of Griffin Bell was somewhat off the beaten path as far as these appointments go. The practice of appointing highly visible political figures as Attorney General has resulted in the conceptually knotty problem of conducting investigations with potentially embarrassing political consequences where the head of the investigating entity is there precisely because he is a political person.

Historically, this knotty problem has been resolved on a pragmatic basis. Possible criminality by Harding's Attorney General in the 1920's was prosecuted by the independent U.S. Attorney for the Southern District of New York, Emory Buckner. The Teapot Dome scandal, another Harding administration scandal, was uncovered by legislative hearings. A congressional resolution calling for the



appointment of a special prosecutor was adopted and President Coolidge appointed a republican and democrat to act as special prosecutors. They then pursued the investigations to the end. Teapot Dome, however, involved criminality in the Harding administration but investigation and prosecution under the successor administration—that of President Coolidge. The Watergate scandal presented the problem in its purest form and also provided the historical basis for the 1978 Ethics in Government Act under which the Deaver and North cases are being investigated.

The investigation into the cover-up of the Watergate burglary involved high officials in the Nixon Justice Department including his former Attorney General and Campaign Manager, John Mitchell. The investigation took place during the end of the first Nixon term and the beginning of the second. Upon the resignation of Attorney General Kleindienst, the Attorney General designate—Elliott Richardson—promised the Senate Judiciary Committee that if confirmed he would appoint a special prosecutor to handle the Watergate investigation. He specifically promised that such a prose-

cutor would be independent, assuring the Senate he would be removed only for gross improprieties. It was in this setting that Archibald Cox was appointed. His term lasted for less than six months.

Archibald Cox was fired under circumstances hardly constituting grossly improper conduct. When Cox refused to compromise on the production of White House tapes and insisted on obtaining tape recordings which the courts said he was entitled to, President Nixon directed Richardson to fire Cox. Richardson refused and he was fired. His deputy then was asked to fire Cox and when he refused he too was fired. Finally, Solicitor General Bork fired Cox. The political firestorm which resulted compelled the President to appoint a new special prosecutor. Leon Jaworski was then appointed under even firmer guarantees of independence than Cox had. The Cox firing was subsequently held to be illegal, but that was months after the firing and the lesson of presidential control over a special prosecutor who was an employee of the Executive branch was not lost on congress. (Ironically, while all this was happening, Mitchell was also being prosecuted by the U.S. Attorney for the Southern District of New York on a non-Watergate matter. The U.S. Attorney was a Nixon appointee, Whitney North Seymour Jr., the independent counsel in the Deaver case.)

It was in this setting that Congress, in 1978, passed the Ethics in Government Act. It deals with the investigation and prosecution of persons at a high executive level or persons once holding such positions. The law requires the appointment by a panel of three Circuit Judges of an independent counsel upon a certification by the Attorney General, after a preliminary investigation, that further investigation was warranted or, if after a certain period of time after specific information of possible illegality had been received by the Attorney General, he was unable to state that the matter was so insubstantial as to not warrant further investigation. The constitutional basis for such a law is section 2 of Article II of the U.S. Constitution which, after spelling out presidential appointment powers, states that "the Congress may by law vest

the appointment of such inferior officers, as they think proper, in the president alone, in the courts of law, or in the heads of departments." The precise issue posed in the Deaver and North cases is whether the appointment by the courts of a prosecutor is constitutionally permitted under this section.

There have been a few cases which shed some light on the scope of this provision in the Constitution. In an 1879 case, the Supreme Court upheld a law which gave to the courts the power to appoint commissioners for federal elections [Ex parte Siebold]. In upholding the law, the Supreme Court noted that while it was usual and proper to vest the appointment of officers in the branch of government which fit the duties of such officers, "there is no absolute requirement to this effect in the Constitution." An earlier 1839 case involving the power of the courts to appoint and remove court clerks had suggested the need for such congruity [In re Hennen].

In 1967, a divided three-judge court in the District of Columbia upheld a law which gave to the courts for the District of Columbia the power to appoint members of the District Board of Education [Hobson v. Hansen]. The division in the court on the separation of powers question turned principally on whether the requirement of congruity was a constitutional requirement. The majority felt it was not.

Neither of these cases involved the appointment by the courts of a special prosecutor. The only instance of such an appointment in the federal system arose in connection with the prosecution of former Secretary of the Treasury John Connally. A plea agreement had been reached with a witness which contemplated his pleading guilty to a felony charge in the District of Columbia and the dismissal of multiple and unrelated felony charges in the Northern District of Texas. Once an indictment has been returned, however, the government needs permission of the court to dismiss the case and when the government asked for such permission in the Texas court, the court refused. The matter would have remained in a stand-off posture had the judge who refused to give permission to dismiss remained passive. He chose not to and, when he saw that the Justice Department was not pushing the Texas charges to trial, he appointed two special prosecutors to act in the place of the Justice Department. The legality of those appointments was challenged in the Court of Appeals for the Fifth Circuit but the court did not reach the question of the power of the court to make such appointments, finding that the judge should have granted the government's

motion to dismiss the charges in the first place.

An earlier case in the Fifth Circuit raised the same problem in a different way. When it was discovered that the testimony of two witnesses in a voter registration suit was inaccurate, the district court judge impaneled a grand jury to determine whether the two witnesses had committed perjury. The grand jurors thought they had and voted to charge them with perjury. Under federal rules, a valid indictment must be signed by both the foreperson of the grand jury and the United States Attorney. The district court judge then directed the United States Attorney to sign the indictment; the Attorney General told him not to. The

it for several reasons. First, the actual degree of judicial involvement in the prosecution process is simply as a vehicle to get the prosecutor appointed. There is, in fact, no actual judicial determination made about the appropriateness of bringing a charge or not doing so. Indeed, to date, in every case where the Act has been invoked, the independent counsel's decision was not to charge. Second, the Judiciary's involvement is totally void of any antagonism to the Executive. Thus, in fact, there is no collision of power as was present in the two Fifth Circuit cases.

Third, there is the pragmatic consideration. The provision of the 1978 law authorizing the judicial appointment of

"Government is very complex and it's almost impossible to become an expert in all facets of government. Keeping informed about committee bills and keeping abreast of generally every floor bill is the key to being a good legislator. My schedule also is a headache sometimes. It seems like it's never set in stone and I'm always revising it to meet both legislative and practice demands."

judge found the United States Attorney in contempt and the issue was taken to the Fifth Circuit. The court, noting the quintessentially Executive nature of the prosecution function, set aside the contempt order, resulting in no charges being brought.

The case of the two court-appointed special prosecutors is different from the current cases in two major respects: first, no statute was relied on in the Texas case; second, those special prosecutors were essentially in an antagonistic position to the Executive and represented a judicial determination that a criminal case should continue where the Executive had determined it should not. In Deaver's case there is no such antagonism. The Judiciary is invoked, under the Ethics in Government Act, not to make an independent judgment about whether prosecution is desirable, but to appoint someone to make that determination, where the Executive has already determined it may be.

While the congruity test relied on by the dissent in the case involving the judicial appointments to the Board of Education would suggest that Congress cannot authorize the judicial appointment of an independent counsel, the congruity test has itself never been formally adopted by the Supreme Court. The Deaver and North cases would be a bad time to adopt

an independent counsel is an effort to work free of what is otherwise an insoluble dilemma: how to preserve public respect and acceptance for prosecution decisions involving high level political figures where the colleagues and political peers of those figures must make the prosecution decisions. In the last analysis, the Executive cannot investigate itself and hope to retain public confidence in the fairness of the investigation, especially where the investigation results in no prosecution. Because public confidence in the fair application of the criminal law is desirable in any system of law, and because the actual intrusion of the Judiciary into the Executive function of prosecution is so minimal under the 1978 law, the Ethics in Government Act's solution to an otherwise intractable problem should be left in tact.

Fund Drive Report 1985

Once again we are able to report a most successful Annual Fund Drive. The number of contributors was not only a record, but showed an increase of almost 50% from the record established just last year. We were particularly encouraged since this fund drive was conducted as the Capital Campaign reached its own successful conclusion. You, our alumni, are indeed to be congratulated.

