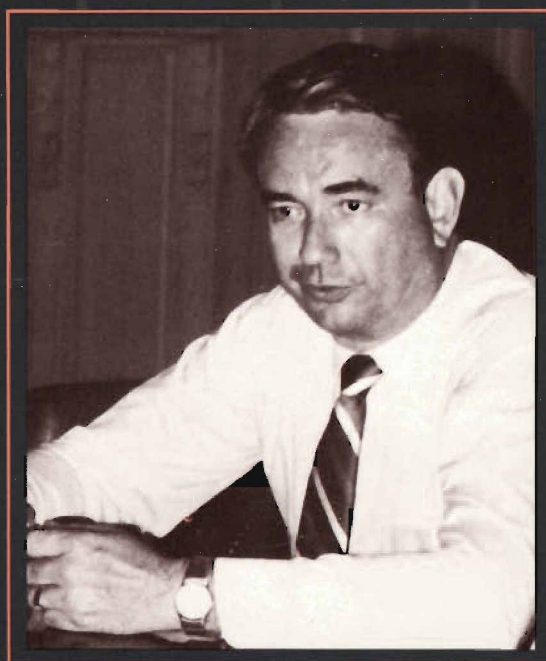


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*Gov. Tommy Thompson ('66) speaking to
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Professionalism and the Law Professor

by Gerald J. Thain

Associate Dean and Professor of Law

Lawyers today hear a good deal about professionalism. I would like to add to that discussion my thoughts about professionalism and the law professor. The term "professionalism" has a quicksilver aspect to it. It may remind some of former Supreme Court Justice Stewart's famous comment that he did not know how to define pornography but he knew it when he saw it. Many people think they recognize professional behavior and non-professional behavior when they see it but they are not so certain how to define it.

I begin with a caveat. Just as an exhortation to patriotic values may be the last refuge of a scoundrel, a tirade against "unprofessional" conduct may be a less than high-minded effort to maintain the benefits of a closed circle of anti-competitive conduct. Some even consider a "professional" person to be the antithesis of a fair-minded person with basic human values! Presumably, it was this attitude to which Virginia Woolf was referring when she urged women to join professions but not to become professional. Personally, I have always objected to the idea that "professionalism" necessarily entails economic protectionism. I use the term "professionalism" here to refer to someone with knowledge and skill that is applied in the most effective manner on behalf of those served by that person.

I think a true professional is one who reasonably believes that he or she is practicing "a higher calling"—not in the sense that it necessarily carries more status or importance than the work performed by others but that the position has obligations that go well beyond the important tasks of earning enough income to survive and to provide food and shelter for oneself and one's family. The tasks of a professional have significance for the larger public as well as those immediately served. As a result, special concern about one's conduct and how well it meets the supposedly old-fashioned virtues of traditional morality must be constantly considered and addressed. Those of us in legal education serve not only as "gatekeepers" to the profession in our task of educating students but also (intentionally or otherwise) as role models for the future lawyers we teach in the way we approach our obligations as professionals.

Some major aspects of professionalism—the way one implements that "higher calling"—can be listed. I will consider these aspects as they relate to legal educators. The first aspect of a "professional" is a dedication to the pursuit of excellence instead of mere adequacy. By definition, of course, it is impossible for each person in a field to become the best. Nonetheless, it is possible for each to



strive to reach that level of excellence and, to raise their skills to a higher level. (In Robert Browning's words, "A man's reach should exceed his grasp or what's a heaven for?") In my view, a true law school professional is one who is constantly striving to achieve peak performance in the roles of teaching, research and public service. This requires a delicate balancing of duties in such a fashion that, for example, one is not always "too busy" to see students or to grade exams promptly, or to be a member of an important committee, or to represent the institution at any of its major ceremonial functions.

A second aspect of professionalism is a dedication to truth-telling. This means that hard decisions are not avoided simply because they are unpleasant. A truth-telling law professor, for example, will not look at an examination and decide to avoid giving a deserved low grade simply because such action will inconvenience student and professor alike. A law professor who reports that a student has demonstrated sufficient competence in a given class is also reporting that, based upon the performance in that class, the professor has no significant

qualms about that student's ability to function satisfactorily as a lawyer bearing responsibility for the property and problems and occasionally the very lives of clients. This point is especially telling in Wisconsin, a state with the diploma privilege for its graduates. When I, as a law professor in this state, assert that a student has demonstrated sufficient competence, I am, for practical purposes, certifying that student for bar admission, not simply eligibility for a bar examination. In my judgment, the diploma privilege is a sensible and satisfactory approach to bar admission but its efficacy is conditioned upon the law faculty's faithfulness to its professional responsibilities as truth-tellers.

A third element of professionalism is a proper allegiance to one's clients or employer. Any legal educator who considers the relative autonomy of a law professor to serve as justification for self-indulgence at the expense of the law school may well be in the wrong field. One who represents a client or an institution has an obligation to do so in the honest sense of that word. I emphasize that I am not urging irrevocable or blind allegiance such as that so shamefully exhibited by some of the lawyer participants in the Watergate scandal of the 1970's. Nor do I define "allegiance" as a refusal to recognize any of the defects of one's client or cause. There is a clear line separating your loyal critics from your opponents. One who cannot, in good conscience, find some redeeming value in representing a client or an institution beyond the financial compensation for that service should evaluate whether continuation in that role is appropriate. To put this in a related personal context, I at one time was a very vocal internal critic of the Federal Trade Commission at a time I was employed there. However, my goal was reform of the agency so that it could be more effective in carrying out its legislative mandate. I was not seeking its abolition—a position that I believe could properly be taken only outside its doors. Similarly, those law faculty who seek restructure, reconsideration and reform of legal education in general or a specific institution in particular are not being disloyal. Those who carp about their institution but consider efforts to improve it beneath them are not conducting themselves professionally—they are exemplifying the proposition that those who are not part of the solution are part of the problem.

A fourth aspect of professionalism is a respect for others and for the views of others. One of the obligations of a law professor is to share the benefits of scholarship and inquiry and to voice one's belief about the strength or weaknesses of legal decisions, doctrines or approaches. It is entirely proper and appropriate for a professional law faculty member to believe that another position is erroneous and to use all of one's advocacy

skills to oppose that wrong-minded view. It is a far different thing to refuse to let others speak or to treat them with contempt because they indicate an unwillingness to accept every proposition forwarded by you. Professional law faculty will assert their views with vigor but remain willing to hear the views of others—colleagues, students, citizens—in the course of speaking their minds.

A fifth aspect of a true professional is recognition of one's responsibility to the larger profession. By this, I mean recognition of the responsibility among law faculty to their colleagues or counterparts in the bar or in teaching. A true professional will be involved in some of the concerns of the bar or legal education beyond those required simply to fulfill minimal contractual obligations. Service on a bar committee, a pro bono involvement with a case or cause, or service on university organizations beyond that which is required are but a few examples of how this responsibility may be fulfilled.

