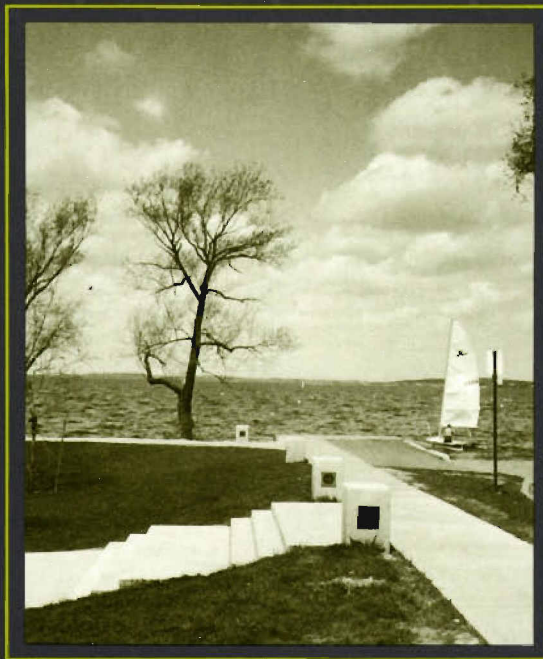


University of Wisconsin Law School Forum

# GARGOYLE



Volume XVIII Number 4.

Spring 1988



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**Cover:**

*Spring returns to Madison, although not as regularly as the swallows to Capistrano (or the buzzards to Hinkley). Lake Mendota, near the Memorial Union.*

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# It's A Different World

by June S. Zwickey

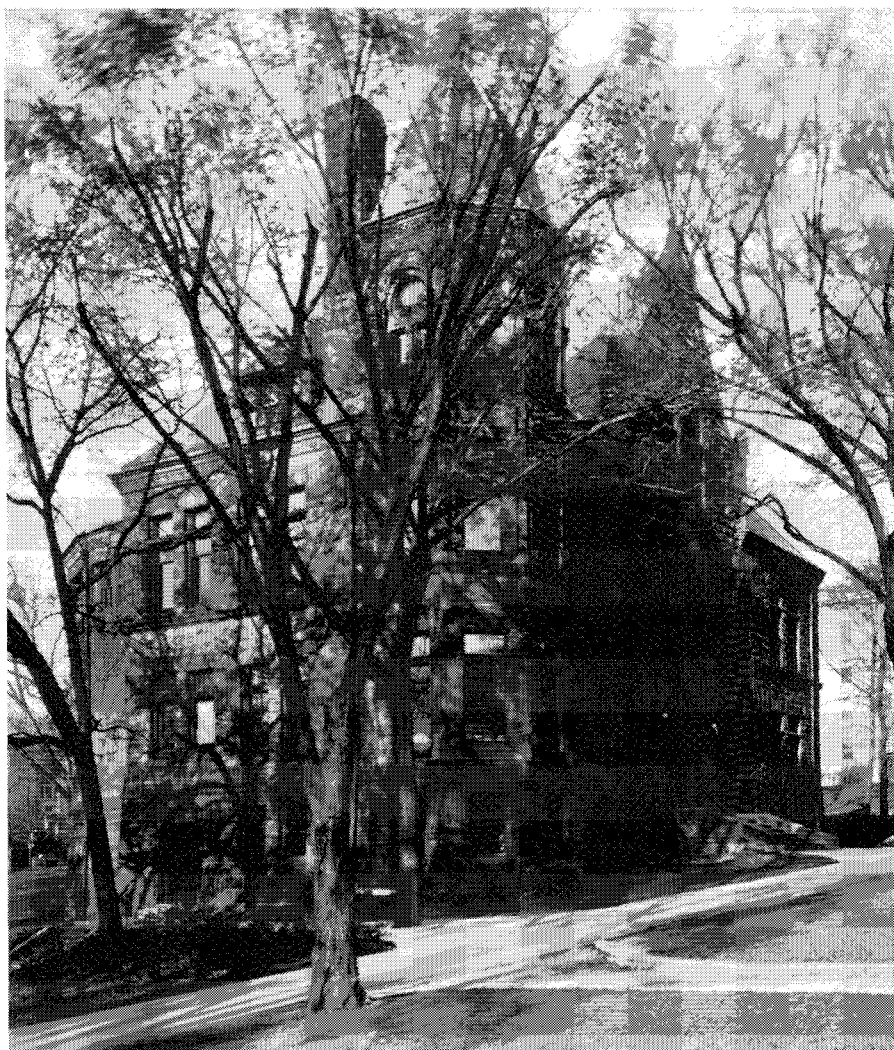
*June Spearbraker Zwickey ('36) wrote the following article for Wisconsin Woman magazine. We thought you would enjoy seeing it, comparing your Law School experiences with hers more than 50 years ago. After practicing law in Clintonville, Wisconsin, Ms. Zwickey now resides in Menasha.*

Whose idea was it to go to law school in 1933? Mine, I guess. It was not a bad idea, but the timing was not all that great. Those were depression years. Though I didn't have to sell apples on the street corner or stand in line at the soup kitchen, times were tough and the living lean. Most of us had some kind of job. I worked part-time in ladies' lingerie at Kessnich's. I thought it a bit ironic that a tall, skinny female like myself, with practically no bosom, should be trying to sell bras.

I describe this economic situation because I think it accounts at least partially for the attitudes in law school during that era. The important words were "care" and "share." We shared knowledge, books food, clothing, even lodging. When Mike, a good-natured but not very practical Irishman, was unable to pay his rent, he was evicted. For about three weeks, until he could find a new place and scrounge up enough money to pay for it, he "slept around."

Today it is different. The key words seem to be "specialization" and "competition." The political and corporate structure in today's business world has accelerated. We were interested primarily in becoming respectably good lawyers engaging in a sufficiently lucrative private practice. We were taught by the "case method." Each day a certain number of Supreme Court decisions were assigned and discussed in class. Differences of opinion by students relative to the validity of each decision had to be substantiated. Today, I understand, the textbook and lecture methods are used. Office practice courses also are offered in school now. We did our office practice during the summer serving an internship in the office of a practicing attorney.

Age is also an influencing factor. Most of us were in our early 20's. Today the age range is wide. Many work several years prior to entering in order to finance their additional schooling. Some change



careers in midstream. Many of us are married and some have children. Consequently there is not the same perspective.

Entering law school in 1933 took some courage on my part. I was a rather shy, small-town girl whose first two years of college were spent at Milwaukee Downer College, an all-girls' school. The last two years I went to Lawrence, a small private college. The University of Wisconsin was a large public institution, and Madison was a comparatively big city. Law school was a predominantly male environment that intimidated me.

The first couple of weeks were somewhat uncomfortable. Four girls were conspicuous among four hundred fellows. However, when it became apparent that we were all there to learn, that the girls were not there primarily to snare a husband, and that we did not fall over in a dead faint at the use of four-letter words, the atmosphere became more relaxed.

The law building itself was not much of an edifice in those days. The wooden steps and floors were well worn. The banisters and woodwork needed varnish, and the rest rooms left much to be desired. On the first floor were the dean's





office and classrooms with disreputable desks. On the second floor was the library and more classrooms with enormous blackboards. Lockers and the lounge occupied the lower level.

At the beginning of the first semester there seemed to be an unspoken rule that the lounge was off limits to females. When you were finally asked to join the group there, you knew you had it made—you were accepted. It was a cold, uninviting place with crummy furniture littered with books, papers, full ashtrays, and empty bottles, but it was there that the problems of the world were solved—legal, political, and personal. The debates and conversations ranged from deadly serious to utterly ridiculous.

Walking up the hill to the law school we had to pass the engineering building. There was great rivalry between law students and engineering students. They were always heckling one another. The engineers decided to stand out in front of their building and make obscene remarks directed at the female law students walking up the hill. When the male law students discovered this they engaged the engineers in a couple of bouts of fist-cuffs. This put an end to such shenanigans. Male law students were very protective of their own.

And what were the law professors' attitudes towards female students? As soon as they discovered that we weren't

bubbleheads and could comprehend the intricacies of contracts, wills, conveyancing, etc., we became just four of the 400, and there was no discrimination as far as assignments and grades were concerned. One professor, a very staid and proper gentleman, resented us at first. When he called on people in class he addressed them as "Mr." or "Miss." Deep down inside he was a male chauvinist and he almost choked on the word "Miss." He resolved this by calling everyone by his or her last name and omitting the honorific.

Another professor was a small, elderly man with a passion for the ladies. He used to follow us into the stacks in the library hoping for an opportunity to make a pass. Inevitably a male student would follow him and foil his attempts. Today these incidents probably would provoke a charge of sexual harassment. We merely joked about his proclivity and made fun of him.

No assessment of the atmosphere in law school in the '30s would be complete without reference to Miss Mertz. She was the voice of authority in the dean's office. The dean was a quiet intellectual with superlative skills in negotiation and diplomacy, unlike Miss Mertz. She was a big woman with a loud voice. She carried a big stick but did not speak softly. We had to get our grades from her and she was not above giving a vociferous lecture

if we did not live up to her expectations. She insisted a lawyer was first and foremost a scholar, and she wanted things done in a proper fashion. I remember a large sign she once posted on the bulletin board which read something like this:

---

**"Attention: in re Dean's Reception**  
**—All male students attending must**  
**wear ties and suits with vests.**  
**—All female students attending**  
**must wear a hat and gloves."**

---

In the corner at the bottom someone had scribbled, "Also polish shoes or beware of Mertz!" In spite of her more or less tyrannical rule we all loved and respected her—she was a mother figure.