But we cannot rest on success. Changes in the tax laws make continued voluntary support difficult to predict. As a result, the Law School is already taking steps with the UW Foundation to streamline and make more efficient our annual fund drive procedures. This report reflects calendar 1985, and, even with the aid of our microcomputer, took far too long to compile. For the 1986 Annual Fund Drive, we asked that checks be made out to the Foundation for accounting. The result is that the report for 1986 is already available, and will be published soon.

Our cooperation, however, will go far beyond the mechanics of receiving and accounting for contributions. The expertise and networks developed during the Capital Campaign can now be brought to bear on annual giving. We look forward to even better results in the years to come.

Once again, our sincere thanks for helping our School.

Edward J. Reisner
Executive Director

Wisconsin Law Alumni Association

Gifts to the Law School Endowment

To Wisconsin Law Alumni Association	
	\$65,083
To UW Foundation	
(Law School Accounts)	<u>\$2,299,022</u>
Total	\$2,364,105

Gifts to the Law School Annual Fund

To Wisconsin Law Alumni Association	
Law Alumni Fund (unrestricted)	\$47,208
Law Alumni Fund (restricted)	\$31,912
Benchers Society	\$35,205
To UW Foundation	
Unrestricted	\$76,546
Restricted	<u>\$133,675</u>
Total Voluntary Contributions	
(Endowment and Annual Fund)	<u>\$2,688,651</u>

List of Contributors and Amount Contributed by Class to the Law Alumni Fund (WLAA and UW Foundation combined) 1 January to 31 December 1985

1923 (\$2,575.00) Christian Bonnin Frank Kuehl Ernest Pett	Donald McIntyre Richard Orton Leslie Smith Bernard Soref Vernon Swanson	William Nathenson Thomas O'Meara, Jr. David Previant Verne Slade Francis Werner Elmer Winter	Gerard Van Hoof Nathan Volk Ralph von Briesen John Whelan John Whitney
1924 (\$70.00) Maynard Berglund Elmer Kletzien Beatrice Lampert	1932 (\$3,045.00) Mary Eschweiler Frank Hamilton Charles Hanaway Adriana Hess Theophil Kammholz Robert Murphy Samuel Saffro Theodore Schirmeyer Vernon Thomson Ernst von Briesen Carrol Weigel	1936 (\$27,317.12) Anonymous Frank Bachhuber Arthur Benkert Richard Blake Elmer Doege Carl Gerold George Kowalczyk Martin Lore Rudolph Lowell Owen Nee Rudolph Regez Malcolm Riley Milton Sax Melville Williams	1939 (\$1,660.00) Max Bassewitz Robert Byrne Charles Drury Conrad Frantz Ann Grant Joseph Holman Richard Johnson George Joslin Gerald Lamboley Frederick Meythaler Frederick Reel Grant Richards Harvey Schellpfeffer Paul Schuette Eugene Toepel
1925 (\$1,700.00) Ralph Axley Lucius Chase Samuel Soref	1926 (\$250.00) Lester Clemons Myron Stevens Eugene Williams	1933 (\$9,149.78) Edward Berkanovic Tullius Brady David Connolly Meyer Frank Richard Harvey Warren Knowles George Laikin Floyd McBurney Lewis Probasco Frank Rentz Gordon Sinykin Arbie Thalacker Aaron Tilton John Tonjes	1940 (\$5,805.28) Philip Anderson Gordon Bubolz Patrick Cotter Richard Effland Andrew Fadness James Geisler Alexander Georges Ernest Hanson Rodney Kittelsen Thorpe Merriman Karl Peplau Paul Pullen Hugo Ranta Conrad Shearer Donald Soquet Joseph Sullivan Albert Twesme John Varda
1927 (\$5,500.00) Glen Bell Harold McCoy	1928 (\$1,160.00) Julius Goldstein W. Roy Kopp William Leissring R. Worth Vaughan	1934 (\$4,260.00) Ernest Agnew Francis Bemis Mac Arthur McKichan Roger Minahn Henry Schowalter Christian Steinmetz Norman Stoll Thomas Stone Richard Teschner	1937 (\$2,962.50) Walter Bjork Donald Bonk Jack Eisendrath Thomas Fairchild Stanley Fruits Bernard Hankin Connor Hansen Henry Kaiser Laurence Kirk John Kramer Irving Lore Otto Marquardt Charles Orth, Jr. Judson Rikkers Byron Villwock
1929 (\$587.50) Edgar Becker Melvin Bonn Joseph Forman Allan Polacheck Gustav Winter	1930 (\$955.00) Arthur Beermann John Best Benjamin Galin Alfred Goldberg Eugene Green Edwin Larkin Raymond Wearing	1935 (\$4,450.24) Anonymous Herbert Abraham Allan Adams William Churchill, Jr. John Conway George Evans Raymond Geraldson	1938 (\$2,917.39) Anonymous Victor Breitenfield Edward Brown John Byrnes Clark Byse Roger Cheever Arthur Cohen Seymour Gmeiner Herbert Johnson Robert McDonald Maurice Pasch Rudolph Schwartz Herbert Terwilliger
1931 (\$2,297.39) Norman Baker Carroll Callahan Edward Cook Irving Dawes Lloyd Lobel James Martineau William McGowan			1941 (\$4,835.00) Joseph Berry Melvin Charlier Roman Eller Robben Fleming Daniel Howard John Keane John Kenehan Edward Knight Carl Mortensen Stanley Newberry