A sixth aspect of professionalism is a recognition of one's responsibility to the more general community. Involvement in a service club, fund-raising or volunteer service for charities or for the arts, or other service organizations are some examples of contributions which help to make one's community a better place to live.

A seventh and, to my mind, vital element of professionalism is a sense of proportion or balance, including some sense of humor. A person with an exaggerated sense of self-importance has an unduly distorted view of the world and lacks a proper balance. Candor compels me to note that most of us in law teaching have run across a fellow teacher who brings to mind the remark attributed to Winston Churchill about Sir Stafford Cripps, a particularly stuffy opponent—"There, but for the grace of God, goes God." Pomposity detracts from the substance of a person's case or presentation and limits the effectiveness of an advocate. I believe pomposity and professionalism are incompatible.

Do law professors consistently achieve the high level of professionalism noted above? Not all, not always, not completely. However, I can honestly state that I believe the Wisconsin law faculty demonstrates, by my criteria, a very high degree of professionalism. Few are ever fully successful in attaining lofty goals and it is certainly easier to do no more than satisfy one's contractual or statutory obligations. The easier route, however, is often less satisfying and less fulfilling. One of Robert Frost's most famous poems said that when he took the path "less travelled by" of two paths diverging in a narrow wood (presumably the more difficult route to traverse), that "made all the difference." Those who reach for the peak of professional conduct are likely to share that sentiment, when the time comes for reflection on one's life and work.

Distinguished Service Awards Presented

A highlight of the recent Spring Program was the presentation of two Distinguished Service Awards. The 1987 Award was given to U.S. District Judge John W. Reynolds and the 1988 Award was given to Irvin B. Charne. Coincidentally these two men were not only in Law School together, graduating in 1949, but were also moot court partners. This Award is the highest that the Law School can make to its alumni or faculty. We salute these two truly distinguished graduates.

Presentation to U.S. District Judge John W. Reynolds

The Distinguished Service Award was presented to U.S. District Judge John W. Reynolds by his long-time friend Leonard S. Zubrensky ('49). Mr. Zubrensky was legal counsel to then-Governor Reynolds in the 1960's. He practices in Milwaukee and is a nationally known speaker on the subject of Worker's Compensation. In addition, Len has completed 21 marathon runs.

I have known John Reynolds for just about 40 years. We were in Law School together and I was his legal counsel for two years when he was Governor from 1962 to 1964. After he left the Governor's office he bought a house in Milwaukee but was unable to move in because the owner refused to leave and he and his family moved in with me and my wife for a couple of weeks until he could move into his new home.

And you really get to know somebody when you live in close quarters like that.

Later, John and I traveled to different parts of the world together on four separate occasions visiting about 20 countries, the last time being a two and a half week trip to Uruguay, Argentina, and Brazil earlier this year, so I think I know him pretty well.



Before describing John's accomplishments, I would like to recall three vignettes to illustrate something about him other than his professional career.

The first illustrates his political acumen as well as mine, and took place when he was Attorney General. He called me late in 1959 to tell me he was asked by the Kennedy campaign staff to be the first statewide public official in the country to support John Kennedy for the presidency.

You will recall that Hubert Humphrey was running for president at that time and there was soon to be a presidential primary in Wisconsin. I told John that it would be political suicide to support Ken-

nedy over Humphrey; that a Catholic could never be elected President of the United States and that all the labor unions in Wisconsin were supporting Humphrey and that if he publicly supported Kennedy for President he would never amount to anything as long as he lived.

John was good enough to wait a couple of days and then called me back and said he appreciated my advice but that he was going to support Kennedy just the same.

You all know what happened. Kennedy was elected President and you can judge for yourself whether John has ever amounted to anything.

The second vignette took place when he was Governor and illustrates his firm grasp on reality.

I recognized early on that John was not very good at making public speeches to large groups and I arranged for him to take speech lessons at WHA once a week.

On the fifth week, I came into the office and John told me that he would not go to take any more lessons. It is true, that he did seem to get worse each week and I asked him why he refused to go. He said, "Leonard, my inability to make speeches unfortunately will more or less always be an albatross around your neck." Being the good sport that I was, I accepted his refusal to take any more lessons as final and besides, he was the Governor.

The third vignette is one that took place after he had assumed the bench as a United States District Judge. This story illustrates John's knack for long range planning. He and his wife Jane and my wife Ruth and I had just attended Jim Doyle's funeral. Following the services, we all went to the memorial union where a very nice assortment of food and drinks were served.

As we were driving to Milwaukee, John turned to me and said "Leonard, at my wake I would like very much to have draft beer served." I said "John, you have my word on it."

But now let me recite some of John's accomplishments which have led to his being presented the Distinguished Service Award.

John Reynolds was District Director for the Office of Price Stabilization for the northern 50 counties of Wisconsin in 1951 and 1952. As Attorney General he fought for reapportionment of the State's congressional and legislative districts, a fight that led to victory in 1964. He also fought artificial barriers against the sale of Wisconsin milk in other states, a boon to Wisconsin's billion dollar dairy industry.

While he was Governor, he created the first Governor's Council on the Arts. The council now has a full-time executive director and has established a solid program of grants and aids to performing artists.

He also created the first Governor's Commission on the Status of Women. The Commission was formed to investigate all aspects of the lives of women with a view to improving their status and widening their opportunity for full participation in the life of our times.

As Governor he proposed and presided over the enactment of the first homestead tax relief law in the country providing tax relief for low income homeowners and renters.

He successfully sponsored a state medical program which had the most liberal eligibility requirements in the nation, a four year term for state office holders, higher state school aids and property tax relief, he doubled the state student loan fund, successfully repealed sixteen selective sales taxes, appointed Nat Heffernan to the Wisconsin Supreme Court, and almost single-handedly won a fair reapportionment suit before the Supreme Court establishing the rule of one person, one vote.

In 1964, while Governor, he ran against George Wallace in the Wisconsin Democratic primary receiving more than a half million votes in the primary, more votes than has ever been cast for any other candidate in a presidential primary in Wisconsin before and since.

When John went on senior status on

September 1, 1986, the Milwaukee Sentinel described him as an "affable judge, known for his charm with jurors and witnesses, chronic tardiness, impatience with long winded attorneys and compassion for first time offenders involved in small scale crime."

When the article appeared in the newspaper, one of his young sons asked him what was meant by chronic tardiness and John replied "That means I'm not perfect."

His best known decision was his ruling in the Milwaukee School desegregation case in which he issued an order that resulted in widespread voluntary busing in Milwaukee which brought about substantial integration of the Milwaukee school system.

One of Judge Reynolds' most interesting decisions was to sentence a woman to only one day's probation for cashing her dead brother's Social Security checks.

Reynolds chastised federal prosecutors for bringing the case to court in the first place. The woman who was reportedly borderline retarded said she had told federal agents that the checks had just kept coming and she had cashed about \$7,000.00 worth over an 18 month period following her brother's death.