It was an entirely different world then. I would say that in my law school days male and female students enjoyed a very special camaraderie that they probably would never experience again.

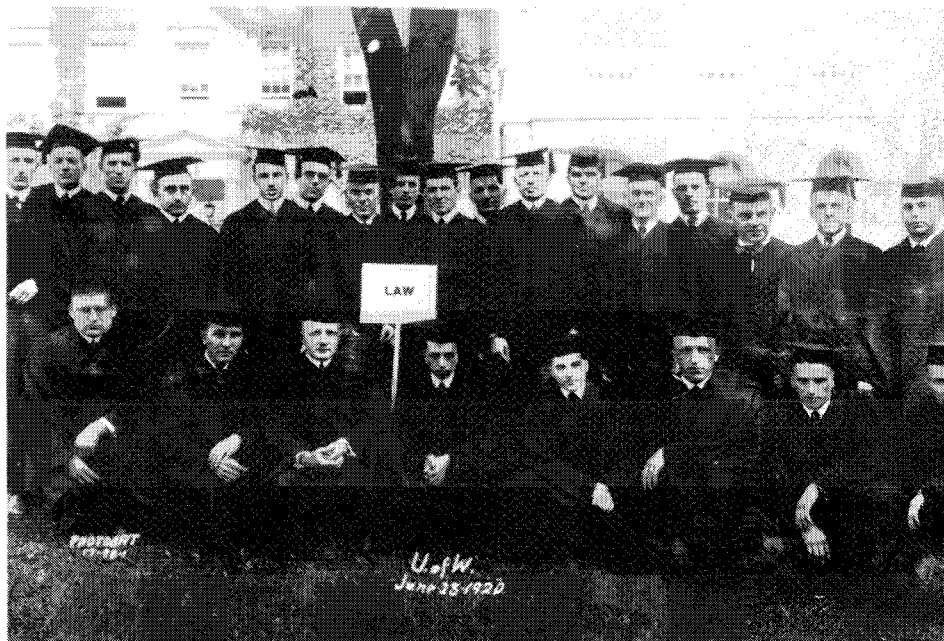
At Homecoming, the would-be-lawyers engaged in their traditional ritual of throwing their canes over the goal post at the stadium and it really didn't matter whose cane went the farthest.

# Convocation Addresses

On May 14, 1988, some two hundred and fifty members of the Class of 1988 will join more than 12,000 other alumni of this Law School. In recent years, thanks largely to the efforts of the students themselves, graduation has again become an important event, one in which most students will actively participate.

After exams, and perhaps before the parties, our students will cross the stage, shake hands with dignitaries, and receive their diplomas. But in addition they will attend a convocation that they, themselves, have organized. Since 1981, the senior class has invited prominent attorneys, respected faculty, and members of their own class to speak to them on the eve of their entry into the profession.

We are reprinting here four of the recent speeches delivered at the last two convocations. They contain serious messages, which apply to all graduates; and some messages that are not so serious, but who said that "the law" cannot be entertaining.



## My Exam Number is 481!

John M. Curtin, Class of 1987

Ladies and Gentlemen, faculty members, parental, spousal and familial units, and fellow cogs in the great machinery of justice. I would like to begin my remarks this evening by revealing a terrible secret. This dark mystery was entrusted to me on my first day in law school and I have never disclosed it to a living soul. Nonetheless, as my law school career comes to an end, I will offer you this deep-hidden confidence as a symbol of the ending. Ladies and gentlemen . . . my exam number is 481!

So much for anonymous grading. So much for all grading for that matter. God, it's really over! And now I have to find something to say about it.

It has proved to be a difficult task. I have no real idea what people wanted when they elected me convocation speaker. In fact, it has been a long time since I could remember why I wanted to do this. Maybe I just liked the idea of being up here with a mike and no one able to stop me. I thought for a while that I might talk about some particular area of law. Bad idea. The last thing in the

world I want to do is give a lecture on law to a group of semi-intoxicated former law students. The consequences could be frightening. No, I don't want to talk about that.

Then I thought—perhaps I should talk about the legal profession, the role lawyers play in our society, the great mantle of public trust and admiration we are about to assume. The main problem with this is that I don't know anything about that stuff. I realize that that sort of impediment would never stop a real lawyer—but your humble narrator would never presume so much. I don't want to talk about that, either.

So then I thought—maybe I can explain law school to the parents and spouses and friends here tonight. Maybe I could explain what happened to the carefree, friendly, well-rested people you used to know. I know I've changed. When I arrived here three years ago I was a social worker and a counselor. Among my colleagues I had a reputation for being easy-going, compassionate and outgoing. Now, 3 years later I have permanent dark circles under my eyes. I have developed the temperament of a shark in bloody water. Last year I was offered a full tuition scholarship by

Maxwell House coffee. In short, I have become a third-year law student. The problem is, to explain how this occurred. The more I thought about it, the more I became convinced that it was impossible. There is no way to convey the law school experience to someone who hasn't been through it. Oh, I could compare it to a variety of painful and humiliating surgical procedures . . . but I don't want to talk about that, either.

Finally, in desperation, I began to think about the things I heard people say over the last several years. Two things immediately stood out. Two things that struck me as essentially true, as saying something valid about law and about law schools.

The first of these was said by a professor in my first year contracts class. He said, "The ultimate purpose of the law is to get through the week without violence." I have no idea why my professor said that. I seldom understand why they say what they do. Nevertheless, this chance comment put the whole thing in perspective for me.

The second great truth concerned law school itself. It was spoken by a classmate of mine during the spring of our first year. He was talking to another first

year and he said "I can't believe this place. I came here all fired up, ready to do justice and help the oppressed . . . and after one semester I find myself asking questions like, "but where does it say in the lease that orphans don't have to pay rent?"

Somewhere between those two poles—getting through the week without violence and evicting the orphans—lies the theme I've been searching for. I'm not sure exactly how to phrase it, but I think it has something to do with keeping a sense of perspective.

Law school is not an easy place to keep a sense of perspective. Law school is a place for fanatics. I remember the first day—a third-year law student took a group of us to the Union terrace for a beer and a talk on law school. He had a mimeographed checklist of things to cover. At the top of the list was "Have some fun—remember to relax every now and then." I thought that was pretty silly. Why, I thought, would any sane human being need to be reminded to have fun? Then I noticed that the woman next to me was taking notes . . .

And it got even worse. I quickly realized that while many law students are sane human beings, capable, with proper therapy, of leading useful and productive lives, law school is not a sane environment. The impact was brutal. Peoples' behavior began to change in unpredictable ways. For example, normal people sleep when they are tired. A law student, deep in the throes of exam mania, will run a caffeine IV directly into her vein in order to stay awake. A law student will excitedly tell a friend that he has discovered a new way to stay alert. If you just keep a thumb-tack in your shoe, nestled against your instep, you're good for an extra six hours. Then, his voice hushed to a conspiratorial whisper, he'll say—"don't spread that around—I don't want to mess up the curve."

What causes people to put themselves through this? Like most of you, I have spent more than a few hours wondering why I ever came here. For some of us, it's a sense of social conscience, for others it's ambition and for still others it's the inability to get a job with a liberal arts degree. I don't know what drives other people to law school.

For me—I was just trying to get a little respect. When I graduated from college with a bachelor's in psychology I was amazed to find that other people weren't quite as impressed with that as I was. So there I was, washing dishes in Door County, when I got the offer of employment from the prison. I was ecstatic. I called my father and shouted "I got a job, I got a job!" He seemed happy and asked me what I'd be doing. "I'm going to be a

social worker!" I announced proudly. There was a long pause. Finally, I heard him muse, "A social worker . . . oh, one of those."

I was "one of those" for almost four years.

I couldn't stand it anymore. I had to get out. I finally hit upon the legal profession. My father was a lawyer and a judge. If I became a lawyer, he couldn't look at me with those big sad judge-eyes and say "Oh . . . one of those." So I sent for the LSAT and applied to law school.

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Apparently, according to the latest polls, lawyers are slightly more popular than deadly radioactive waste, and slightly less popular than drug-crazed cannibalistic Satan worshipers.

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And then, things got worse. I learned, much to my chagrin that lawyers are not universally respected and admired. My christian friends began to quote the Bible to me. "Woe unto ye, ye lawyers for ye laden men with heavy burdens and lift not a finger and ye bill too much for thy time." Or something like that. My literary friends kept quoting that blasted Shakespearean line about "The first thing let's do, let's kill all the lawyers." My family began to send me newspaper clippings indicating the prestige of lawyers has sunk to a new low. Apparently, according to the latest polls, lawyers are slightly more popular than deadly radioactive waste, and slightly less popular than drug-crazed cannibalistic Satan worshipers. And, to remove my last shred of hope, my mother sent me a *Newsweek* article on employment prospects for law school graduates. The news was grim. Evidently I could look forward to spending my legal career working in Pig's Knuckle, Arkansas, for the "Two Guys Legal Clinic." I began to think seriously about going to technical school for a course in bait shop management.