John O'Connell	Roland Wendorff	Robert Cook	Roy Stewart	1954 (\$1,980.00)	Richard Robinson
Martin Peterman	Robert Zum Brunnen	Robert DiRenzo	Bruce Thomas	Lester Affeldt	Donald Rumpf
Charles Prieve		Donald Droegekamp	Robert Waldo	Alfred Bleckwenn	Thomas Schilling
Arthur Remley	1948 (\$18,569.89)	Richard Eager	Russell Weinkauff	William Fechner	Kinnie Smith, Jr.
Forest Rodd	George Affeldt	Charles Germer	Charles White	Sheldon Fink	Sam Soffa
William Sauer	Karl Anderson	William Glassner	Glen Wolff	Norman Fons	William Sonneburg
Rudolph Schnurrer	Joseph Barnett	Laurence Gooding, Jr.		Jack Grust	John Whaley
Willard Schwenn	Julian Berman	Stuart Gullickson	1952 (\$22,427.71)	Arthur Laun, Jr.	Fred Wiviott
Robert Uehling	John Bruemmer	Robert Ives	John Ames	Franklin Ornstein	
Edward Weinberg	William Callow	Ancel Jensen	David Beckwith	John Shannon	1957 (\$3,047.50)
Robert Wolfe	Philip Croak	Allan Jones	Kenneth Brost	James Sisolak	Kenneth Benson
	Harold Geyer	Gerald Kahn	David Collins	Loren Smith	Frank Bucaida
1942 (\$4,847.39)	Kenneth Hanson	John Kelley	Richard Cummins	Burton Strnad	Dean Cady
Ernest Bruns	Ed Harris	Robert Kelly	Thomas Dale	Arthur Sweitzer	George Chapman
Adrian Cassidy	Nathan Heffernan	Jerome Klos	Frank Feil	Elmer Ungemach	Walter Ching
Louis Croy	George Higbee	Stanley Lenchek	Henry Field, Jr.	Robert Vaneska	Stanley Cohen
Jack DeWitt	Dale Ihlenfeldt	David Lers	John Flanagan	David Wartman	James Davis
James Dillman	Helen LaRue	Mark Makhholm	William Giese		Ronald Domskey
Joseph Filachek	Trayton Lathrop	Marygold Melli	Steve Gremban	1955 (\$9,840.79)	James Fetek
Henry Gergen, Jr.	William Mantyh	Joseph Melli	Don Herrling	Robert Blazek	Justin Goldner
Marvin Klitsner	Frank Nikolay	William Moore	Neil Hobbs	F. Anthony Brewster	James Halls
John Lawton	John Potter	Egon Mueller	Bert Hutchison	Samuel Brugger	Joan Ledebur
Calvin Lewis	Norman Rosen	Forbes Olberg	Drexel Journey	Mary Eastwood	Earl Lillydahl
Jerome Meinert	Sterling Schwenn	Wallace Pearson	James Karch	Gordon Gregory	Patrick Lloyd
William Morrissey	Mordella Shearer	Reuben Peterson	Edward Levin	Laurence Hammond, Jr.	James Newell
Robert Parins	Charles Smith	Hulbert Pinkerton	Edward Levine	Barbara Heaney	Alexander Perlos
Donald Rahn	James Spohn	Donald Porter	Leonard Loeb	Donald Heaney	Thomas Pfeiler
Ralph Wyckoff	Warren Stolper	Zelotes Rice	Neal Madisen	Jack Jacobs	David Ruder
	Robert Voss	William Rosenbaum	Merwin Mellor	George Kapke	Rodney Satter
1943 (\$5,921.57)		Hugh Ross	Richard Murphy	Bernard Kubale	James Yanikowski
Helen Boetticher	1949 (\$6,505.63)	Wilbert Schauer	Arthur Nelson	John MacIver	
Catherine Cleary	Jacob Bernheim	Eileen Searls	Sherwin Peltin	James Mallatt	1958 (\$5,175.18)
Spencer Markham	Irvin Charne	Alvin Stack	Lyman Precourt	Jack McManus	Cornelius Andringa
	Glenn Coates	George Steil	Glenn Quale	Maurice Miller	Jack Aulik
1945 (\$5,203.16)	Edwin Dahlberg	Dale Thompson	Lawrence Quigley	Anton Motz	Forrest Brimmer
Roy Arndt	Daniel Flaherty	Michael Tillisch	Eugene Sawall	Francis Murphy	Walter Bruhn
John Holden	Robert Froehlke	Andrew Zafis	Clarence VandeZande	Harrison Nichols	John Callahan
Ruth LaFave	David Halverson		William Willis	James Peterman	Donald Craigmile
Lloyd LaFave	George Hardy	1951 (\$5,172.50)		Schuyler Polenz	Robert Evans
	Charles Herro	Jerome Bomier	1953 (\$5,797.50)	Merton Rotter	Herbert Gardner
1946 (\$435.00)	Dale Ihlenfeldt	Milton Bordow	Frank Andrus	Jack Shlimovitz	Robert Garske
Richard Bardwell	Edward Jacobs	Richard Cates	Theodore Baer	Jack Steinhilber	Eugene Jume
Albert Funk	Kenneth Johnston	William Chatterton	Frank Bixby	Robert Tehan, Jr.	Robert Kay
Eugene Hanson	William Kuhns	James Congdon	Jules Brown	Karl Tippet	Kenton Kilmer
Robert Howard	Robert Landry	William Crane	Francis Croak	Leroy Warren	Spencer Kimball
Jean Menaker	Paul LaRue	Herbert Dakin	Robert Curry		Irwin Kirk
Peter Pappas	Richard Long	Mary Lu Dooley	Leroy Dalton	1956 (\$5,912.50)	Alvin Kloet
Wendell Woods	John Loughlin	William Dye	David Davies	Hartman Axley	Thaddeus Kryshak
	Rolla McMahon	Leon Fieldman	Alfred Diotte	Thomas Barland	Jay Lieberman
1947 (\$11,565.47)	Paul Myerson	Harold Frederick	Victor Gerdes	Howard Blanding	Robert Lowerre
John Bosshard	Winn Newman	Daniel Frediana	Alexander Grant	Jerome Block	Kenneth McCormick, Jr.
James Brody	Carl Otjen	Eugene Gehl	Ralph Hohenfeldt	John Byers	Paul McKenzie
James Clark	John Palmer	Robert Gorchels	Pertti Lindfors	David Caskey	Peter Nelson
Arthur DeBardleben	George Papageorge	Gerald Granof	Richard McKenzie	Lawrence Clancy	Richard Olson
Henry Dillof	Vernon Pillote	Wallace Hahn, Jr.	Paul Meissner	Robert Dernbach	Frank Pelisek
Daniel Dykstra	Frank Remington	James Haight	Thomas Neuses	Robert Downing	Dennis Selby
Arthur Field	John Reynolds	Robert Hevey	William O'Neill	Wilson Greaton, Jr.	Daniel Shneidman
Thomas Fifield	John Seeger	Joseph Linarys	Eugene Parlin	Gilbert Harrick	George Stephan
Lyman Frazier	George Shampo	Robert Lutz	Walter Raushenbush	James Jones, Jr.	William Thomas
Louis Gage	Wendall Smith	Thomas McJoynt	George Russell	Jack Keyes	Sverre Tinglum
Harold Greiveldinger	Arthur Streich	Daniel Merriam	Allan Schneider	Thomas Kirby	James Vance
Joseph Ludden	Yoshito Tanaka	Alvin Meyer	William Seymour	Joseph Kucirek	James VanEgeren
John Menn	Donald Willink	Vic Meyer	Dale Sorden	David MacGregor	John Wickhem
Edward Miller	Leonard Zubrensky	Anthony Rood, Jr.	Richard Stafford	J. Paul Morrow	Thomas Williams
Norman Quale		Frank Ross, Jr.	David Uelmen	Lawrence Nash	Frank Woodworth
Allen Solie	1950 (\$9,304.99)	Theodore Schuster	Arnold Weiss	Arthur Olsen	Zigurds Zile
John Vergeront	Edmund Arpin	Robert Smith	Allan Wheeler	William Pagels	
Laurence Weinstein	Neil Conway	Harold Stern	Melvin Wiviott	Edwin Rabin	
			Russell Younglove		