John called the case a farce and said the amount she took was comparatively small. The woman apologized, explaining that she had cared for her retarded brother for five years and had used some of her late brother's Social Security money to care for a 90 year old man.

Another well known case tried by Judge Reynolds was the Daniel Bell civil rights case. This case involved the shooting of a black man by a white policeman. It did not come to trial until many years after the shooting. The family of the deceased was awarded over a million dollars following a trial before John Reynolds. Many lawyers felt as I did, that the plaintiffs would not have been successful before any other judge in Milwaukee.

In 1975 he ruled in a case against the City of Milwaukee that the Milwaukee City Service Commission and the School Board had engaged in racial discrimination in the hiring of skilled tradesmen.

Reynolds ordered that hiring procedures be changed so that the number of blacks working in skilled craft positions for the City and the School Board be equal to the percentage of black residents

of the City. He ordered, that for every two vacancies which occurred in a skilled craft classification, that one qualified black person shall be appointed until such time as the percentage in that job classification equaled the percentage of blacks in the City population.

Racial hiring is appropriate in this case he said, because it appears to be the only possible means to provide relief for racial discrimination.

While campaigning for the office of Governor, he said the following after the State legislature had killed bills to outlaw housing discrimination:

"As an American, I am ashamed and hurt that we who preach democracy should be practicing bigotry. As a liberal I am enraged that the principles for which we all stand for have been trampled by a majority of the legislature, including some democrats as well as most republicans.

It is almost inconceivable to think of an America where people are not treated equally. The truth of the matter is that we have this problem not only in the southern part of this country but in Wisconsin itself.

In the past, Wisconsin has been a home for a great many people seeking opportunity, freedom and human dignity. Germans came here in large numbers during the 19th Century to escape the oppression in Europe. They were followed by the Irish, Scandinavians, Poles, Belgians and others.

In Wisconsin all these people found a home and made a great contribution to America. Today the Negro is coming to Wisconsin from the south. He too seeks a home.

His problem is greater than any other group. His skin is black—he is therefore a target to stares and bigotry. Our growing number of Negro citizens presents the toughest test in Wisconsin history for our belief in the equality of man.

We in Wisconsin have a great opportunity to demonstrate to the world that we really believe in the equality of man. This we can accomplish simply by seeing to it that all men are treated equally."

It is with a great deal of pleasure and pride that I present the Distinguished Service Award to a man who has more or less been an albatross around my neck for the past 40 years, one of the law school's most distinguished alumni, my very dear friend John W. Reynolds.

Presentation to Irv Charne

Howard Pollack ('73), a partner of Irv Charne, presented the Distinguished Service Award to Irv. Howard has served as both Chairman of the Board of Visitors and President of the Wisconsin Law Alumni Association.

It is an honor for me to present the 1988 Distinguished Alumni Award to Irvin B. Charne. If it were not a requirement that the award recipient be at least 65 years old, I would say that the award was overdue.

Of course, I am not a detached observer of Irv's. Irv is my friend and mentor, and I am altogether biased in his favor. Despite this, I think I can convince you that Irv has earned the honor of this award.

First, let me put Irv's professional career in context. After serving in World War II, Irv came to Madison, married Merla, was John Reynolds' moot court partner, and in 1949 graduated here as a member of the Order of Coif. After law school, Irv returned to Milwaukee and became law clerk to Judge Robert Tehan. Later, he founded his own law firm and was a law partner of Tom Fairchild. While this was happening, along came sons Jim and David, and steadily Irv's law practice grew.

Irv's reputation also grew. Soon he was President of the Milwaukee Junior Bar Association, then a Governor of the State Bar of Wisconsin and President of the Seventh Circuit Bar Association. He served on judicial selection committees, legislative council committees, and Wisconsin's Court Reorganization Committee. He also was on the boards of the Center for Public Representation and Legal Action of Wisconsin.

Today Irv leads a firm of 33 lawyers. By appointment of the Seventh Circuit Court of Appeals, he is Chairman of its Circuit Rules Committee. By appointment of the Wisconsin Supreme Court, he is a member of the Board of Attorneys Professional Responsibility, which he also chairs. Irv is also a member of the American Law Institute and a Fellow of the American Bar Foundation.

These honors, though, are not why Irv deserves today's award. They are merely symptoms of Irv's personal and professional qualities.

Irv treats all his clients with equal dignity, and he represents them all with the same quiet zeal.

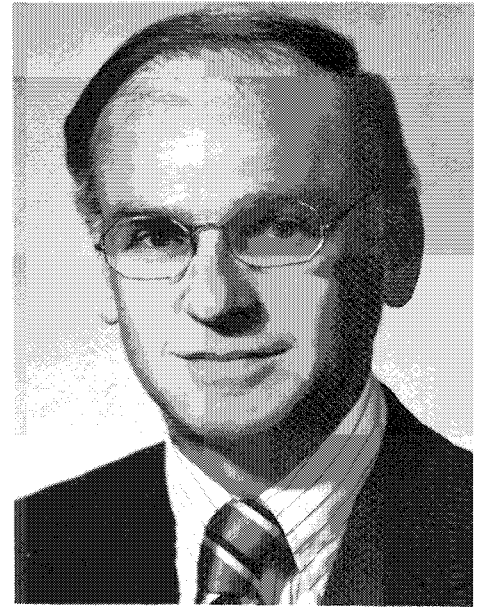
Irv is a very bright, skillful lawyer. The rich and the powerful seek his advice. But he also represents those who are unpopular or who cannot afford a lawyer. Irv has represented a consortium of the largest banks in America seeking to recover \$900 million, and he has represented 90,000 school children suing to vindicate their civil rights. He has successfully represented two governors in court challenges to their creative use of their partial-veto power, and he appeared before the House Un-American Activities Committee on behalf of the workers accused of being communists. He has defended Big Business and Big Labor, and he successfully litigated the first sex discrimination case in Wisconsin—against a large business and a labor union. Irv treats all his clients with equal dignity, and he represents them all with the same quiet zeal.

Irv represents such diverse clients because of his sense of professionalism: Being a lawyer is not just a job; it is a profession. Duty comes before money, and the need of all parties to be properly represented comes before everything else.

Irv has always been thankful for his education here, and he is an avid supporter of the Law School. He has been Chairman of the Board of Visitors and President of the Wisconsin Law Alumni Association. When the Law School embarked on its Fund Drive, Irv was chosen as the Drive's National Chairman.

Irv has given much to our profession. He epitomizes the public role lawyers can play. Irv loves being a lawyer, and this school—and the entire profession—loves him.

Irv, on behalf of the Wisconsin Law Alumni Association, I am proud to present you with the 1988 Distinguished Service Award.



From Rented Rooms to an Atrium?