But I persevered. I refused to be discouraged. And of course, things got worse. I became a first-year law student. For those of you who haven't been through it, this is difficult to understand. Decades ago, the profession decided that the best thing to do with first-year students is scare the living hell out of them. This is known as "learning to think like a lawyer." Apparently, lawyers spend a lot of time sitting around contemplating all

the terrible catastrophes lurking on the distant horizon. That and asking silly questions. Silly questions are essential to good lawyering. My contracts professor explained legal thinking to me. He said "There has to be something special about the way that lawyers think—otherwise the economic consequences would be . . . well, unacceptable to the profession." And so I spent a year sweating, drinking gallons of coffee and muttering cryptic phrases like "12(b)(6)" and "res ipsa loquitur." Res ipsa loquitur by the way, for you uninitiated ones, is a Latin phrase that translates roughly as, "Tell the doctor to write a check."

At the end of my first year I was hardened. I no longer felt the compulsion to wave my hand wildly in class whimpering "me, me, call on me." In fact I rarely felt the compulsion to attend class. On the occasion that I made a cameo appearance, I was perfectly capable of ignoring silly questions. I could say, "I'm not prepared" without blushing. In fact, I said it with pride, knowing that I was impressing the professor with my savoir-faire and uncanny grasp of the realities of law school. I could no longer be intimidated.

And then, things got worse. Second year law school has been compared—unfavorably—to a year in the Gulag. My work load tripled. I tried desperately to get my required classes out of the way. I tried desperately to find a clerkship for the summer. I tried desperately to get a date. I forgot about getting a date and tried desperately to get my mother to return my calls. No one wants to talk to a second-year law student. There is good reason for this. I was obsessed. At Thanksgiving I regaled my family with the intricacies of estate planning. At the grocery store I explained to a store clerk that I could buy a six pack after nine o'clock because I picked it out of the display before nine and this constituted an acceptance of the offer and a completed contract. She called the manager and it got very ugly—but I don't want to talk about that. In any event, I learned another valuable legal concept my second year. It's called "close enough for jazz." Close enough for jazz is how a second-year law student deals with an impossible workload. You buy the canned study aids, you pound through your notes until you almost understand and when the exam rolls around—well, close enough for jazz.

And then things got worse. I became a third-year law student. Now my mother began answering my calls. In fact, she began calling me every few days to say, "Have you got a job yet?" Up in the wilds of Northern Wisconsin where I was born, a twenty-four hour prayer vigil began. I began considering the priesthood. After

all, by this time I was used to not having dates. Besides, I figured the Vatican could cover my educational loans—or at least, help me change my name to Friar Tuck and move me out of the jurisdiction.

Meanwhile, the Two Guys Legal Clinic of Pig's Knuckle, Arkansas, wasn't returning my calls. But I don't want to talk about that, either.

And then, things got better. I got a job and this morning at 4:30 a.m. I completed my obligation to the law school. It has ended. Maybe now I'll finally have a chance to rejoin the perspective I've lost over the last three years. Maybe I'll get a tan and more than one suit and maybe, just maybe, a date.

On the other hand, maybe I'll settle for getting through the week without violence. Goodnight—and take it easy on the orphans.

## Seek Beyond the Private Life

*Anthony Earl, Governor,  
State of Wisconsin, (1983–87)*

I was very flattered to receive the news that this graduating class had chosen me as your convocation speaker. Believe me, after the events of the past few months, it is gratifying to be chosen for anything—but this is a special honor.

It has been good for me to get back to the law. Though I occasionally miss politics as I mull over the recent national political events, I've come to agree with Mark Twain that more often than not, truth is stranger than fiction—because fiction has to make sense. Coming back to the law has also reminded me what a good preparation a legal education can be for people who like many different kinds of challenges in their lives. Few callings offer the variety of tasks and the scale of service that is open to the person with legal training. I believe the heart of our democracy is the institutionalization of conflict resolution through the political process and the legal process. There is nothing that introduces you to the tensions and interests that make up our society better than the law. This has certainly been true for me. Let me elaborate from a personal perspective.

When I graduated from law school at Chicago in 1961, I took my training first to the Navy, then to local government as a prosecutor and as the first city attorney of Wausau. Later I went into private practice and was elected to the Legislature.

The legislature was an education in itself. There you really see the realities



and tensions of a state like Wisconsin coming together within a setting in which tradition resists change, Republicans fight with Democrats, Democrats fight with each other, and governors are fought by the mayor of Milwaukee.

Later, as Secretary of Administration, I had a variety of assignments which included everything from preparing the budget to overseeing the capitol police.

My final assignment in government before becoming governor was Secretary of Natural Resources. I became a regulator, and in this job I came to fully appreciate the difference between the letter and spirit. I am not a biblical scholar, but I do believe the biblical admonition—that "The letter killeth and the spirit giveth life." The worst kind of lawyering is to lose track of the reason for a law and try to make the law exculpate you from what you've done or give you some special edge to do what you would like to do. I found it too often the case that people would find safety by claiming that the letter of the law wouldn't permit them, or others, to do something.

And on the other hand, there were those who were willing to violate the spirit of the law by putting a new meaning to the letter. This came out in the suits over the Menomonie Valley prison site, where the Brewers sued to prevent the prison from being built, and another group sued to require it to be built. Both sides claimed that the environmental impact law dictated the result they

wanted. Personally, I believe that Judge Parrish's ruling that baseball attendance figures were a part of the environment is a terrible abuse of the environmental impact law that is not in its spirit and is sure to weaken it.

## Education and Obligation

What I have just described to you is the education of a governor—but in all of that, it would have been a poorer experience and, I suspect, a far briefer one had I not had a legal education in the first place.

The fact is that a lawyer is especially well suited for the variety of challenges in government. A good lawyer understands, or ought to understand, both sides of an argument. A good lawyer is a good advocate. A good lawyer understands that progress is not always in one leap, but often in small, incremental steps. A good lawyer understands that confrontation is seldom as effective as cooperation, and compromise is not a sell out.

And a good lawyer understands that if you win a contest just by the numbers, without persuading enough people of the soundness of your position, you will lose it as soon as the numbers change. You've got to get a deeper victory.

These are the kinds of things my own legal education left me with, and something more: A sense of professional obligation to give something back to society.



This is something that concerns me a lot these days, as I watch the debate over support for public education and the University of Wisconsin in particular.

Whether it is from the Board of Regents or the people who put together the film "Choices," we hear a common theme: they say it is scandalous that the University of Wisconsin has such low tuition.

They say that because they have made the judgment that higher education benefits only the individual and society benefits little at all. This is a sharp departure from Wisconsin tradition, which holds that support for public education is worth it because an educated populace makes for a better society and a strong democracy.

Now, too many would treat education as though it were like any other personal service: if you're the beneficiary, you pay the price. Unfortunately, this idea has caught hold and is gaining support because all too many people who come out of school behave in just that way. They don't give anything back to society, and if there is an area where that is true in spades it is the law.

Lawyers used to give more pro bono time. Lawyers used to represent hospitals for nothing. Now, hospitals are the source of a great amount of paid legal business.

Lawyers used to feel a responsibility to provide representation for poor people. Now, we've institutionalized it through the public defender system and the Legal Services Corporation. I hope some of you will join these organizations. That's good, but at a minimum lawyers who do not represent indigents ought to make it a part of their professional activity to make sure that those programs—both of which have been under attack—are well-funded and work well.

I think we have forgotten that the law is not simply a business; it is a profession. And public education, supported by tax dollars, should mean that your admission to this profession carries an obligation to give something back to the society which made it possible. Society as a whole must see some benefit, or else the day will not be far off when those who choose higher the education will be asked to pay the whole cost. From my point of view, this would be tragic, not only because it would reduce the profession's respect in society, but also because we would surely narrow the base we draw from to limit the number of poor and minority individuals who could enter it.

So, for the sake of the profession, for the sake of a good society, and for the sake of fairness, I want to urge you as graduates to give something back. Help

your communities. Help your neighborhood associations or churches. And consider public service, including political office. Jack Kennedy used to say that every mother wanted her child to become President, but no one wanted that child to become involved in the tawdry business of politics on the way to the White House.

Well, the fact is that you don't have good government unless you have good politics, and you don't have good politics unless you have good and knowledgeable people getting involved.

You're the cream of the crop. You are the future of the profession and, in important ways, the future of the constitution. I hope, as the graduating class of the year in which we observe the 200th anniversary of the constitution, that you will not content yourselves to honor it by listening to "Six Constitutional Seconds" on the radio.

I hope you will honor it as the privileged, educationally enriched people who were the framers of the constitution did 200 years ago this summer: by seeking something larger than a private life filled with private gain. They sought and formed the honor of service. So can you. I wish you all the best. God bless you.



## First and Foremost, Most Disputes Go Nowhere

*Prof. Howard Erlanger,  
UW Law School, Class of 1981*

In planning my remarks for this evening, I went to see the Dean. I asked him to advise me on how I could best further the goals of the Law School in the brief period allotted me. He said, "Don't take this as too awesome a burden, but I think you should view it as the last chance the faculty has to reach the students: a chance to correct errors in instruction; to set things straight; to tell them everything we didn't tell them in class. Five or ten minutes should be plenty of time for that."

I told the Dean that this reminded me of the case of *Acme Parachute*, that I studied long ago. In *Acme Parachute*, a manufacturer discovered that it had made an error in its instruction material. But it was "just a simple error," so they took out an ad in the local paper to correct it:

ATTENTION! ATTENTION!  
TO ALL PURCHASERS OF  
THE ACME DELUXE PARACHUTE  
On page 3, paragraph 2,  
line 7 of instructions,  
where it says  
STATE FULL ZIP CODE  
it should read  
PLEASE PULL RIP CORD.