1959 (\$4,301.50)	David Platt	Kristin Koepcke	John Burley	Ronald Spielman	Nicholas Brazeau
James Barry	Joel Rabin	Bradway Liddle, Jr.	Richard Clinton	Edward Stege, Jr.	Thomas Cannon
David Brodhead	Thomas Ragatz	Darrell Lynn	John Craig	Michael Stout	James Clark
Daniel Costello	Duane Schumacher	Melvin McCartney	John Thomas	John Thomas	Gerald Conen
Donald Coulter	Jeremy Shea	John Michler	Cosmo Giovinazzi	Ronald Todd	Walter Dickey
Thomas Drought	Ernest Skroch	Howard Myers	Aaron Goodstein	Thomas Tongue	David Diercks
Charles DuVall	Brice Sullivan	Matthew Quinn	Joel Haber	Peter Van Every	Howard Eisenberg
Jerome Elliott	James Webster	David Saichek	William Haring		James Frank
John Haydon	Clyde Wynia	Mary Ann Schacht	Thomas Herlache	1969 (\$6,777.40)	William Gehl
Richard Hollern	Thomas Zilavy	Thomas Sobota	Charles Hoonstra	Robert Bauman	James Gerlach
Kent Houck			James Hough	Robert Bidlingmaier	Richard Grant
Charles Huber	1962 (\$5,680.00)	1965 (\$5,412.39)	Thomas Hutchison	Eugene Brookhouse	Charles Hausmann
Thomas Jones	Shirley Abrahamson	Gerald Conklin	Thomas Janssen	Herbert Brown	Dennis Hollman
Wayne LaFave	Thomas Anderson	William Dale	Robert Johns, Jr.	James Connors	John Jerry
Carl Meissner	Joseph Bernstein	Robert Dowling	Richard Kelly	James Dannenberg	Robert Kinney
Earl Munson	Ken Conger	Charles Dykman	Donald Koprowski	Gerald Davis	Terrence Knudsen
James Murphy	Barbara Crabb	Thomas Fahl	Alvin Kriger	Kenneth Dean	Jayne Kuehn
C. Duane Patterson	James Cummings	Clarice Feldman	Keith McClintock	Robert Dewey, Jr.	Ronald Kuehn
Dean Pies	William Dolson	William Frazier	William Mett	James Durocher	Marvin Levy
Loren Sullivan	Leonard Dubin	David Hase	William Mundt	Heiner Giese	Janet Lindgren
Paul Van Valkenburg	Robert Friebert	Otto Hauser	Timothy Nelson	Conrad Goodkind	Charles Magyera
Richard Weisman	Guy Glover	Keith Johnston	Thomas O'Brien	Richard Graylow	Robert Meyerhoff
	Eugene Johnson	Patrick Juneau	Gerald Oppenorth	Paul Grimstad	Robert Miller
1960 (\$7,277.50)	Allan Joseph	John Kellogg	Douglas Reich	Paul Hahn	Richard Preston
William Alverson	William Knoeller	George Kotsonis	James Roethe	Larry Jost	Mary Reynolds
Darryl Boyer	Arthur Kordus	John Larson	Terry Rose	Juris Kins	Bruce Rosen
Arlen Christenson	Earle Lambert	Daniel Milligan	Tomas Russell	Sherwood Malamud	Carl Ross
Griffin Dorschel	Charles Lund	Don Peterson	Michael St. Peter	George McCord	Howard Schoenfeld
Edmund Drager	Mac Arthur McKichan, Jr.	James Pfeil	James Schueppert	William Mohrman	William Schulz
Thomas Ehrmann	John Meyer	William Platt	Stephen Sewell	Hanford O'Hara	Gregory Smith
Aubrey Fowler	Paul Nakian	Duane Polivka	Richard Solomon	James Pflasterer	Joel Steiner
Gerald Goldberg	Ross Netherton	Orlan Prestegard	Robert Stephan	Richard Podell	John Teetaert
William Hoefs	David Schacht	Edward Pronley	Herman Torosian	Jeffrey Roethe	Michael Vowinkel
Walter Johnson	Edward Setzler, Jr.	Stephen Sweet	Barry Wildstein	Paul Root	Richard Weiss
Gerald Konz	Samuel Swansen	Barry Wallack	Robert Wright	John Schmid	Thomas Wildman
William Korbel	Donald Taitelman	Gordon Ware		Michael Schmitz	Peter Williams
Robert Lee	Michael Vaughan	George Whyte	1968 (\$5,604.90)	John Skilton	Jon Wilson
John Lucht		John Zwakman	Jonathan Charney	Anthony Theodore	
James McDonald	1963 (\$4,314.15)		Stephen Chernof	William Whitten	1972 (\$5,869.89)
John Merriman	Thomas Baldikoski	1966 (\$6,189.17)	Keith Christiansen	Donald Zillman	Steven Allen
James Morgan	Lawrence Church	Bradley Armstrong	Paul Eggert		Denis Bartell
Raymond Porter	Peter Davis	Thomas Bauch	Bruce Ehlke	1970 (\$2,770.00)	Michael Bills
John Race	John Foley	Hugh Bell	Gordon Eisendrath	Robert Browne	Dennis Coffey
Samuel Recht	Timothy Frautschi	John Bubolz	Ira Epstein	Douglas Cooper	Claude Covelli
Edward Ross	James Huber	Timothy Condon	John Forester	Ronald Dean	Paul Croake
Leo Schlaefter	Edward Kelly	Kay Consolver	Malcolm Gissen	William Dusso	Richard Ehlke
Stuart Taussig	James Kolka	James DeShur	Robert Haase	Rebecca Erhardt	James Feddersen
	Angus McIntyre	Peter Fetzer	David Hanson	Charles Fassler	George Garvey
1961 (\$151,716.64)	Peter Pelkofer	Richard Glesner	Martin Hanson	Andrew Giffin	Dale Gerdes
John Bly	Costa Perchem	Ronald Jacobs	Donald Hoffman	Stephen Glynn	Donald Goldsworthy
Edward Callan	Robert Ross	David Kinnamon	Richard Howard	Richard Hamnerstrom	Paul Grossman
Gilbert Church	Donald Stone	John Luedtke	Jerome Jeffers	Philip Johnson	Theodore Hertel
William Coffey	Peter Switzer	Robert Moberly	John Jones	David Jolivet	Jay Himes
James Drill	John Votruba	Francis Papenfuss	Julilly Kohler	William Keppel	Thomas Hornig
Ole Gulbrandsen	John Waggoner	James Pease	John Kramer, Jr.	Arthur Kroos	John Knight
Robert Habush	Robert Wege	Benjamin Porter	Robert Levine	Bruce Lehman	Raymond Krueger
Donald Hanaway	David Wexler	Michael Price	David Lucci	Gary Miller	Kenneth Lamb
Stratton Heath, Jr.		John Roethe	John Mahoney	Richard Pas	David Lillesand
John Hoaglund	1964 (\$1,812.50)	Joseph Skupniewitz	Jerry McCormack	Perry Pierre	Alton Linn
Warren Kreunen	Richard Baumann	Gerrit Van Wagenen	John McCormack	John Rowe	James Lorimer
David Leichtfuss	Gerald Bloch	Fred Wileman	Colin Pietz	John Short	Paul McElwee
Leon Lindenbaum	Irwin Feldman	Michael Zaleski	Peter Powers	John Stiska	John McLean
James Mack	Michael Fisher		Daniel Rinzel	William Wagner	Jon Minsloff
Richard Merkel	James Fretty	1967 (\$7,122.50)	Jacques Rose	Paul Wallig	Peter Naze
Allan Muchin	Jerry Friedland	Stanley Adelman	George Roth	Roger Wirth	Jack Owen
Alphonsus Murphy	Terry Gillette	Wayne Babler, Jr.	James Ruhly		Robert Pasch
Richard Neuheisel	Daniel Hildebrand	Stephen Bell	Lawrence Silver	1971 (\$7,394.78)	Alan Post
Jerold Perlstein	Irving Kahn	Alan Bialeck	Jerry Slater	Janice Baldwin	John Preston
				Thomas Bell	