Professor John Kidwell

Chair, UW Law School Building Committee

A lot has changed in the 120 years since the University of Wisconsin Law School was established and Jairus H. Carpenter was appointed Dean and Professor of Law. The rest of the faculty, apparently, consisted of William F. Vilas and the entire membership of the Wisconsin Supreme Court, who were appointed as "lecturers without pay." Sorry to say, as some who have served as lecturers could confirm, the compensation for lecturers has not improved so very much over the years! The School's first quarters were in a room in the Capitol, but the Law School was soon forced to move to two rented rooms over a saloon on West Main Street!

One wonders whether Dean Carpenter would have anticipated that in just six-score years the Law School would have a faculty of 50, utilize the services of 32 Wisconsin lawyers and judges as lecturers, and would have a student body of 900, 3 law journals, a support staff of 40, and a library with over 300,000 volumes! Probably not.

But one thread might connect Deans Carpenter and Thompson over those twelve decades. I suspect that the problem of not enough space, and what to do about it, must have begun to haunt Jairus Carpenter before many years had passed on West Main just as it occupies Cliff Thompson (and me, as chair of the Law School Building Committee) today. In fact, after ten years over the saloon, in 1885 the Law School moved back into the Capitol. Someone with some imagination must have commented humorously on that!

We know that in 1888, 20 years after the Law School greeted its first entering class, the University Board of Visitors reported that, "The relation of [the Law School] to the University at present is not unlike that of a stray child. The Committee would recommend that this department be found and taken home." Presto! By 1893 the Law School was in its own newly constructed building on the campus; things seemed to have moved quickly before the turn of the century. Apparently this structure served admirably for some years, but (in what by 1988 is a familiar story) the growth of the school and its library required the construction of a library addition in 1939. The pace of growth apparently quick-

ened, and by the late 50's the school was once again pressed for space; the decision was made to expand the library again, and replace the 1893 building entirely. In 1960 the library was doubled in size, and in 1963 the old (and noble) structure of 1893 made way for the building that now serves as our home. Only the gargoyle and the cornerstone remain to remind us of our first permanent home.

The new facility was designed to serve the needs of a student population of 650, and at the time it seemed quite reasonable to believe that it would serve for a great many years. But in the late 60's and early 70's law school enrollments skyrocketed and by the mid 70's the law school population exceeded 1000. The faculty acted in 1972 to limit the entering class to approximately 285, and by the middle of the decade the school's enrollment had settled in at about 900. But the library was running out of room! Just as it had been difficult to anticipate the enrollment increases of the previous decade, so it had been difficult to predict the explosion in legal publications. This led to a modest addition to the library in 1978. The addition was smaller than had been originally planned, and was always understood as just the first phase of a more ambitious project. A great deal of the space added, although intended ultimately for the use of the library, was being "borrowed" for faculty offices, seminar rooms, and student organizations.

For the last ten years the Law School Building Committee has been working to gain approval for the second phase of the project begun in 1978. A number of different proposals have been reviewed by the faculty, and by the Campus Planning Committee. One of the constraints which confronted (and confounded) the faculty committee, and which led to early proposals being greeted without enthusiasm by the Campus Planning Committee was an increasing concern about any building proposal which would increase the "footprint" of buildings on Bascom Hill; people had come to realize that the open space on the Hill was being nibbled away by expansion of existing buildings, and that this was a course that must be avoided if we were to preserve the charm of the historic center of the campus. And



so three separate proposals which would have involved additional towers, or underground structures, failed to gain approval of Campus Planning. It is important to note that one of the alternatives which was rejected by the faculty was to seek a new building on another site. A solid majority of the faculty believed that such a move would weaken the School's program of interdisciplinary research and teaching. Many also believed that the cost of such a relocation—6 or 7 times the cost of improving the existing facility—made approval of funding of the proposal speculative, if not downright unlikely.

In 1986 Jim Kennedy, an architect on the staff of the UW's Department of Planning and Construction who had been assigned to help the Law School Building Committee with its proposal, said that he had some ideas which he would like to explore with us. And so was born the idea that those of us at the Law School have come to call the Atrium Plan—a \$4.5 million construction and remodeling proposal. I am happy to report that the Campus Planning Committee greeted this proposal with enthusiasm, and in their report to the Chancellor they recom-

mended that it be included in the Madison campus request for construction from funds appropriated for this coming biennium. Chancellor Shalala agreed, and submitted the request for UW System review. If they approve, the proposal will be submitted for review by the State Building Commission in the spring of 1989. Assuming this approval, design work would begin and the actual project would get underway in 1990, and would reach completion in late 1991.

In broad outline the idea is to build a two-story structure within the existing law school courtyard and then enclose the courtyard itself with a transparent roof. The roof of the interior structure would become the floor of a large open area—a year-round interior courtyard; this floor, probably divided into two or more levels and connected by ramps, would become a common-area, and the focus of the law school. At present, traffic patterns in the building are hopelessly awkward; the construction of the Atrium would permit the unification of what are presently, really, separate buildings in a dramatic, and we believe, thoroughly functional way. Although actual plans would not be created unless the concept is approved, Jim Kennedy has estimated that as much as 65% of the cubic footage of the courtyard would remain as open space. The plan would generate approximately 12,500 net assignable square feet. This is a conservative estimate, and doesn't include the common area—the "roof" of the two-story structure.

The space would be used for:

- The Law School's Extension/Outreach program, now housed in rented space at 905 University Avenue;
- Office space which would replace office space within the Law Library; the space in the library would be returned to the library to meet collection and service needs;
- A modern law-office laboratory for use in teaching lawyering skills which would also accommodate existing audio-visual and computer equipment;
- A trial courtroom and judge's chambers for use in teaching trial-advocacy skills.