All kidding aside though, I do believe there is something to be accomplished in this last chance that the faculty has to address the students. I would like to use those few minutes to try to put your legal education in perspective and to draw out some themes that may have been under-emphasized.

In the theory or philosophy of legal education, there are many different approaches. For example, some people believe that legal education should focus on rules, on "the law." To them it is axiomatic that in law school, you should learn the law. Others believe a focus on the policy or theory behind the rules will serve students better, by helping them understand why the rule is there, and thus be better able to interpret it and to predict change in the law. Still others would focus on law in action, or the sociology of law, arguing that unless students understand the social context in which the rules are played out, they will not understand what the law means to real people in real situations. Finally, some would focus on specific practice skills: What forms do you use? Where's the courthouse?



A key fact of your education at this Law School is that there is no agreed upon method of instruction. I'm sure many of you have noticed that. And I'm sure the variation in approaches often seemed chaotic. But I don't believe this apparent chaos—this eclecticism—is a problem. Rather, I believe it is a strength.

Where we have fallen down, though, and the "error" that I hope to remedy tonight, is that we have not done as good a job as we might have, of showing you why it is important to have experienced all these different perspectives. That is, we haven't helped you integrate the various parts of your education. Because the fact is that we can't train you in "the law"; the law changes every day. And no matter what courses you take in law school—you have no way of knowing whether those are the courses that will be relevant later in life. What you're going to be called upon to do in your career is to draw on the legal skills you learned in your various courses, and apply them to new legal situations.

What we haven't emphasized enough is that it's not the substance of the

courses you took that's truly important, but rather the variety of ways of analyzing legal problems. Thus, maybe you had a property course that emphasized policy; a contracts course that emphasized sociology, and a tax course that emphasized rules. That's not as chaotic as it seems, because we weren't really teaching you property, contracts, and tax. More fundamentally, we were teaching you policy analysis, sociology of law, and statutory analysis. Sure, we could have pulled it all together in one course for you—but who would have enrolled in a 14 credit course in taxation of property contracts?

Finally I want to use this opportunity to reinforce some things that many of you have heard me say before. The first of these points is the importance of the law in action. Law in action is not just important, it's critical. Oliver Wendell Holmes, one of the greatest jurists and legal analysts the country has ever produced, recognized this when he wrote: "Law is but a prediction of what the courts will do in fact; and nothing more pretentious is what I mean by law." For

Holmes, then, law was not something abstract; law was not "black letter." Instead, it was the real actions, by real people—judges in this instance—that in fact made up the law.

Now, there is a sense in which I believe Holmes was fundamentally right, and a sense in which he may have been wrong. He was right to focus our attention on law in action. But he was wrong to the extent that he focused our attention on the courts as the source of that action. Because in spite of all the apparent activity in the courts, some simple facts remain:

First and foremost, most disputes go nowhere: The property law you learned in Law School gives way to the property law you learned as a kid: "Finders keepers, losers weepers!"; "Possession is 9/10ths of the law!"

Secondly, when there is some resolution, most often it occurs before a court case is filed, and most often without the advice of an attorney.

Finally, even when lawyers are involved, and even when a suit is filed, the overwhelming majority of cases are settled out of court.

Many would say that it is exactly in this context that the quote by Holmes applies: He didn't say that "law is what the courts do." Rather he said "Law is a prediction of what the courts will do." The argument would be that bargaining and informal settlement take place "in the shadow of law"; that the prediction of what the outcome would be at trial leads to a situation in which trial is unnecessary.

There's certainly a lot of truth to that, but at the same time, if you're going to practice law effectively, you have to realize that the story is much more complicated. I and some colleagues have just completed a study of negotiated settlements in divorce. The lawyers and clients we talked to said things like, "In divorce, a lawyer's work is 99% psychotherapy, 1% law"; or "The client undergoes two divorces—an emotional one and a legal one; the lawyer's job is to help the client through both divorces." Predicting "what the court will do" may not be that important in this context if you know your client (a) can't afford to go to court and (b) isn't emotionally up to it, anyway.

Let me add a somewhat different example. Wisconsin has become a community property, or "marital property" state. One consequence of this change is that, except by agreement, spouses can't create an old fashioned joint tenancy anymore. You're supposed to create "survivorship marital property." I know this is the law. I've read the statute. Heck! I

teach the course! So, when I bought a car last December I went to the Department of Transportation and said, "I'd like to title this car with my wife, as survivorship marital property." The clerks response? "We don't have that." I'll let you guess who won: Is the law what the statute says? Is it what the court would say? Or is it what the clerk said?

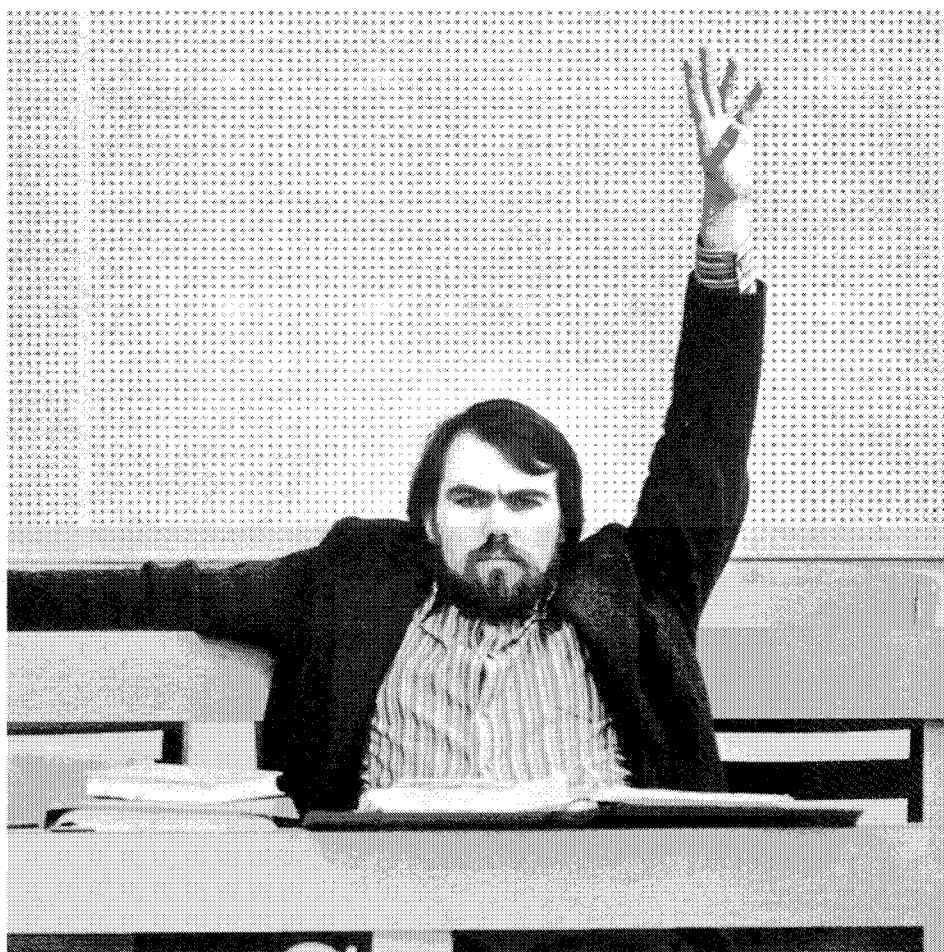
Law in action is the reality of practice; "Don't leave home without it."

Finally, a word about common sense. One of the biggest problems we have in teaching law is that students often are reluctant to apply common sense to the problem at hand. All of you survived anyway. But as a lawyer, you'll find that you'll need your common sense. If you left yours at the door when you entered law school, be sure to collect it when you leave.

Lawyers sometimes underestimate the common sense of non-lawyers; new lawyers are especially prone to this problem. Consider the following story, one that David Reinecke, a Madison attorney who lectures at the Law School, frequently tells at the end of classes. You may have heard it before, but it bears repeating.

The prosecutor had a very strong case against the murder defendant. But the DA was missing conclusive proof of the death of the victim, because the body was never recovered. The young defense attorney could see that the case was lost by the look of the jury during the final arguments. So the defense attorney said to the jury, "I'm going to count to 5 and clap my hands; when I'm done, John Smith, who supposedly was murdered, is going to walk through the door." He did it, and everyone looked at the door. The attorney announced, "That's reasonable doubt! THE LAW says you must acquit the defendant!" But the jury convicted, on short deliberation. The Foreman was asked why: "We noticed that when everyone looked at the door, the defendant didn't!" That's COMMON SENSE.

Well, my time with you is up. I hope that I've given you some food for thought that you can integrate with the variety of perspectives you have absorbed over the past years. I know that if you draw on those perspectives, you will have a very successful career. Congratulations to all of you. I wish you well.





## No, You Can't Get There That Way

*Daniel Waite, Class of 1986*

Thank you Dean Thompson, for that  
introduction,  
And thank you, too, classmates so kind.  
You've assigned the task, I'm here to  
convey  
Just what's on our collective class mind.

The job isn't easy, in fact it's a hard one,  
Because all our feelings are various.  
To attempt a consensus of such diverse  
backgrounds  
Is bordering on the quite perilous.