Richard Primuth	Ralf Boer	George Kamperschroei	David Cohn	H. Dale Peterson	1980 (\$1,925.00)
Michael Radick	Roderick Cameron	Dennis Mleziva	Thomas Crone	Shelley Safer	Paul Becker
Edward Reisner	James Daly	Robert Mohr	Christopher Damon	Roger Sage	Catherine Berndt
Reza Rezazadeh	John DiMotto	James Nebel	Geoffrey Dowse	Jeffrey Sapiro	Paul Bley
James Soman	Thomas Donohoe	Richard Nordeng	Lisa Dubois	Sarah Schmidt	Melissa Cherney
Douglas Soutar	Scott Fleming	Manuel Padway	William Fahey	James Schneider	Adrian Cohen
Robert Stanchik	Michael Gehl	Dennis Rader	Grady Frenchick	Jacob Schwei	Robert Du Mez
Frances Ulmer	Penny Gillen	Donald Rittel	Jorge Fuentes	Diane Sherman	Stewart Eiten
Ronald Wawrzyn	Peter Goldberg	Peter St. Peter	Andrew Gonring	John Sheski	Douglass Farnsley
	James Gottfredsen	Patrick Schmidt	Charles Graupner	David Siegel	William Finney
1973 (\$5,499.89)	Robert Hankel	Donna Schober	Teresa Hennessy	Lisa Sivanich	Gerald Friederichs
Gordon Bakken	Leon Heller	Stephen Seifert	David Hertel	Ronald Smith	Sheila Fuentes
Georgeann Becker	Paul Hewitt	Howard Tolkan	Walter Hodynsky	William Soderstrom	Peter Garrett
Mark Bonady	Thomas Hochstatter	Charles Turner	Jaroslaw Johnson	Mark Sostarich	John Herson
Patrick Brenneman	Kent Larsen	Ronald Venci	Harold Jordan	Karen Strombom	Cynthia Hustad
Stephen Brown	Helge Lee	Jean Willis	Mary Jordan	Patricia Thimmig	Patrick Hyde
Dennis Buratti	Margaret Levin	Patrick Willis	Patricia King	Paul Tillemann	Gary Karch
Bruce Cameron	Gordon Miller	Jeffrey Wrolstad	Randall Lueders	Leonard Wang	Gail Karlsson
James Coonan	Thomas Morrissey		Susan Manning	Gerald Warzyn	David Lange
Ned Czajkowski	Karen Nagel	1976 (\$2,207.50)	Derek McDermott	Mark Wendorff	Sarah Noll
Nancy Eggert	John Nelson	Barbara Arnold	Douglas Messmann	Howard Wicker	Clark Paulson
Daniel Goelzer	Michael Presti	W. Dan Bell	Timothy Muldowney	Charles Williams	John Priebe
Daniel Golden	Joseph Quinn	Robert Bender	David Nelson	Russell Wilson	David Rasmussen
Richard Grossman	Mary Reddin	Michael Cain	Dolores Nesnow	Gregory Wright	Peter Rogers
Mari Gursky	Alice Reuman	Diane Diel	Ina Pogainis	Paul Yee	Patricia Roggensack
James Haferman	Steven Schweppe	Thomas Druck	John Raftery	Steven Ziven	Wendy Schlueter
Charles Hanson	Ralph Sharpe	Roger Einerson	Timothy Reich		Victoria Schroeder
Thomas Hefty	Michael Sher	Sandra Esrael	David Richie	1979 (\$2,227.00)	Joyce Seiser
Stephen Holden	William Sippel	Kristine Euclide	Jeannette Schwerbel	David Affeldt	Catherine Shaw
Stephen Knowles	Mark Smith	Steven Franz	Paulette Siebers	Brian Arndorfer	Margaret Silver
Richard Laumann	Mitchell Spector	James Greer	Ron Talsky	Pamela Barker	Diane Slomowitz
Joseph Liegl	Robert Stroud	Edward Hannan	Jane Tewksbury	Michael Berndt	Daniel Strouse
Bruce Loring	LeRoy Thilly	Jane Hazen	James Tolkan	Marcia Busching	Ralph Topinka
David Marquez	Leander Valent	Michael Julka	Richard Wachowski	Charlotte Doherty	John Wagner
Michael McGovern	Mart Vogel	John Kaiser	Nancy Wheeler	Nancy Gagnon	
Edward Moersfelder	William Walderman	Walter Kuhlmann	Andrew Wilson	Neil Gebhart	1981 (\$1,520.00)
Karel Moersfelder	Peter Weil	Thomas Levi	Nolan Zadra	Bonnie Gorichan	Stephen Armstrong
Ned Nashban	Rodney Zemke	Fred Mattlin	Kathy ZumBrunnen	Kathleen Grant	Randall Aronson
Fred Nathan		John McCormick		Susan Greenberger	Peggy Banczak
Ronald Petak	1975 (\$4,552.39)	Keith McGlamery		Lila Hambleton	Nicholas Bertschy
Stephen Pieroni	William Abbott	James Mohr	1978 (\$5,002.50)	Barbara Hermanson	Martha Castillo
Howard Pollack	Michael Auen	Steven Morley	Gary Antoniewicz	Donald Hermanson	George Cherniak
Mark Rapaport	Andrew Barnes	Michael Nametz	Katrina Boedecker	Richard Johnson	John Dickens
Jon Reddin	John Beard	Nathan Niemuth	Kay Bondehagen	Christina Langer	Paul Edwards
Michael Remington	Robert Binder	Dennis Osimitz	Jeffrey Brown	Edward Langer	Judith Elkin
Christopher Risetto	Richard Bliss	Lee Peckarsky	Christopher Bugg	Margaret Lund	Matthew Frank
Lon Roberts	Charles Bohl	Mark Pernitz	John Conway	Michael Lund	Terry Frazier
Richard Sals	Mary Brauer	Jay Schmidt	Thomas DeVine	Michael May	David Gass
James Schwefel	Howard Broadman	Thomas Solheim	Marianne Durkin	Lincoln Murphy	Robert Gegios
Jeffrey Squires	Robert Cattanaach	Mark Stevens	William Foust	Randall Nash	Thomas Godar
Charles Swanson	David Easton	Frank Terschan	Margaret Garms	James Naugler	Jeanette Goss
Stan Tarkow	Stephen Edelstein	Phillip Todryk	Robert Goldsmith	Eugen Pacher	Peter Grimm
Thomas Terrizzi	Richard Fortune	Richard Voss	Lorna Granger	Donna Paul	Vernon Grizzard
Paul Turley	Jay Franke	Carol White	Ronald Hammer	Marcia Penner	Robert Henkle, Jr.
Charles Vogel	Peter Gaines	Gordon Williams	Jerard Jensen	Gerardo Perez	Thomas Kammerait
Dennis Ward	Jean Gilpin	Dean Zemel	Coleen Kennedy	Thomas Popovich	Thomas Kasen
John Webster	Steve Glick		Lorna Kniaz	Thomas Roznowski	Michael Kelly
Susan Wiesner-Hawley	Thomas Grant	1977 (\$127,831.00)	Charles Koehler	John Runde	Thomas Klancnik
Robert Wilson	Arnold Greenhill	Anonymous	William Komisar	William Sawyer	James Klein
Wayne Wilson	James Haberstroh	Eric Anderson	James Kriva	David Schultz	Michael Kneeland
James Youngerman	William Halsey	Lawrence Bechler	Mark Kutschenreuter	Gerald Slater	Thomas MacDonald
	Laurence Hansen	Mark Bradley	Kenneth Loertscher	Kay Small	Jeffrey Marquardt
1974 (4,697.28)	Arthur Harrington	Mark Bromley	Theodore Lyons	Donna Tamanaha	Pierre Murphy
John Andraski	Thomas Hoffner	Christy Brooks	John Machulak	Tonya Walcher	Judith Neese
Robert Arnot	Barbara Husseini	Robert Buesing	Susan Machulak	Mary Wendorff	Debra Patterson
Edward Beierle	Tom Jacobson	Gintaras Cepenas	Edmund Manydeeds	Pearl Zager	Marie Ransley
Charles Blumenfeld	Scott Jennings	Peter Christianson	Thomas Miller	Nicholas Zeppos	Mary Schulz
Linda Bochert	Terry Johnson	Marilee Clarke	Frederick Mohr		John Selsing

Jack Siegel	Carol Lorenz	Elizabeth Gracie	1984 (\$1,657.50)	Brian Maloney	Mark Frank
Donald Slavik	Durga Mallampalli	Francine Hayward	Ellen Abbott	Jose Marrero	Leo Grill
Richard Smith	Renee Martin	Mark Herro	Jonathan Aked	Timothy McDonald	David Haxton
James Snyder	Elizabeth Pavlick	Christa Hildebrand	Bryan Albue	Bruce McInay	Betty Hertel
Joan Stearns	John Peterson	Sherry Howman	Pamela Andrews	Steven Mertz	Penelope Hillemann
Kathleen Stilling	Michael Quinn	James Jansen	Corey Ayling	Judith Mills	Amy Kurland
Gerald Swarsensky	Steven Robinson	Beverly Johansen	Peter Brightbill	Sheila Nettels	Fredrick Lautz
William Tehan	William Sachse	Deborah Landis	Keith Butler	Anne Noyes	John Manydeeds
Kevin White	John Schmittiel	Kristi Leswing	Barbara Cohen	Sean O'Lochlayne	Carolyn O'Connor
Paul Wysocki	Lisa Stark	Robert Loomis	Matthew Damon	Lisa Peterson	Rick Packard
	Christian Steinmetz	Phillip Neuman	Lisa Drill	Patrice Ryan	Elizabeth Pfeiler
1982 (\$1,150.09)	Walter Stewart	Joyce Oliner	Sandra Engbretson	Robert Seder	Stephen Postema
Anonymous	William Toman	Brian Pierson	Robert Fricker	Edward Sieger	John Richie
Karen Aronson	David Wise	Douglas Putnam	Thomas Garrison	David Snow	Jamie Savaiano
Ronald Arthur		Michael Riegert	Timothy Geraghty	Steven Suleski	Steven Schneider
Ann Barr	1983 (\$1,311.85)	John Ryberg	Caren Goldberg	Mark Swanson	Elizabeth Seager
Eric Christiansen	Teresa Ayling	John Sagan	John Goodnow	Kimberly Vele	Katherine Seaton-Bach
Francis Deisinger	Bonnie Block	Jill Schilling	Otto Grunow	Michael Vinopal	Charles Semmelhack
Margaret Derus	Julie Brown	Sylvan Sobel	Gregory Jansen	Jeffrey Wehner	H. Martin Shandles
Barbara Frey	Michael Bula	Robert Thomas	Georgia Kaftan	Helen Weidner	Thomas Turner
Sandra Gegios	Junaid Chida	Thomas Williams	Amanda Kaiser		
Roy Ginsburg	Charles Ex	Rebecca Young	Lee Karlin	1985 (\$707.00)	
Robert Kupfer	Norval Galloway	Steven Zach	Debra Katz	Greg Anderson	
Paul Langer	Charles Geyh	Jane Zimmerman	Mark Keppler	James Barry, Jr.	
Paul Lenz	Daniel Goldberg		Gerald Krause	Danni Caldwell	