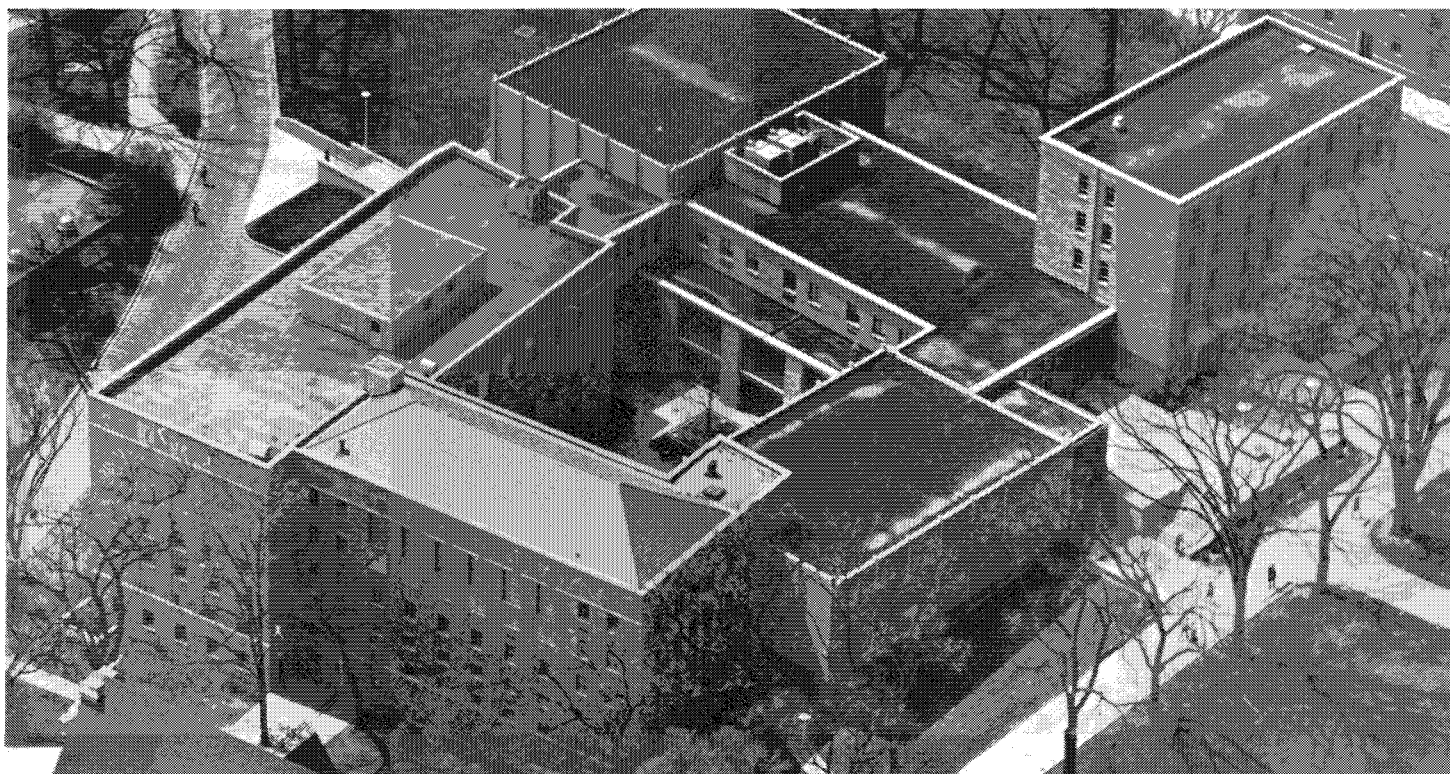
In addition to the new space, the plan would provide for the remodeling of space within the library which is now used for offices and seminar rooms, as well as providing for the installation of much-needed compact shelving to alleviate the shortage of shelf space for books. Finally, Room 150 (the Moot Court Room) would be remodeled to become a more effective appellate courtroom, which could do double-duty as a general purpose classroom.

In order to persuade the Campus Planning Committee, and the Chancellor, to endorse our request for funds for the project we had to demonstrate that it was a crucial need. Sitting through a meeting of the Campus Planning Committee, one quickly learns how difficult it is to compare and evaluate the many worthwhile projects being sponsored by a variety of Departments and Schools on campus. We were able to make our case by written

presentation to the Committee, by a special presentation to a subcommittee of Campus Planning (who were also given a chance to tour the Law Building) and, finally, by a personal presentation to the entire Campus Planning Committee during which they had the opportunity to ask questions. During the time I have served as chair of the Law School's Building Committee I have sometimes grown weary of the pace of the review process, but as we inch our way toward our objective, I must admit that the process has forced us to a clearer understanding of what our needs are, and to a better plan for meeting those needs.

Briefly, we argued that the Law School's need was a product of the interaction of three factors: a significant increase in enrollment since the construction of the building, the increasing needs of the Law Library for space, and changes in the method of instruction in law school which require new kinds of facilities.

During the more than two decades since the Law School was the subject of a major addition the Law School's enrollment has increased by more than 50%, with a concomitant increase in faculty and staff. In 1968-69 the enrollment was 587; it is now 900. In 1968-69 the faculty and staff totalled 57; that number is now 92. In 1968-69 the Law School generated approximately 17,000 credit hours; that number is now 25,000. This increase has placed pressure on every aspect of the Law School's operation.



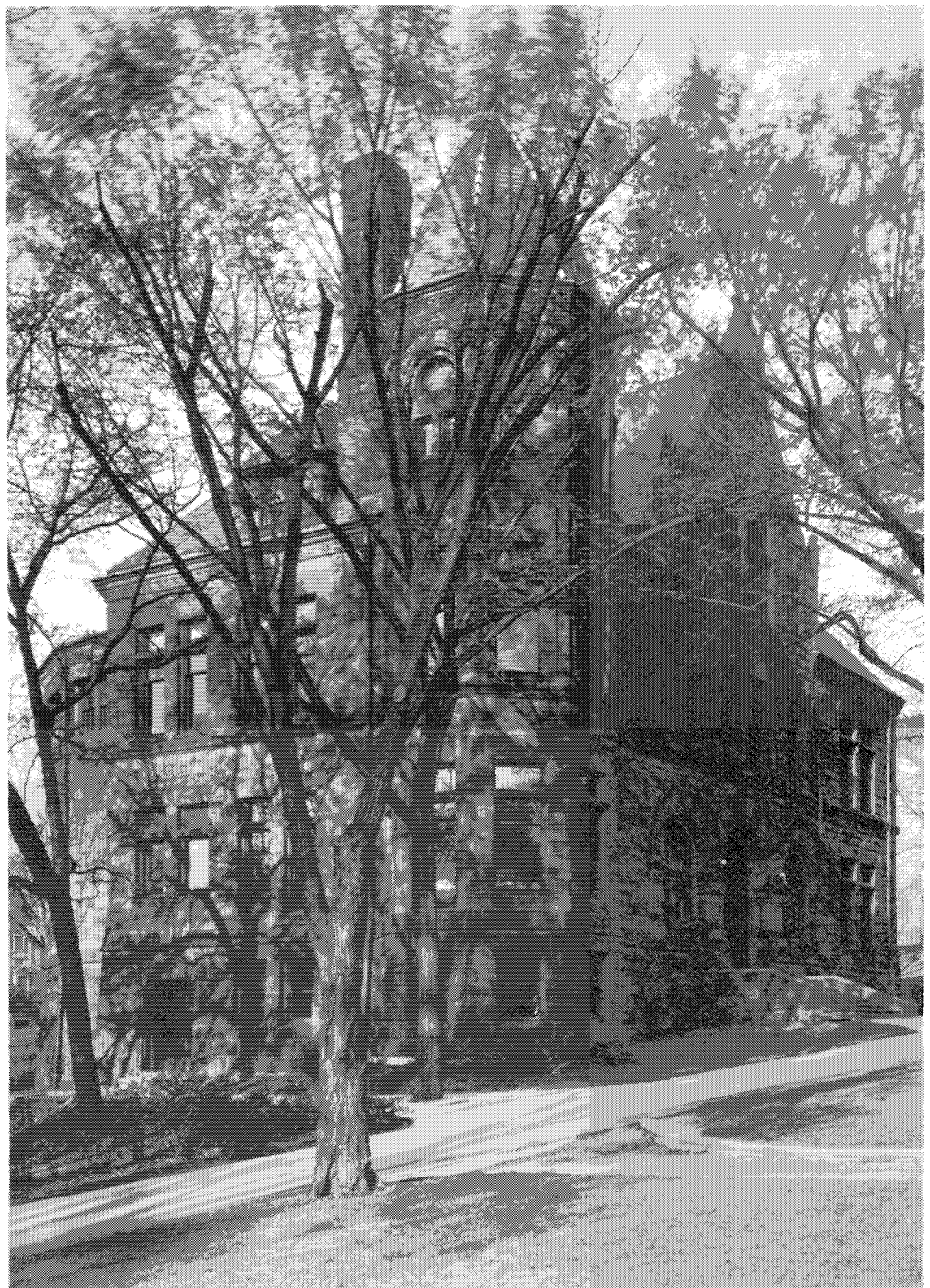
The law library collection has grown even more dramatically than the size of the student body and faculty, creating a space shortage that is already serious and will soon be critical on some floors. Accepted library standards indicate that inefficiency and damage to books begins when the shelves are more than 75% full; 80% of our shelf space is full. In 1969 the collection consisted of 120,000 volumes and 75,000 microforms; those numbers have increased to 279,000 volumes and 330,000 microforms. Microforms save stack space, but have their own requirements for cabinets and viewing space and our need here is very serious. In addition, the use of new technologies—on-line legal research services, video, and photocopying equipment—have created the need for more space for both users and staff.