You see, we're from everywhere: North,  
south and east,  
West and some points in between.  
Our ideological spectrum is broad,  
Our political feelings are keen.

But we've got one thing, one tie that  
binds us,  
We've all got one common trait.  
Three years ago, we all came to Madtown  
To learn Contracts, Torts and Probate.

The first weeks that we spent here were  
confusing and harried,  
At times they bordered on panic.  
However, we knew we were all in the  
same boat,  
No one noticed it was named the Titanic.

We were drowning in cases and statutes  
and rules,  
We were grilled with the method  
Socratic.  
When we realized we'd have to do this  
for three years,  
Well, our responses weren't at all  
diplomatic.

Even the building conspired against us,  
Even it seemed our foe.  
For, once you entered the front door,  
You didn't know which way to go.

You stood in the lobby, the place of  
entrance,  
Wondering just what to do.  
You looked about you and made quite a  
discovery,  
Somehow you got on floor number two!

You spotted a professor and asked for  
directions,  
"L447, you say?"

"Just go straight ahead," he responded,  
then paused,  
"No, no, you can't get there that way."

"Go into the library, ask someone there,  
I'm sure that they'll help you," said he.  
And so you thanked him, and followed  
the signs,  
You didn't know just how hard this  
would be.

Entering the library, lo and behold,  
You defied physics as you passed through  
the door.  
Going in, you left behind floor number  
two,  
Suddenly, you were on the fifth floor!

You went to the desk, you asked for  
directions,  
You listened intently, you pondered.  
But because of the way that library is  
built,  
For the next seven hours you wandered.

Classes, too, were a chore in the first  
year;  
Ideas came fast and came furious.  
But what happened to us when exams  
came around . . .





Well, some thing it was permanently  
injurious.

We reviewed, we outlined, and we  
re-re-reviewed,  
We were certain we were thoroughly  
ready.  
We entered the rooms and opened the  
blue books  
With hands both assured and steady.

We read through the questions, we were  
given three hours;  
One hour each, not too hairy.  
But when we looked up after answering  
just one,  
There was one hour left; that was scary.

We raced through the answer to the  
second question,  
Trying to get back on track again.  
We finished the second just as the  
proctor  
Called out "Minutes left now are ten."

Needless to say, the third answer was  
rushed.  
Indeed, our responses were skimpy.  
The proctor called time, we handed it in,  
And left the room feeling quite wimpy.

Somehow we made it. Yes, we survived.  
They say it came out in the wash.  
We returned for a second year, bound  
and determined,  
Our spirits, the school would not quash.

The year started quickly; old friendships  
renewed,  
Summer associate experiences related.  
We knew that our tasks in the law firms  
we'd worked at,  
Made all of our textbooks outdated.

Still, we went to classes. We were  
insufferable;  
Knowing it all, so we thought.  
We studied, that's certain, later to learn  
You can never study as much as you  
ought.

'Cause classes were "easy," we had to  
find

Something to occupy our idle time.  
We joined other students, in other  
endeavors,  
Sometimes with no reason or rhyme.

PAD, PDP, BALSA,  
AILSA, Law Review.  
The Journals, the Guild, the Race  
Judicata,  
Just to name a few!

The Community Law Office, clinical  
programs,  
Moot courts, ABA-LSD.  
All of these efforts filled in our  
schedules.  
We worked at them contentedly.

Suddenly, it seemed much too soon,  
Exams were upon us once more.  
We digested three months of reading in  
six weeks,  
And prayed for a compassionate score.

We made it again. Son-of-a-gun!  
We had just one more year to go.  
We had been warned, but we still weren't  
prepared,  
For that last year went by oh so slow.

By then we were old hands, third years,  
survivors.  
The process was no longer scary.  
In fact, we were such a well-seasoned lot  
That we knew our way 'round the  
library'.

We spent the year counting the days to  
the finish,  
When we'd be let out of the place.  
'Til we realized the "incompletes" had to  
be finished,  
Then time seemed to pick up its pace.

The papers were written, research was  
completed,  
All in record-breaking time.  
Exams were upon us, and then they were  
past us.  
Handing the last one in was sublime.

So now we're all done, we'll be leaving  
quite soon  
For locations both widespread and  
various.  
But there are things we'll remember,  
things we'll hold on to,  
No matter where our careers carry us.

We'll remember arising before the sun,  
Not too sure we were alive,  
Dashing through windchills of forty  
below,  
To get to our 7:45.

We'll remember the Law Revue (play, not  
the book),  
We'll remember the Homecoming skits.  
Both brought to you by the PDP people,  
Their efforts were always big hits.

We'll remember the coffee and bagels  
and donuts,  
And other various dishes.  
We'll remember all of those PAD  
sandwiches;  
Professors really are quite delicious!

We'll remember the parties, the  
impromptu bashes,  
And all of the Last Clear Chance dances.  
We'll remember that well-defined tenet  
of Contracts:  
"Ya pays yer money and ya takes yer  
chances."

So, after we've left here, sometime in the  
future,  
When you're frantically working on  
cases.  
Think back to the three years we all  
spent together,  
Remember a few of our faces.

Remember all of the friendships we  
shared,  
Remember those who aren't with us  
tonight.  
I wager you'll think law school wasn't  
half bad;  
I bet you'll think it was all right.

# Distinguished Service Award Presented to Prof. Carlisle Runge (1920-1983)

*Chief Justice Nathan S. Heffernan*

*Last May, the name of Professor Carlisle P. Runge was added to the list of recipients of the Distinguished Service Award from the Wisconsin Law Alumni Association. Prof. Runge was the 39th person to be so honored since the award was instituted in 1967. We are indebted to Chief Justice Nathan S. Heffernan for making his remarks available for reprinting here. In this way, Carl's many friends, students and colleagues who could not attend the presentation can now share the honor given to Carl.*

Carlisle Piehl Runge was born in 1920 and died at Brule, Wisconsin, on September 18, 1983. Between those years he lived a life of excellence and service.

My remarks today are, in a measure, personal. Carl and I were the closest of friends for 45 years. We met as freshmen at the University of Wisconsin in the fall of 1938 and were partners on the freshmen debate team.

Although Carl was only 18, he was already imbued with the fundamental philosophy which made him, over his career, the leading exponent of the Wisconsin Idea—that a person of intellect had a responsibility to society that transcended a duty to mere personal survival and personal gain, that there was a duty to the community, the state, and the nation, indeed the world.

Carl was raised on the public service philosophy of the Bob La Follette Progressives, who saw government as an instrument of the people and who saw the University as an institution which had an obligation to devote its best talents to government and the public welfare. Carl gave a new dimension to the Wisconsin Idea, for in the later stages of his career he recognized and exemplified the duty of a governmental leader to bring the research and the knowledge of government to the University.

The recitation of the chronology of Carl's life is a litany of public service. His undergraduate career—appropriately majoring in American Institutions—was interrupted by World War II. He served overseas and in the Army of the United States from 1942 to 1946, where he achieved the rank of Major and he was



awarded the Bronze Star. He also attended Oxford University for a year at the end of the war.

Upon his return to civilian life, he entered law school at the University of Wisconsin, where he graduated in 1948. Upon his admission to the bar that same year, he started his career of public service as Assistant U.S. Attorney for the Western District of Wisconsin.

In 1951, he joined the faculty of the University of Wisconsin Law School, and in less than seven years he attained the rank of a full professor. He was no ordinary professor, for during this period, in

addition to teaching the usual academic courses in the law school, he determined to utilize his military experience in an academic course called "National Security Studies." This was his first turn around of the Wisconsin Idea—instead of a professor bringing the intellectual qualities of a university to the government, Carl brought the intellectual qualities of a distinguished soldier to the University. He later became the National Director of the Carnegie Foundation's Security Task Force.

During this time he continued his military duty in the Wisconsin National

Guard and attained the rank of Colonel and Logistics Officer for the division.

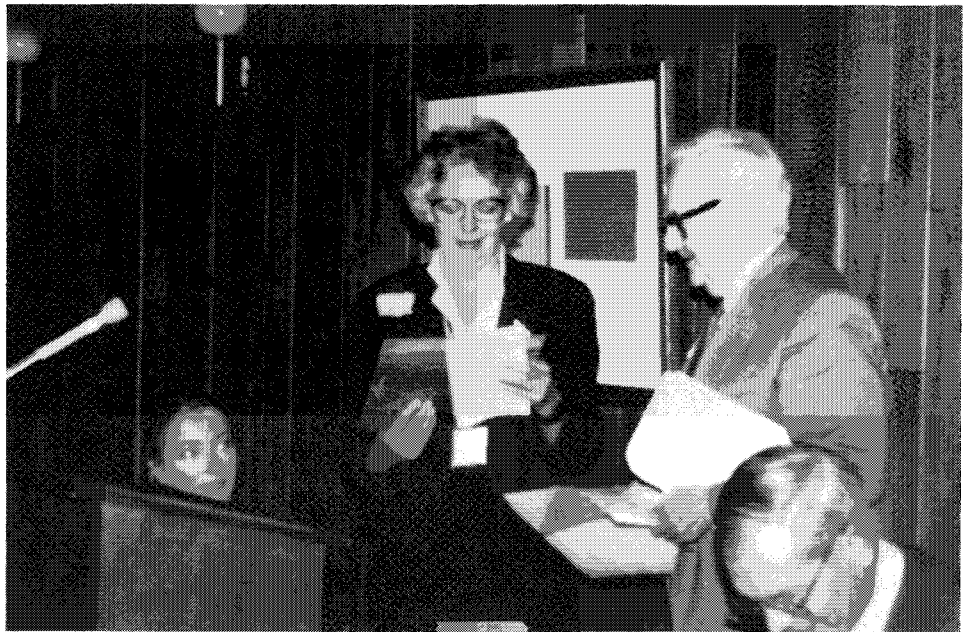
His talents and expertness were recognized by John Kennedy, for in 1961 the President appointed Carl as Assistant Secretary of Defense. I remember so well a visit with Carl in Washington in 1962, when the first shadows of the Vietnam War were creeping upon us. I remember Carl telling me that he had advised Robert McNamara, the then Secretary of Defense, that the minimum infantry requirement for a successful operation in Vietnam was over a million troops. The Secretary of Defense poo-pooed this estimate and proceeded on the assumption that 50,000 to 100,000 infantrymen could accomplish the military objectives. How different the history of the United States and the world might have been had Carl's wise counsel been heeded. The whole Vietnam fiasco might have been aborted.