Total number of contributors: 1,465
Total amount contributed: \$592,143.30

Endowment Fund Established in Honor of John S. Best

Mrs. Ethel Davis Herzfeld of Boca Raton, Florida has contributed \$50,000 to the UW Foundation to establish an endowment fund at the Law School in honor of her long-time friend and attorney, John S. Best ('30). For over thirty years Mr. Best served as counsel to Mrs. Herzfeld and her late husband Richard Herzfeld, a prominent Milwaukee businessman and civic leader. In gratitude for those years of exceptional service, Mrs. Herzfeld established the endowment to promote the sort of legal professionalism, integrity

and service exemplified by Mr. Best. Earnings from the endowment will be used to support faculty research, with emphasis on topics of interest and assistance to practicing attorneys.

Elected to the Order of Coif at graduation, John Best became counsel for the Wisconsin Tax Commission soon after graduation. He left that position in 1938 to begin the practice of law and became a partner in Michael, Best & Friedrich in 1943, where he remained for over forty years. A recognized authority in the area

of tax law, Mr. Best is a past member of the Board of Governors of the Wisconsin Bar Association, and was the first chairman of its Taxation Section. He also served as a director of the Wisconsin Society of Certified Public Accountants, and a director of many business corporations.

The Law School is extremely grateful to Mrs. Herzfeld for her generosity in establishing this endowment, and to John Best for serving as its inspiration.

Jack Siegel	Carol Lorenz	Elizabeth Gracie	1984 (\$1,657.50)	Brian Maloney	Mark Frank
Donald Slavik	Durga Mallampalli	Francine Hayward	Ellen Abbott	Jose Marrero	Leo Grill
Richard Smith	Renee Martin	Mark Herro	Jonathan Aked	Timothy McDonald	David Haxton
James Snyder	Elizabeth Pavlick	Christa Hildebrand	Bryan Albue	Bruce McInay	Betty Hertel
Joan Stearns	John Peterson	Sherry Howman	Pamela Andrews	Steven Mertz	Penelope Hillemann
Kathleen Stilling	Michael Quinn	James Jansen	Corey Ayling	Judith Mills	Amy Kurland
Gerald Swarsensky	Steven Robinson	Beverly Johansen	Peter Brightbill	Sheila Nettels	Fredrick Lautz
William Tehan	William Sachse	Deborah Landis	Keith Butler	Anne Noyes	John Manydeeds
Kevin White	John Schmittiel	Kristi Leswing	Barbara Cohen	Sean O'Lochlayne	Carolyn O'Connor
Paul Wysocki	Lisa Stark	Robert Loomis	Matthew Damon	Lisa Peterson	Rick Packard
	Christian Steinmetz	Phillip Neuman	Lisa Drill	Patrice Ryan	Elizabeth Pfeiler
1982 (\$1,150.09)	Walter Stewart	Joyce Oliner	Sandra Engbretson	Robert Seder	Stephen Postema
Anonymous	William Toman	Brian Pierson	Robert Fricker	Edward Sieger	John Richie
Karen Aronson	David Wise	Douglas Putnam	Thomas Garrison	David Snow	Jamie Savaiano
Ronald Arthur		Michael Riebert	Timothy Geraghty	Steven Suleski	Steven Schneider
Ann Barr	1983 (\$1,311.85)	John Ryberg	Caren Goldberg	Mark Swanson	Elizabeth Seager
Eric Christiansen	Teresa Ayling	John Sagan	John Goodnow	Kimberly Vele	Katherine Seaton-Bach
Francis Deisinger	Bonnie Block	Jill Schilling	Otto Grunow	Michael Vinopal	Charles Semmelhack
Margaret Derus	Julie Brown	Sylvan Sobel	Gregory Jansen	Jeffrey Wehner	H. Martin Shandles
Barbara Frey	Michael Bula	Robert Thomas	Georgia Kaftan	Helen Weidner	Thomas Turner
Sandra Gegios	Junaid Chida	Thomas Williams	Amanda Kaiser		
Roy Ginsburg	Charles Ex	Rebecca Young	Lee Karlin	1985 (\$707.00)	
Robert Kupfer	Norval Galloway	Steven Zach	Debra Katz	Greg Anderson	
Paul Langer	Charles Geyh	Jane Zimmerman	Mark Keppler	James Barry, Jr.	
Paul Lenz	Daniel Goldberg		Gerald Krause	Danni Caldwell	

Total number of contributors: 1,465
Total amount contributed: \$592,143.30

Endowment Fund Established in Honor of John S. Best

Mrs. Ethel Davis Herzfeld of Boca Raton, Florida has contributed \$50,000 to the UW Foundation to establish an endowment fund at the Law School in honor of her long-time friend and attorney, John S. Best ('30). For over thirty years Mr. Best served as counsel to Mrs. Herzfeld and her late husband Richard Herzfeld, a prominent Milwaukee businessman and civic leader. In gratitude for those years of exceptional service, Mrs. Herzfeld established the endowment to promote the sort of legal professionalism, integrity

and service exemplified by Mr. Best. Earnings from the endowment will be used to support faculty research, with emphasis on topics of interest and assistance to practicing attorneys.

Elected to the Order of Coif at graduation, John Best became counsel for the Wisconsin Tax Commission soon after graduation. He left that position in 1938 to begin the practice of law and became a partner in Michael, Best & Friedrich in 1943, where he remained for over forty years. A recognized authority in the area

of tax law, Mr. Best is a past member of the Board of Governors of the Wisconsin Bar Association, and was the first chairman of its Taxation Section. He also served as a director of the Wisconsin Society of Certified Public Accountants, and a director of many business corporations.

The Law School is extremely grateful to Mrs. Herzfeld for her generosity in establishing this endowment, and to John Best for serving as its inspiration.

Alumni Notes

Gordon M. Bakken ('73) has been appointed to the Advisory Board of the California State Bar Committee on the History of Law in California. He is Professor of History at California State University, Fullerton, and author of several volumes on the history of law in the western states.

James E. Bartzen ('80) has become a partner in the Madison, Wisconsin firm of Boardman, Suhr, Curry & Field.

Richard Ehlke ('72) has been named Chief of the American Law Division of the Congressional Research Service, Library of Congress. The Law Division provides legal research and support to Members and Committees of Congress.

Robert F. Froehke ('49) has been named President and Chief Executive Officer of the IDS Mutual Fund Group based in Minneapolis. Mr. Froehke served as Secretary of the Army, President of Sentry Insurance and Chairman

of Equitable Life Assurance Society.

Ralph J. Geffen ('51) has been named Presiding Magistrate for the US District Court for the Central District of California in Los Angeles.

Leonard L. Loeb ('52) and **Richard J. Podell** ('69) have become charter members of the American Chapter of the International Academy of Matrimonial Lawyers. The Academy was founded in 1986 to facilitate dialogue between matrimonial lawyers from different countries. Membership is offered only to lawyers with recognized expertise and cases in the international arena.

Valerie S. Mannis ('74) has been named a Business Development Representative by First Wisconsin Bank in Madison. She will market trust services including estate and financial planning.

Barbara A. Markham ('77) has been promoted to Chief Counsel of the Arizona Department of Water Resources.

David K. Nelson ('77), Assistant General Counsel for The Northwestern Mutual Life Insurance Company,

addressed the 1987 Conference of Insurance Legislators in February on the impact of AIDS on insurers and society. He also spoke to the Legal Section of the American Council of Life Insurance on this subject last November.