Changes in teaching methods during the past two decades require additional and different kinds of facilities. Lectures to large classes must be supplemented by more instruction in small groups if the law school is to prepare students adequately to represent their clients and the public. There is a need for more courses in which simulated lawyering activities can occur with an opportunity for individualized critiques. Classrooms designed to accommodate 60, or 160, are ill-suited for such purposes.

Although the Law School Continuing Education and Outreach program has become, administratively, an integral part of the Law School, it presently is housed in rented space across University Avenue; it must be moved into the Law Building in order to achieve its full potential—indeed, a move may be precipitated by the landlord's request, upon the expiration of the current lease.

As an example of non-classroom space demands, the number of employers conducting on-campus interviews at the Law School has increased from 126 in 1975/76 to 249 in 1987/88. In the fall semester of 1987/88 alone, 225 employers conducted more than 5900 individual interviews. The four interview rooms created out of a classroom in the mid-1970's became inadequate years ago. Interviewing is now done in scarce library space and in temporarily vacant faculty offices.

Anyone who has ever visited the Law School can appreciate the difficulty of traffic patterns within the building. We sometimes joke among ourselves that the Law School is a bit too much like the House on the Rock; instead of The Infinity Room, we have the Stairway to Nowhere and Reality Checkpoint. This layout causes inconvenience for every-



one, especially the handicapped who often have to take awkward detours to move about within the building. It also makes it very difficult to have an adequate library security system. The new construction and remodeling would substantially alleviate these problems.

I am optimistic that the project is moving toward ultimate approval and implementation. All of us have been very apprehensive about tampering with the building's courtyard, since it is one of the

nicest features of the existing building; those who have attended UW Law School since 1972 when I joined the faculty know that few faculty have enjoyed it more than I have! But I am satisfied that we should not regard the plan as involving the loss of the courtyard, but rather as its transformation into something that will preserve much that is special, be available year round, and that will significantly improve the rest of the law building.

Summer in the Law School

Assistant Dean Edward J. Reisner

Elsewhere in this issue Prof. John Kidwell describes our efforts to expand and remodel the law building. After reading that piece, it should be clear why a building only 25 years old has become inadequate, at least during the regular September-June school year. But what about the summer, what about those three months when the building is deserted and ghostly winds blow through empty corridors? Let's consider what happened here this summer, a fairly typical one.

The last final exam of the spring semester was held on Friday, May 13th. Friday night the Class of 1988 held a party at the Edgewater, and on Saturday there was an Honors Convocation at the Memorial Union and Commencement in the Field House. While these events did not take place in our building, impromptu tours for families and friends kept the chill off the halls at least until Monday, May 16th. Then, thanks to the required start of classes after September 1st, we did have a slack week. By Monday, May 23rd, however, summer school got underway with the three-week intersession. In this short period, full semester classes are conducted, often in three or four hour class periods.

Summer school continued for the rest of the summer, with offerings of three, five and ten weeks in duration. Our own students, and visitors from other law schools registered for some 20-25 different courses. Many of these courses are taught by visiting faculty members, experts in diverse fields, and add significantly to the variety of courses which are available to our students. While it is somewhat difficult to give a total enrollment, because of the variety of sessions, perhaps 400 students attended, compared to our "normal" enrollment of 875. The summer enrollment is lower than we expected, perhaps reflecting the availability of summer clerkships.

In June, ALI-ABA brought two of its week-long continuing legal education programs to the building. With lawyers attending from around the country, we were on national display. Also in June, ATS, the continuing legal education arm of the State Bar of Wisconsin, brought a videotape crew to our Courtroom to film another of its trial techniques programs.

(I even played a one line role in the taping, concluding with a challenge of my competence!) The courtroom remained active with a mock trial as part of the University's College for Kids.

Three on-going summer programs brought a variety of scholars to the building. The Legal History Program, the Feminism and Legal Theory Project and the International Legal Institutions Program each placed demands on our offices and classrooms. The largest of these programs, the Legal Institutions course, enrolled 61 lawyers, judges and law students from around the world. The largest group this year were from Japan, surpassing the German group for the first time. For five weeks the students are housed in the newest and nicest of the University's dorms, learn about basic American law, and partake in a variety of outside activities to learn about our society and our profession.

As July came to a close, some 200 anxious graduates of other law school nervously awaited the Wisconsin Bar exam, held in our building. The bar exam has consistently produced excitement for us, whether it is a break-down of the air conditioning or an applicant going into labor in the middle of the exam.

In August, the Civil Trial Counsel of Wisconsin comes to the Law School for a three-day educational program on trial techniques. This course will occupy as many as nine rooms simultaneously, possible only because it will occur in the second week of the summer that does not have any classes scheduled. Forty to fifty trial lawyers and judges will attend, listening to lectures on trial tactics and practicing in simulations with videotapes recording the performances for subsequent critique.

The law library never seems totally vacant. With hours on most days from 7:45 a.m. to 10:00 p.m., our summer students and faculty are joined by lawyers and summer clerks from Madison and the surrounding communities doing research in our collection.

Even if all these classes were not being held in our building, there would still be a substantial level of activity, if not student traffic in the halls. A good number of our faculty, while not on our budget or teaching, are nevertheless busy in their offices with preparations for new

courses, updating materials and conducting scholarly research and writing. Summer research grants, an important consideration in recruiting new faculty, add to the number of faculty on-board each summer.

Summer is also the time when the placement office finalizes the on-campus interview plans for the fall. Beginning in the fourth week of classes, the first of some 223 employers will come to class to conduct 4000-5000 individual interviews. We are able to accomplish this only through a lot of advanced planning (and a good share of luck).