Carl was no militarist. He was the best example of the citizen soldier who recognized, as did President Lincoln, that the conduct of a war and conduct to avoid a war was too important to leave to the generals.

He returned to the University, where he acted as Special Assistant to the President. As President Ed Young, under whom Carl served, said, "He was the best troubleshooter the University ever had." His intellectual and administrative talents materially contributed to the improvement of numerous University departments. After his return from Washington, he remained a member of the law faculty, although he was on leave while actively participating in other departments of government.

He was the first Director of the Coordination Committee on Higher Education. In that post, he has had a salubrious effect on all education in Wisconsin. He was Director of the Council on Economic Growth, formed of representatives of the Big 10 universities. He was consultant to the Argonne Universities Association, a group that sought to bring sanity to the development of nuclear energy. He became the Chairman of the Department of Urban and Regional Planning, and in 1973 he became the Director for the United Nations of Adriatic Environmental Study in Yugoslavia.

He founded the Department of Public Policy and Administration at the University, now known as the Robert M. La Follette Institute of Public Affairs, and was its first director.



Chief Justice Heffernan presents award to Sally Runge.

During his career, Carl was active in politics; and to his everlasting credit, he was the Chairman of the Wisconsin Committee on the Record of Joseph McCarthy. This group led by Carl made the first definitive study of the unsubstantiated nature of Senator McCarthy's charges. This study did much to redeem the soul of the State of Wisconsin as a leader in governmental morality.

Although Carl was, from 1962 on, most active in University affairs not in the law school, he remained concerned about, and active in, the affairs of the Wisconsin Law Alumni Association.

Due to failing health, Carl retired from the University faculty in 1981 to live in Northern Wisconsin on the banks of the Brule River. In a sense, he changed not his career of public service but only its locale. During his few years of permanent residence in the North, he was active in the affairs of Northland College and the Sigurd Olsen Foundation. He was the lobbyist for the Brule and was the leading advocate of the bill that banned tubing on the Brule River.

The Rungees built a beautiful home on the Brule River—a home of Carl's and Sally's own design—constructed in part of the huge pine timbers from the Ashland Ore Docks. Carl's study overlooking the river reflects his public career: His four-star flag as Assistant Secretary of Defense; pictures of his friends in gov-

ernment—at least two presidents, who would have done better had they followed Carl's advice; a picture of his good friend, Scoop Jackson, who predeceased him by only a few weeks; his books and all the memorabilia of a great career. But they were not merely mementos of past events. They were evidence of a continuing commitment to the improvement of society. Carl served his country well. He was honored in 1981 by a convocation of the University entitled "The Wisconsin Idea—A Tribute to Carlisle P. Runge" sponsored by the University of Wisconsin Center for the Study of Public Policy and Administration, the Department of Urban and Regional Planning, and the Institute for Environmental Studies. The Governor declared a "Carlisle Runge Day." The tribute was richly deserved.

So, too, is this award richly deserved. The criteria for this Alumni Award are that the honored person has made an outstanding contribution to the profession as a practitioner, teacher, judge, or in the government, or has been a full-time faculty member of the University of Wisconsin Law School. Carl's career more than satisfied the stipulated criteria. I know of no one who in recent years has made a greater contribution to the "Wisconsin Idea." I am honored to have been his friend for almost 50 years and honored to present this award to Sally Runge.

# A Tribute to G. W. "Bill" Foster

James E. Jones, Jr.  
John Bascom Professor of Law,  
University of Wisconsin Law School

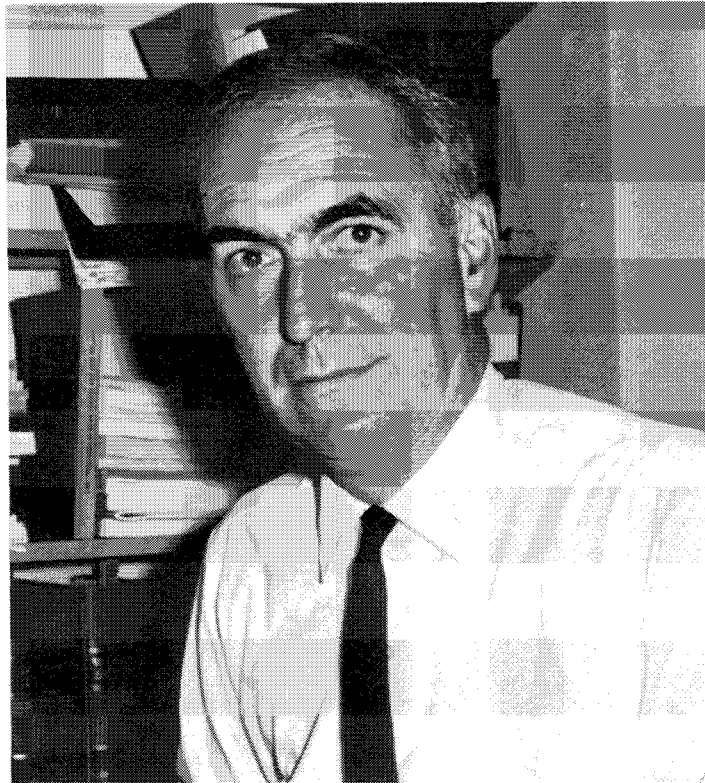
*Recently, Professor G. W. "Bill" Foster entered a "phased retirement," a wind-down from his heavy responsibilities within the Law School and the University. One of those Law School duties was a labor of love for Bill, serving as faculty advisor for the Wisconsin Law Review. The following remarks were recently published in the Review, and are reprinted here as an indication of our admiration for Bill Foster.*

This is a personal tribute to G. W. "Bill" Foster, Jr.—my teacher, colleague and friend.

I first met Bill Foster in the Fall of 1953. He had finished an LL.M. at Yale in 1952, and was serving his stint as an Assistant Professor of Law, at the University of Wisconsin Law School. I was beginning my tenure as a law student.

In my first frantic semester, Bill Foster taught the first year course in intentional torts. Young Professor Foster stood out in contrast to the formality and aloofness of his contemporaries. Instead of the standard coat and tie, Bill Foster wore penny loafers, shirt sleeves and tie. He would sit perched atop his desk with long legs crossed and in an engaging and friendly fashion directed this gaggle of aspiring lawyers through the confusing maze of a fundamental course of first year law.

Bill was one of the few southerners on the faculty at that time and I was one of the four Blacks in the first year class. Naturally, I had a concern about the possible effect on grades of the black/white issue. In those days, names, not numbers went on exam books and minority participation in higher education at integrated graduate and professional schools was in its infancy. The United States Supreme Court had recently decided *Sweatt v. Painter*, 339 U.S. 629 (1950), and its companion case, *McLaurin v. Oklahoma State Regents for Higher Education*, 339 U.S. 637 (1950). These cases, although not rejecting the separate but equal doctrine, had established standards of equality in professional and graduate schools that, as a practical matter, gutted the concept of separate but equal as applied to graduate education. However, the change of doctrine at the top took much longer to sift down to the reality of the law in action.



Bill was sensitive and aware of the special differences that affect the races and I was angry and quietly aggressive—a borderline insubordinate with a barely concealed disrespect for the "system." There was nothing in the course materials on intentional torts that would have remotely implicated issues of race, but Bill managed to communicate his recognition of my "uniqueness" while at the same time inspiring confidence that it was irrelevant to the academic dialogue or the evaluation of the quality of my contribution. This was managed without ever directly addressing the race issue. Bill, without being offensive, overcame my standoffish attitude and made it impossible for me to be unfriendly. I ended up taking several more courses from him, the most significant being a summer course, in Constitutional Law.

As fate would have it, he taught Constitutional Law the summer of 1954. The Supreme Court of the United States had just decided *Brown v. The Board of Edu-*

cation and *Bolling v. Sharpe* on May 17, 1954. Some students from southern law schools came to beautiful Madison, Wisconsin for a summer of fun in the sun and a little bit of law on the side. Poor Bill had Jim Jones and a contingent from Florida. It was a course which I shall never forget and I know that Bill Foster never forgot it.