William E. Martin ('72) was voted teacher of the Year for 1985-86 by the students of Hamline University Law School.

Louis H. Pepper ('51), Chairman of Washington Mutual Savings Bank in Seattle, Washington, was recently named to the Board of Regents of Washington State University.

Ralph Swoboda ('72) has been named President and Chief Executive Office of CUNA (Credit Union National Association) of Madison, Wisconsin. CUNA is the trade association for 17,000 credit unions, and has an operating budget of \$65 million.

Gordon E. Williams ('76) recently became a member of the State Bar of New York.

Faculty Briefs

Gordon Baldwin, who presented the featured address to the Benchers Society in May, has also recently completed two law review articles. The Wisconsin Law Review will be publishing "Pornography: The Supreme Court Rejects a Call for New Restrictions," while the Marquette Law Review published "Celebrating the Constitution: The Virtues of its Vices and Vice Versa" in December 1986. He is also serving as a member of Wisconsin's Bicentennial Committee on the Constitution. But perhaps his most important service to the Law School is his membership on the UW Parking Committee!

Peter Carstensen has continued his interest in beer—a professional interest that is. In 1986 he published "Vertical Restraints in Beer Distribution: A Study of the Business and Legal Justification for Restricting Competition" in the Wisconsin Law Review. He has just completed a monograph entitled "Busting the Beer Barons: A History of Antitrust Enforcement in the Beer Industry, 1954-1984." While completing these publications, and many others as well, Prof. Carstensen

has also chaired the Law School's Research Committee.

Arlen Christenson is serving on the Citizens Advisory Committee to the State Public Intervenor, the Legislative Council Special Committee on Lobby Law Revision and the Department of Industry Labor and Human Relations Advisory Committee on Rental Housing Weatherization.

William Clune has published a chapter in the book, "School Days, Rule Days, The Legalization and Regulation of Education." His chapter is entitled, "The Deregulation Critique of the Federal Role in Education." Prof. Clune was on research leave last semester, supported by grants from The Center for Policy Research in Education and the National Center for Effective Secondary Schools.

Kenneth Davis returned from a one-year leave at UCLA Law School to continue his work on revisions to Wisconsin's Corporation Statutes. In conjunction with that work, he is also researching the status of shareholders in corporate acquisitions and working on an article on limiting directors' and officers' liability for negligence.

Martha Fineman, who has been teaching at the University of Miami Law

School this year, has completed "Uses of Social Science Data in Legal Policy Making," which will appear in the Wisconsin Law Review, and "Illusive Equality," a book review that appears in the ABF Research Journal.

James E. Jones, Jr. published "The Genesis and Present Status of Affirmative Action in Employment: Etc.," in a recent Iowa University Law Review and is to be reprinted in the Journal of Library Administration. In August, Prof. Jones will present a paper to the Fifth Annual Comparative Industrial Relations Symposium at Merton College, Oxford University.

Leonard Kaplan will participate in the Thirteenth International Congress on Law and Psychiatry in Amsterdam this June.

Neil Komesar has published "Back to the Future: An Institutional Approach to Constitutional Analysis" in the Northwestern Law Review.

Stewart Macaulay is researching an article on lawyer advertising for the Michigan Law Review. In 1986, he served as President of the Law and Society Association, and spoke to the American Arbitration Association conference on Alternative Dispute Resolution.

Report of the Board of Visitors, 1986

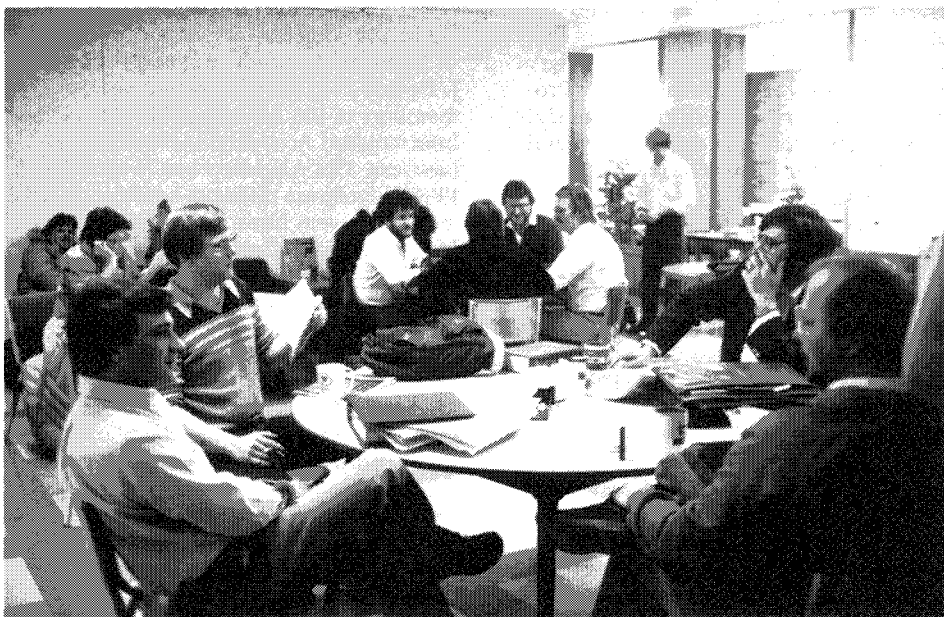
On November 2-3, 1986, the Board of Visitors of the Wisconsin Law Alumni Association conducted its annual inspection of the Law School and its programs. The Board, created in 1957, met with faculty, students and staff, visited regular classes, and received presentations designed to inform us about the School.

Classes. We must begin by commenting on the classes we observed. While we were in classes for only one morning, we were most impressed at the quality of instruction and interchange. Students seemed alert and involved. While we will talk later about lecturers, those we observed seemed more than competent. Regular faculty teaching classes we attended often did not follow a "socratic" method of teaching, which could be difficult in the large classes common in Law School, but nevertheless did engage students, creating a good environment for learning.

Among the concerns we noted are:

Class Scheduling. A number of students complained that "all the important courses" were scheduled at 11:00 am. Staff, however, informed us that there is a deliberate attempt to fill all possible class hours. Indeed, the mandated part-time program has moved some core courses to early morning, noon or evening time periods. The schedule does show a bunching of classes on Monday-Thursday, with very little on Friday afternoon and nothing on Saturday. This may be necessary, allowing time for study, clinical courses or part-time work.

Faculty Leaves. Our Law School has retained a liberal leave policy, partly from economic necessity. Wisconsin's reputation has given our faculty the abundance of opportunities which has led to something of a problem: who will be here to teach, and when will we know for sure? The corollary is the abundance of Visitors and Lecturers teaching here. While some students were concerned by having too many, others found their teaching generally acceptable and appreciated the "real world" input from these teachers. Our concern, perhaps, is the threat that UW faculty on leave will become ex-UW faculty. Fortunately, recent history suggests that this threat may be minimal. Most of our faculty has returned from leaves, and may be better for the experience. We are also assured the School has instituted a policy designed to provide earlier notice when a faculty member intends to be on leave



for the following semester.

Class size. This is also a concern voiced by several students. It is not limited to concern over the number of classes in which there are 195 students, but extends to how class numbers are determined in general. We were assured that, within the limits of available rooms, the Law School and the faculty do endeavor to provide popular classes to as many students as possible. It may be impossible to give every class a larger room and more students, but this does not seem to be a problem addressable within existing constraints.

Acoustics. One Visitor pointed out that, even sitting directly behind the student responding to a question from a professor, it is difficult or impossible in several rooms to hear the response. Dean Thompson promised to remind the faculty to ask students to speak-up or to repeat the essence of student responses for the benefit of others in the class.

Placement. While there appears to be an increasing level of satisfaction with the function of the Office of Career Services, it would be useful to explore ways in which the Office could keep longer hours to benefit more students. We think it is commendable that the Office is compiling lists of contacts by geography and by types of practice. We also encourage consideration of a sign-up method that

allows at least some selection by the employer.