The deadline for applications to Law School is February 1st. By summer the admissions office should be fairly vacant. Right? Wrong! Like most schools, we use a "rolling" admissions process, with decisions made to accept or reject right up to the start of classes in the fall. Also, the number of prospective students who drop in for a look and a few questions has increased dramatically in recent years. The time necessary to assist these applicants has also increased.

Perhaps one of the most important tasks that went on this summer was planning for the space-crunch of the fall. Each year we balance competing needs for offices, conference rooms and classrooms. Each year, for the past decade, the demands have increased while the space has not. Within the next twelve months four new tenured faculty members will join us. Where they will find offices, where they will have access to computers for research and writing, and where they will teach is still open to debate. John Kidwell and his Building Committee have been busy and remain active in promoting a plan to relieve the space-crunch.

For myself, summer is the time to catch up on work diverted during the busy spring and to accomplish at least some of the major projects that otherwise sit on my desk. Unfortunately some of them are there summer after summer, often with the price-tag increasing through time. But there is a difference to the summer—it is quieter. Looking over my office phone costs, it is clear that the phone is less busy during the summer. So if you ever wanted to talk, give me a call now. Whatever is on my desk can surely wait a minute or two longer.

Faculty Notes

Profs. **Joel B. Grossman** (Political Science), **Stanley I. Kutler** (American Institutions) and **Jack Ladinsky** (Sociology) have accepted joint appointments as Professors of Law. Each has substantial interest in the law, the legal profession and the Law School, and each has given distinguished service to the School in the past.

Prof. **W. Lawrence Church** ('63), Sherwood R. Volkman-Bascom Professor, serves on the Law School's Foreign Relations Committee. This committee coordinates the faculty exchange with Giessen University in West Germany as well as making arrangements for the exchange of students with this foreign law school and with others.

Prof. **Walter B. Raushenbush** ('53) has returned to the Law School after a year and a half as Visiting Professor at Pepperdine University School of Law.

Associate Dean **Gerald J. Thain** participated in a continuing legal education program on the new rules of professional conduct. His topic was Advertising & Soliciting, covering the development of a limited First Amendment right for lawyer advertising by the U.S. Supreme Court and the present posture of the Court toward various kinds of advertising practices. He also was on the faculty of College for Kids, a University summer program for middle school students. He role was to lead a workshop that culminated in a mock trial of a Fourth Amendment issue.

Dean **Cliff F. Thompson** has been appointed to the ABA Committee on Law School Accreditation, and recently participated in the review of the University of South Carolina Law School accreditation. Dean Thompson also made a presentation to the Mid-Continent Association of Law Teachers in Utah and served as a visiting faculty member at Giessen University in West Germany.

Prof. **James E. Jones, Jr.** ('56) has published an article entitled "The Origins of Affirmative Action" in the University of California-Davis Law Review.

Gail K. Gibson, an attorney in the Minneapolis-St. Paul office of the Internal Revenue Service, will be visiting the Law School this year as part of the IRS Practitioner in Residence Program. The IRS has assigned her to the Law School

to teach several courses and to conduct research that leads to publication. Ms. Gibson will teach a course in Tax Practice and Procedure this fall and another course, perhaps in exempt organization tax, second semester.

Among the faculty who taught at the Law School this summer were Prof. **Christopher Hoyt** ('79), University of Missouri-Kansas City (pension plan law); Prof. **Donald W. Large**, Lewis and Clark College School of Law (conflicts); Prof. **Judith L. Maute**, University of Oklahoma School of Law (professional responsibilities); and Prof. **Randall W. Roth**, University of Hawaii (estate planning).

Prof. **Frank Remington** ('49) has received a Ford Foundation grant to do research and writing and host conferences on the Administration of Criminal Justice. Prof. Remington is also active in proposed revisions of Wisconsin's homicide statutes and the criminal code on crimes against children.

Prof. **Richard Bilder** is serving on the steering committee of the University program on International Cooperation and Security Studies.

Prof. **Martha Fineman** spoke on feminism and legal theory at two recent conferences at Georgetown Law Center and at the University of Maryland. Her Family Policy Program is also sponsoring a graduate fellow this school year.

Prof. **Stuart Gullickson** ('50) is serving on the advisory committee of the institute for legal research at the University of Windsor College of Law. One focus of the institute will be practical training courses like our General Practice Course.

Prof. **Charles Irish**, who consults with numerous foreign governments on tax questions, is preparing teaching materials for a course tentatively titled "Law and Legal Institutions in the Pacific Rim", with special emphasis on the "five dragons" of Japan, Taiwan, Hong Kong, Singapore and South Korea.

Prof. **James B. MacDonald** ('47) has completed a new chapter on condominium law which will be added to the new editor of Wisconsin Real Estate Law, published by Law Extension.

Associate Dean **David Schultz** ('72) presented 120 hours of classroom instruction to the City of Madison's police

recruit class. The recruits also received an instructional manual developed by Dean Schultz.

Prof. **David Trubek** recently presented a talk on Critical Legal Studies at Vanderbilt University School of Law.

Alumni Notes

John K. Callahan ('58) has been elected Circuit Judge for Green County, Wisconsin, and was sworn in on August 1, 1988. He replaces **Franz W. Brand** ('51) who retired and is now serving as a Reserve Judge.

Dayten P. Hanson ('85), former clerk to Bankruptcy Judges Thomas Utschig and William H. Frawley, has joined the firm of Ludwig & Shlimovitz.

Lee M. Modjeska ('60) has been named the Joseph S. Platt-Porter, Wright, Morris & Arthur Professor at Ohio State University School of Law. Prof. Modjeska is an expert in labor relations and employment discrimination law and had a distinguished career in government and private practice before joining the law school in 1977.

Nancy C. Dreher ('67) has become a Bankruptcy Judge for the District of Minnesota. Judge Dreher had served as a clerk to the California Supreme Court, an adjunct professor at William Mitchell College of Law, and practiced with Leonard, Street and Deinard in Minneapolis.

Leonard L. Loeb ('52) is now president of the Milwaukee Bar Association. **David B. Halling** ('62) is a director of that Bar, **David B. Hansher** ('68) is serving a three-year term on its Judicial Selection Committee and **Wayne E. Babler, Jr.** ('67) is the MBA's delegate to the American Bar Association.

Wayne E. Babler, Jr. ('67) has also been elected a Fellow in the American Bar Foundation, along with **Richard L. Olson** ('58), a past president of the Law Alumni Association, and **Thomas G. Ragatz** ('61). Fellows are limited to one-third of one percent of the lawyers licensed in each jurisdiction. They are recognized for dedication to the welfare of their communities and to the highest principles of the profession.

Shirley S. Abrahamson ('62), Justice of the Wisconsin Supreme Court, served as a speaker for the Appellate Advocacy Committee of the Tort and Insurance Practice Section of the American Bar Association in its annual meeting held in Toronto.