Bill was pure law teacher, prepared to teach the entire curriculum. I believe during his tenure he has accomplished almost that, at least the core curriculum absent the so called "specialties." Bill, as a fine practitioner of the art of teaching, managed to stimulate my curiosity and he managed it while at the same time communicating firmness, fairness and friendship. Although I came to law school, and to the Wisconsin Law School in particular, because of its reputation at that time in labor law, I left in the summer of 1956 taking along with me generous and lasting portions of the influence of Bill Foster—teacher.



After graduation I was buried in the bowels of the U.S. Department of Labor, Office of the Solicitor, to which I had reluctantly gone when no other employer seemed interested in a young black with my credentials. Little did I know that in the late 1950's and early 1960's Bill was engaged in herculean efforts to make the mandate of *Brown v. The Board of Education* a living reality. Typical Bill Foster, it has taken the work of others to reveal his contributions to such progress toward school integration as was made between 1955 and 1965.

During this period, Bill was in and out of Washington frequently but our paths never actually crossed. I recall only once in what was a chance encounter at an alumni function in Washington, D.C. with Bill Foster and John Conway, a conversation about my potential interest in teaching. The discussion was so casual that I did not consider it serious. Time and careers marched on for all of us.

In 1969, I was invited to come to Madison as a "visiting fireman" to give several talks on the U.S. Labor Department's program in Equal Employment and Affirmative Action. The invitation was jointly tendered from the late Professor Gerald R. Summers, Director of the Industrial Relations Research Institute, and Bill Foster of the Law School. Little did I know of the conspiracy which was afoot. It turns out that Bill was Chairman of the Law School Recruitment Committee, and he and Gerry had cooked up this proposal. After my lectures, they installed me in a lovely office at the top of the Social Sciences building overlooking Lake Mendota and proposed that I consider taking a leave of absence from my harried job in Washington and visit Wisconsin to teach. I found the invitation both gratifying and amusing and I departed Madison with promises to consider the possibility at a more propitious time. Shortly thereafter I was invited to several other schools for "visitations." Those invitations had been preceded by substantially more probing into my background than I had experienced preceding the Wisconsin visit. I attribute Wisconsin's more oblique approach to the fertile mind of Bill Foster. The reason there had not been the kind of inquiry prior to my Wisconsin "visitation" is that he had independently done the homework and gathered sufficient material on my back-



ground to present it to his faculty colleagues without input from me. And it was Bill Foster's persuasiveness that induced me to accept a nontenured offer and join the University of Wisconsin as a "Visiting Professor."

George William Foster, Jr., as colleague blurs with the image of Bill Foster as friend. He has dragged me to dinner at his place, foisted me off on his friends and associates in social circles, bolstered my flagging confidence on many occasions, and dismissed my unjustified complaints with an occasional swift kick in the pants when appropriate. He has been the only colleague I have felt comfortable turning to when personal problems made it desirable to have someone to lean on.

Although Bill had been very helpful in my early career in cautioning me against excessive public service that, though

sorely needed, may not contribute to tenure and continued advancement, he has been a poor example in the way he utilized his own time and substance. In addition to having taught virtually the entire curriculum, he has served as Associate Dean, rescued the Gargoyle, and been a man-for-all-seasons for the Law School and the University.

If I were in charge of the world, there would be chairs for Distinguished University Service. The first would have been occupied by Bill. It is too late for that now, but, instead there could be the position of George William Foster Professor of Distinguished Service in the Law School.

In the meantime . . . to G. W. "Bill" Foster, Jr.—my tribute: distinguished teacher, treasured colleague and dear friend.

# Faculty Notes

**Carin Clauss** has been granted tenure by the Divisional Committee, and will be promoted to Professor.

**Kenneth B. Davis** appeared before the Dane County Bar Association in December to discuss, "Is State Regulation of Hostile Takeovers Good Public Policy?"

**John Kidwell** has been appointed Acting Law Library Director following the resignation of Anita Morse who is now Law Librarian in New Mexico. A search committee is now reviewing candidates for the Directors position here.

**Richard Bilder** is serving as a member of the Board of Editors of the American Journal of International Law, and is working on a book on the relationship between the United States and Canada.

**Arlen Christenson** has become a member of the National Academy of Arbitrators. Academy membership is held by most of the nationally known, experienced labor arbitrators in the country. Prof. Christenson is the permanent arbitrator for Honeywell and Teamsters Local 1145, in Minneapolis, Minnesota.

**Stuart Gullickson** recently presented a background paper to Arden House III, a national conference on continuing education of the bar. The conference dealt with the four topics that are expected to concern CLE in the next decade: quality, professional responsibility, enhancing competence, and structure and finance of programs. Prof. Gullickson is also a new member of the Wisconsin Judicial Council, succeeding Prof. Walter Dickey.

**Stephen Herzberg** was the field producer of "The Secret Government: The Constitution in Crisis," a 90 minute Bill Moyers special recently shown on national Public Television.

**Leonard Kaplan** is serving as Secretary General of the International Academy of Law and Mental Health, and on its Executive Board.

**June Weisberger** has been appointed to the Executive Committee of the Association of American Law Schools. She also chairs the Association's Professional Development Committee as well as the ABA's Task Force on the Uniform Marital Property Act. This spring Prof. Weisberger will lead a group of 20-30 women lawyers and judges on a trip to the Soviet Union sponsored by People-to-People International.

**Ann Althouse** proves that there is life outside the Law School. In addition to a recently published novel, Prof. Althouse had her paintings exhibited by the Madison Art Center's Wisconsin Triennial.

**Frank Remington** spoke to the Wisconsin members of the American Law Institute on the 25th Anniversary of the Model Penal Code, as well as to a conference on the subject organized by Rutgers University for the ALI.

**David Trubek** is the Chair-elect of the Association of American Law School's Section on Law and Social Science. He will organize the Section's program for the 1989 AALS meeting.

**Frank Tuerkheimer** recently conducted an investigation into alleged student misconduct. He was appointed by Acting Chancellor Bernard Cohen.

**Ted Finman** continues a strong faculty tradition of service to student athletics. He is a member of the UW-Madison Athletic Board and is our faculty representative to the Big Ten Conference and to the NCAA.

**Marc Galanter** is co-organizer of a Symposium on Legal Pluralism in Industrial Society to be held in July in Zagreb, Yugoslavia.

# Alumni Notes

**George Hardy** ('49) has been promoted to vice president and legislative counsel at Northwestern Mutual Life Insurance Co., Milwaukee. Mr. Hardy joined Northwestern in 1957 after practicing in Viola, Wisconsin, serving as Richland Co. District Attorney, and working for the Legislative Reference Bureau.

**Terrance C. Mead** ('81) has become a partner in the Phoenix, Arizona, law firm of Gust, Rosenfeld & Henderson. Mead practices general civil litigation with an emphasis on media law and defamation defense. Members of the Class of 1981 may remember Mr. Mead as "The Aluminum Bullet" of student politics.

**Thomas H. Ploss** ('60) has recently completed the second edition of his book, "The Nation Pays Again," a recollection of the death of the Milwaukee Road railroad. After a number of years with that railroad, Mr. Ploss became an Administrative Law Judge with the Social Security Administration in 1980.

**David C. Mebane** ('60) has been elected senior vice president—general counsel of Madison Gas and Electric Co. Mebane joined MG&E in 1977 after a term as US Attorney for the Western District of Wisconsin.

**Paul R. Gabriel** ('86) has returned to Madison to become an Assistant Dean of the UW College of Letters and Science. Mr. Gabriel had been practicing law in Chicago. His new office is in South Hall, one building up Bascom Hill from the Law School.

**Robert S. Apfelberg** ('69) has organized Robert S. Apfelberg and Associates in Los Angeles, California. His company serves as business reorganization consultants to troubled real estate and financial entities, and has successfully worked out projects across the country.

**Steven A. Felsenthal** ('74) has been sworn in as the fifth Bankruptcy Judge in the Northern District of Texas. Mr. Felsenthal organized the Staff Counsel office of the Wisconsin Court of Appeals, then served as the senior staff attorney for the Fifth Circuit Court of Appeals in New Orleans before moving to Dallas.

**Patricia Lee** ('81), an attorney with the Seattle, Washington, firm of Lasher & Johnson, has been recognized for her volunteer legal service, and has been named as one of the five outstanding volunteers

in Western Washington. Lee volunteers for the International Rescue Committee, which is responsible for housing, legal and medical care of political refugees. She has taught refugees English and has helped them with their legal problems.

**James N. Roethe** ('64), a partner in the San Francisco firm of Pillsbury, Madison & Sutro, has been elected as a member of The Fellows of the American Bar Foundation. Fellows represent members of the profession who have demonstrated outstanding dedication to the welfare of their communities and the highest principles of the legal profession. Membership is limited to one-third of one percent of lawyers licensed in each jurisdiction.

**Pat Richter** ('71), vice president in charge of personnel at Oscar Mayer, Madison, Wisconsin, has been honored by the National Collegiate Athletic Association with its Silver Anniversary Award. The award is given to former student athletes who have led distinguished lives after completing college athletic careers 25 years ago. Mr. Richter was an All-American football player at Wisconsin in 1961 and 1962, and a member of the Rose Bowl squad.

**James R. Cole** ('69) and Carl E. Gulbrandsen ('81) have become partners of Haight & Hofeldt, a Chicago law firm, and have opened an office for their firm in Madison, Wisconsin. Richard L. Bolton ('83) joins the office as an associate.