Outside Faculty Activities. We note that three faculty members are now "of counsel" to Madison law firms. This is apparently a relatively small number compared with other leading law schools. This situation contains a number of pluses and minuses. It can help the faculty member stay current with developments and provide a "supplement" to faculty salaries, but it also exposes the faculty member to the same concerns voiced over Lecturers, such as limited availability outside class hours. We heard of no abuse of the practice at present, and expect none, but we suggest that this development be monitored closely.

Library. The most serious concern faced by the Law School is its Library. Use of the Library, in person and by phone, is high throughout the day, evenings and weekends. The library is normally open 16 hours a day, seven days a week. This fact alone makes it particularly important to the bar. And even with recent cut-backs and restrictions, it has the best collection of materials in the State. In the most recent comparative studies of law libraries (1984-85), the Wisconsin Law School ranked third nationally in the service provided by outgoing inter-library loans. Nearly all of these loans are to Wisconsin destinations.

There are, we think, three areas where the Library faces significant challenges:

1. **Staff/hours:** The recent "catch-up" raise has done much to improve the salaries of law librarians. Unfortunately, little has been done about the fact that there are not enough of these librarians. Important services, such as professional reference service are available only during restricted hours and not during evening and most weekend hours. Many services are provided only by having one person wear numerous hats—the Assistant Director for Public Services manages the Criminal Justice Center, circulation, instructional use of audio-visual equipment and doubles at the reference desk several hours each week! One position, a foreign law librarian, is filled only on a temporary basis funded by faculty salary savings because the position cannot be funded with the Library's budget. If we improve the collection, we will have to improve the staffing of the Library.

2. **Collection:** Again, statistics suggest that UW has seen a decline in the quantity and perhaps quality of its library collection. The "serials" (reporters, statutes, periodicals, digests, etc.) are an example of the problem area. We think that this compromises the Library's ability to serve as a resource to the students and to the state and to compete in the marketplace for outstanding new faculty in these areas. The Library has added few new serials in rapidly developing specialty areas, such as securities, bankruptcy, family law, national security, and international trade and development.

At the same time that the Library's budget for acquisition is being cut, inflation and the changing nature of the collection are putting additional pressures on the budget. The Library uses part of its acquisitions budget to purchase automated legal databases. It is important that law students be trained in this new technology, but also many legal materials

on the data base are otherwise unavailable in the Library's general collections. Unfortunately, databases cannot currently replace most traditional library materials. For example, one set of Northwestern Reports can serve several persons simultaneously; the same materials on database, which may cost less and take up less space, probably serves only one person at a time. Because the pagination is not the same, you also cannot use the database material for citations.

3. **Space:** In 1976, an addition to the Library was completed. While the space was planned for eventual use by the Library, some of it was "temporarily" dedicated to other uses such as faculty and student organization offices and classrooms. For this space to become available to the Library, the next phase of building expansion for the Law School must take place. While this project has moved up on the list of campus priorities, it seems likely that 8-10 more years will elapse before we can expect to return borrowed space to the Library. This may be too long. Many of the Library's collections have now filled available space. Shelving has been added, and more is planned, but soon all possible floor space will be taken. Compact storage for infrequently used items has been proposed for some years, but the project has not yet been funded and does not seem in line for immediate funding. Microforms or laser disc storage may be seen by some as a solution. These solutions, however, are expensive and, with respect to laser discs, standards and reliability are not finalized and only a small amount of legal materials are available in this format.

The Library is the Law School's major current problem. It is, however, a problem that can be solved with money. Adequate funding of acquisition budgets, improved levels of staffing, and solutions to the space problem can all be addressed by an increased recognition of the Law

Library's condition by those in the University, by a greater allocation of budget funds, and, perhaps, by an increased level of alumni support. In connection with the study by the Board of Visitors, both the Dean and Library Director prepared detailed studies of the resources and current needs of the Law Library. Any alum who would like copies is invited to write or call Dean Thompson.

Conclusion. With the exception of the serious deficiencies noted above in the Law Library, our overall reaction to this visit has been highly positive. Dean Thompson is to be congratulated for his efforts and successes. The "catch-up" salary increases for the faculty seems to have substantially increased their morale, and classes, students and the School are secondary beneficiaries of the improvement. In addition, the 12 new Bascom Professorships, created during the Capital Campaign, have reinforced the salary improvements. We also sense that student morale is high, and that the problems they brought to us, while important to them, were not as earth-shaking as some in past years.

We still have areas demanding improvement, but progress in recent years has been dramatic. We must continue this trend and look to a healthy future for our Law School.

Submitted by:

Rustam A. Barbee	Franklin C. Jesse, Fr.
Jeffrey B. Bartell	John N. Kramer, Jr.
Frank L. Bixby	Vel R. Phillips
Kirby O. Bouthilet	Colin D. Pietz
Eric R. Christiansen	Hon. John B. Reynolds
David Y. Collins,	William Rosenbaum
Chairman	John S. Skilton
Thomas J. Drought	Mark E. Sostarich
Stanley C. Fruits	Hon. Susan R.
William E. Glassner, Jr.	Steingass
Lorna J. Granger	Sandra K. Stern
David J. Hase	Peter M. Weil
Thomas R. Hefty	Donald R. Zuidmulder

Editor's Note

Recently the Association of American Law Schools created a section devoted to alumni affairs and fund raising. The purpose of this section is to promote the exchange of information, reducing the need to "recreate the wheel." Most law schools, however, have had a method for sharing information through the exchange of alumni magazines.

Through such an exchange, I recently saw an article in the Nebraska Transcript, from the University of Nebraska Law School, dealing with a "war" between lawyers and engineers at that school in 1927. Of course, the legends of fights between these two groups on our own campus are numerous. In the 1968 Wisconsin Law Review devoted to the Centennial of the School, it was said, "Since the School of Engineering was then [1912] located opposite from the School of Law on Bascom Hill, this somehow provoked a rivalry—nay, a hostility—which ultimately led to such violence that the university authorities and Madison police cooperated in creating a ban on the engineers' annual St. Patrick's parade." One rumor alleged that some law students once bought a freight car load of eggs, which they left sitting for some weeks, to use as ammunition at one of the parades.

Well, we were not alone. At Nebraska, the troubles in 1927 began when some-

one tampered with a dirigible the engineers had constructed. Revenge began with an assault on the law building by 100 engineers, which the dean put down. Not content, the engineers conducted a night-time raid on two legal fraternity houses, taking several hostages who were tossed into a cesspool. The engineers "... went to the PAD house with quite a number of eggs and ruined ... all the furniture on the first floor. The PAD's did not throw any eggs, but tried to retaliate with the water hose."

Somehow weather always seems to work its way into this column. Perhaps it is because each Gargoyle issue is labeled with a different season, this one being "Summer 1987." What happened to winter? A cold snap in November and a little early snow proved to be the extent of the winter in Madison. Yesterday (April 20th), despite open windows, it was 85 in my office and the same outside. By the time you read this, it could be 115 (or, it could be 55, knowing Madison weather).

This is also the season of the great Law School Duck watch. So far, our duck has not been seen nesting in the courtyard or on one of our roofs. Has nature gone so crazy that our duck could actually be somewhere around the lake?

Something to watch for: Do you feel those old Law School ties? If not, soon

you will be able to, literally. The Wisconsin Law Alumni Association has ordered custom-made ties in both men's and women's styles which feature the Gargoyle symbol. As soon as they are produced, we will give you information on how you can order your tie.

The mystery picture in the last issue sparked a lively pair of letters. The first came from Fred Hollenbeck ('67) who identified one of the four persons pictured as Circuit Judge Charles Heath ('67). Fred said that Judge Heath was, "... working a crossword puzzle," and that, "His scholarship has improved dramatically from those days of crossword puzzles and coffee, as his 52% rate of affirmance shows." Judge Heath responds, "What's so wrong with 52%? Actually, Mr. Hollenbeck is upset because his picture never appeared in the Gargoyle. I don't know how it could. He rarely showed up in the building." If I were Mr. Hollenbeck, I would rarely show up in the Circuit Court for Marinette County, where Judge Heath presides.

The picture in this issue is a "give-away." In honor of graduation, this photo shows Dean Orrin Helstad calling members of the Class of 1977 to receive their degrees. Who are these distinguished alums?



Mystery Photo