**John P. Wagner** ('80) has been made a partner of Diepenbrock, Wulff, Plant & Hannegan, Sacramento, California. Mr. Wagner was Articles Editor of the Law Review and a member of Coif. Following graduation, he served as clerk to Judge Robert Sprecher, Seventh Circuit Court of Appeals. Mr. Wagner emphasizes civil litigation.

**N.F. Kelley** ('48) is serving as a parish priest in Spokane, Washington. After practicing law in Fond du Lac, Wisconsin, Fr. Kelley was ordained in 1962. From 1966 to 1975 he served as a Chaplain in the US Army, with duty in Germany, Vietnam, and Thailand.

**Robert V. Dewey, Jr.** ('69) has been elected president of the Illinois Association of Defense Trial Counsel, an organization of lawyers primarily engaged in the defense of civil litigation. Mr. Dewey is a partner in the Peoria, Illinois, firm of Heyl, Royster, Voelker & Allen.

## Editor's Note

Everyone probably remembers some law school exam. For me, it was in Willard Hurst's Legislation class. One hour and twenty minutes after the beginning of the exam, I finished reading the single question, eight pages, single space! About three hours after that I could write no more, nor could I release the pen from my cramped fingers.

I did reasonably well on that exam, and I hope that our current students have been at least that successful in the exams recently concluded. They certainly did not have a promising start.

In the middle of the Evidence exam, test takers began to complain that the room was smoky. Well, some people still need a cigarette, especially during exams, right? Wrong, workers two floors below, repairing some ventilating equipment had started a smoldering fire in insulation, sending clouds of acrid smoke through the vents and into the middle of the Evidence exam. Unwilling to pull the fire alarm with exams underway, the University Safety Department extinguished the smoldering insulation and we in the Law School relocated the exam in a smoke-free room.

Just a few days later, with exams still underway, we awoke to find Madison blanketed with a major blizzard. With six inches on the ground by the start of morning exams, and with five more to fall during the morning, once again we scrambled to give the exam to those who made it and rescheduling it for those who could not. Enough of that snow drifted into unusual places that, as it melted, water began cascading into the B-level hallways the next day.

Fire, blizzard and flood! At least exams were over. But then, during a shorter than usual semester break, another blizzard hit, and a cold spell with -50 wind chills. Just a typical Madison winter.

It isn't often that I can break a story in this column. Considering that this story began more than a decade ago, "break" may not be very descriptive. Since about 1976, the Law School has been proposing various plans to relieve the space shortage encountered first in the early 70's when enrollment went up. In 1978, a modest addition was constructed onto the Library. Initially this space was to be

used for offices and classrooms, but, after the anticipated second phase expansion took place, this space was to be given back to the Library.

Over time, a number of plans were tested and rejected. They included a blocky building stuck onto room 250; a grafted addition to the faculty office tower; and a complicated underground plan that would have put additional space under the Bascom Hill entryway and several other locations.

Two years ago, an inventive plan surfaced: construct the needed space within our courtyard, then cover the space with skylights and replace the greenery creating a year-round atrium. In addition, architects assure us that they can tie the various spaces and levels with a "communication core" of stairs and elevators that will, once and for all, make some sense of circulation in the building.

In December, members of the Law School's Building Committee met with the UW Campus Planning Committee,

the first step toward possible construction. The plan seemed well-received, with no questions raised about whether the space is indeed justified.

If the project ultimately is approved by the State Building Commission, we will add approximately 20 offices, space for Continuing Legal Education, seminar rooms, and a "practice complex" featuring a teaching trial courtroom. Equally important, the plan frees-up space in the 1978 addition which can be returned to the Library easing their serious shortage of stack space.

The mystery picture in Vol. 18, No. 3 remains a mystery as I write this column. Of course none of the issues have been mailed out so expecting you to identify it may be unrealistic.

Since this issue is devoted to commencement activities, the mystery picture has been chosen to conform. It is from 1971, and shows students and family members at a reception in the Student Lounge. Who are all those happy people?





# 45th Annual Spring Program



**Madison, Wisconsin  
Friday & Saturday  
April 29–30, 1988**

**Friday Evening  
Benchers Society Dinner  
(members and guests)**

**Saturday Luncheon  
(all alumni and guests)**

**Annual Meeting of the Wisconsin  
Law Alumni Association**

**Recognition of reunion classes:  
1938, 1943, 1948, 1953, 1958,  
1963, 1968, 1973, 1978, 1983**

Details, and reservation forms, will be mailed by 1 April.



# The "Old" Law School Ties

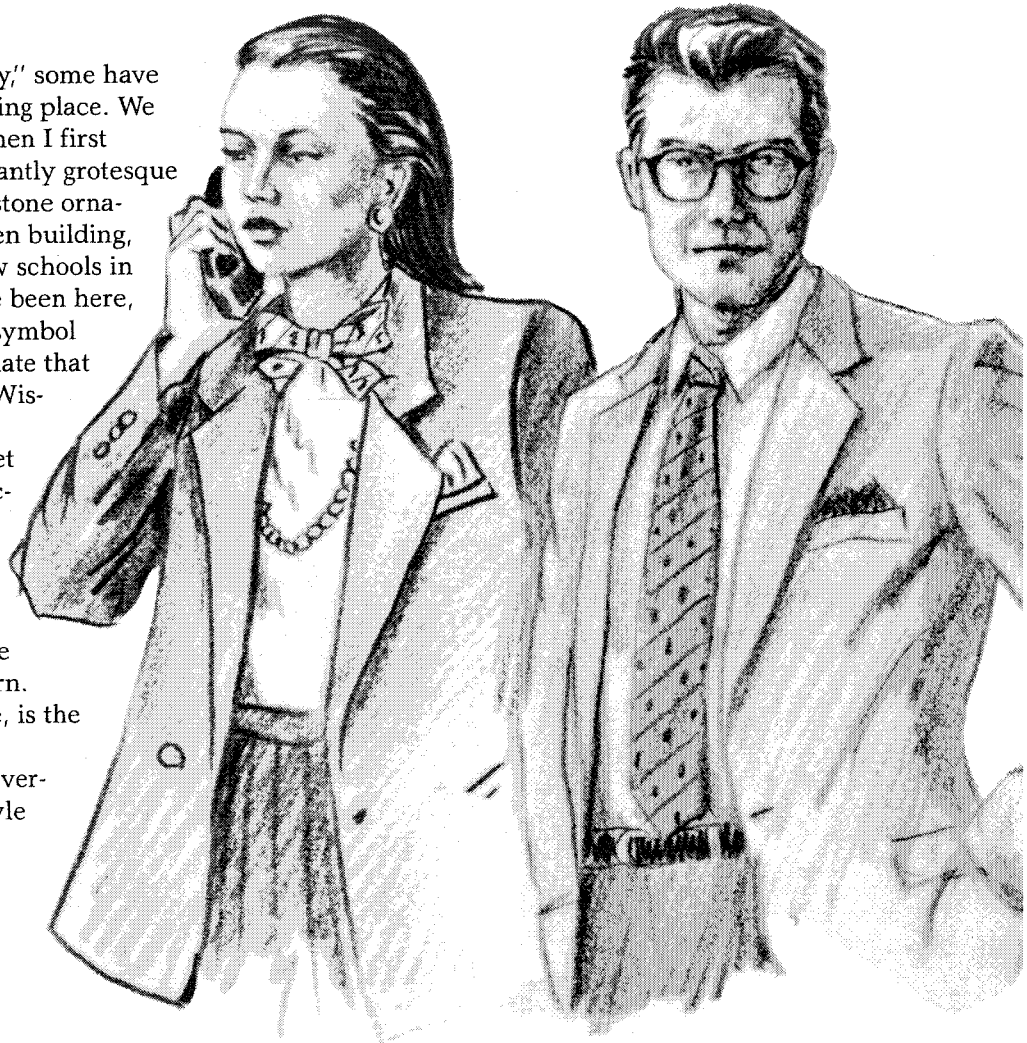
Hurry!  
Only 400 ties remain!

## Dear Alum:

Some schools have their "halls of ivy," some have a school song or a traditional gathering place. We at Wisconsin have the Gargoyle! When I first arrived I wondered about this pleasantly grotesque symbol. What did a weathered old stone ornament, fallen from an almost forgotten building, have to do with one of the finest law schools in the country? In the few years I have been here, I have come to not only accept the symbol but to embrace it. It seems appropriate that the excellence of the University of Wisconsin Law School should be represented by our Gargoyle—ancient, yet timeless; mysterious, but our protective friend.

Well, now we can show the world where we are from and what our symbol is. We have created the "old" school tie, a silk blend necktie embroidered with a Gargoyle pattern. On the shield, held by the Gargoyle, is the founding date of the School, 1868.

As we approach our 120th Anniversary, you, too, can show our Gargoyle to the world.



Cliff F. Thompson  
Dean

## University of Wisconsin Law School Ties

Silk blend ties, available in Cardinal Red or Dark Blue, in a traditional Men's tie, or a Women's bow tie.

\$25.00, which includes sales tax, postage and handling

Make checks payable to "WLAA" and return to:  
Wisconsin Law Alumni Association  
University of Wisconsin Law School  
Madison, WI 53706

	Number		Total
Men's—Blue	_____	@ \$25	_____
Men's—Red	_____	@ \$25	_____
Women's—Blue	_____	@ \$25	_____
Women's—Red	_____	@ \$25	_____
		Total	\$ _____

Send to:  
Name \_\_\_\_\_

Address \_\_\_\_\_