Barbara J. Nichols ('86), formerly in the Madison office of Michael, Best & Friedrich, has been appointed Legal Counsel to the Wisconsin Lottery Board.

Brian E. Pawlak ('86) has been

appointed District Attorney for Langlade County, Wisconsin.

Barry E. Sweet ('69) has been named chairman of the tax department at the law firm of Blank, Rome, Comisky & McCauley in Philadelphia.

Erica M. Eisinger ('82) has joined the firm of Quarles & Brady in Madison, Wisconsin.

Robert O'Malley ('53) has retired as chairman of Valley Bank-Madison. He will remain as a director of Valley Bank Corporation.

Michael Fox ('79) is on leave from the National Labor Relations Board directing a play in Washington, DC. Mr. Fox has accepted a scholarship to study directing at Carnegie-Mellon University.

David H. Caskey ('56) reports that his uncle, David Connolly ('33) sent out the following notice: "David Connolly, who has practiced at the law business for 54 years, but never really got the hang of it, has decided to retire on June 30th, to the great relief of his partners, associates and few remaining clients." Mr. Caskey, while admitting some bias, says that this uncle was nevertheless an outstanding lawyer who thoroughly enjoyed his practice.

Stanley Miller ('74) has been appointed to fill a vacancy on the Milwaukee Municipal Court. Mr. Miller had been serving as a Family Court Commissioner for the past four years.

CLEW Notes

The University of Wisconsin Law School would like to thank the following persons for donating their time and effort to help the Law School fulfill its mission of outreach and continuing education. Each person participated as an instructor in a continuing legal education program during the spring and summer of 1988:

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 Prof. Walter B. Raushenbush
 Greg W. Renz
 Thomas L. Shriner, Jr.
 Benjamin Southwick
 Richard J. Stadelman
 Stuart G. Urban
 John C. Vitek
 Curtis A. Witynski
 Prof. Zigurds L. Zile

1988 Fall Course Calendar

Title	Location	No. of CLE hrs.	Dates
Criminal Law			
Recent Developments in Criminal Law	Telelecture	4	Sept. 13, 20, 27, Oct. 4
Recent Developments in Criminal Law (replay)		4	Oct. 28
Ethics			
Legal Malpractice and Ethical Considerations	Milwaukee	tbd	Nov. 18
Taxation			
Tax Practice and Procedure before the IRS and WI Dept. of Revenue	Telelecture 12:00-1:20 pm	4	Sept. 8, 15, 22, 29
Current Employee Benefits Issues	Telelecture 12:00-1:20 pm	4	Sept. 12, 19, 26, Oct. 3
Basics of Partnership Taxation	Milwaukee Madison	7 7	Sept. 22 Sept. 29
Federal and State Aspects of Taxable Corporate Acquisitions	Telelecture 12:00-1:20 pm	4	Oct. 6, 11, 13, 18
1988 CLEW Tax Workshop	Green Bay Milwaukee WI Rapids Madison	10.5 10.5 10.5 10.5	Oct. 7-8 Oct. 21-22 Nov. 4-5 Nov. 11-12
Income Tax Preparation Refresher I & II	Telelecturer 12:00-1:20 pm Telelecturer 12:00-4:20 pm	4 4	Nov. 29, Dec. 1, 6, 8 Dec. 20
WI Taxation of Multistate Corporations and Partnerships	Milwaukee Madison	7 7	Dec. 6 Dec. 13

For more information, please call 608/262-3833 or write to CLEW, University of Wisconsin Law School, 905 University Av., Suite 309, Madison, WI 53715.

Editor's Note

It is, of course, no secret that the nation faces a drought this summer. Madison has not been spared. For 51 days, from Mother's Day on May 8th to June 28th, we received only two showers totaling .23 inches of rain. Lately there has been more rain, but trees are turning brown, grass does not grow and sweet corn has doubled in price and declined in quality. On top of it, twenty-three days in the 90's and even three days at more than 100 have once again tested the University's air conditioning system. Today's forecast (1 August) is for another 100+, and this time, just to make it interesting, it is supposed to be humid. Ah, winter!

Over the next few issues we will be pleased to introduce you to a number of new faculty members. The first to actually arrive will be our new Law Librarian, Blair Kauffman. He will be followed, over the next year, by four other tenured faculty members and several distinguished visitors.

While we are still collecting information on the placement of the Class of 1988, several amazing trends seem apparent. For decades about 70% of our graduates located in Wisconsin. Over the past three years this figure has declined to the 53-63% range. When we first looked at this number for the Class of 1988, based on about three-fourths of the Class reporting, we found only 40% locating in Wisconsin. Although the final figure is likely to be higher, a shift is obvious.

Equally surprising is the continued rise in starting salaries. It was expected that increases in the top starting salaries this year would be modest. And with some exceptions they were. However, with more graduates leaving Wisconsin, many to large law firms around the country, the average starting salary for our graduates appears headed for another large increase. In 1986 the average was \$30,167; in 1987, \$34,494; and, for the same three-fourths reporting, in 1988, over \$41,000!

Another sign of the health of the job market is the ever increasing number of employers conducting on-campus interviews. Last fall we set a record of 205 employers, with 249 for the year. This fall we have 223 scheduled in the fall, and probably will have 230-240 when the semester ends.

The mystery picture in Vol. 18, No. 4, was identified by William N. Leege ('71). Once again clothing lead to the person: Mr. Leege said that no one else would have worn such an "out-of-date shirt" as he did in 1971. The real question, Mr. Leege, is are you still wearing it?

James F. Spohn ('48) named just about everyone in the picture in Vol. 19, No. 1, picture. They were all members of the Class of 1948, and Jim is in the back row. Note also that two members of the Wisconsin Supreme Court are pictured.

Since I talked about placement (with my placement hat on), the mystery picture in this issue shows students gathered outside the Office of Career Services waiting to sign up for interviews. This was a common sight until 1981 when we switched to a "bid" system of allocating interviews. This year we should have a computer program running which will assign interview times based on student preference, number of previous interviews and a "random number" function. This picture must date from 1977 to 1980. While the faces are not distinct, someone must remember spending their time in this manner.



Wisconsin Law Alumni Association, 1988-89

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Upcoming Law School and Alumni Events

9 September	U.S. Supreme Court Justice Stevens visits the Law School. Public address in the afternoon.
16 September	Appreciation Dinner for Dane County attorneys who have taught in the Law School.
16-17 October	Board of Visitors program and Board of Directors meeting.
10 November	Sheboygan-Manitowoc Appreciation Dinner
11 November	Milwaukee area Appreciation Dinner
11-13 January	California alumni events
27 January	Chicago area reception
29 March	Twin Cities reception
30 March	New York City reception
19 April	Oconomowoc area Appreciation Dinner
20 April	Green Bay area Appreciation Dinner
21 April	Appleton area Appreciation Dinner
28-29 April	46th Annual Spring Program



The "Old" Law School Ties

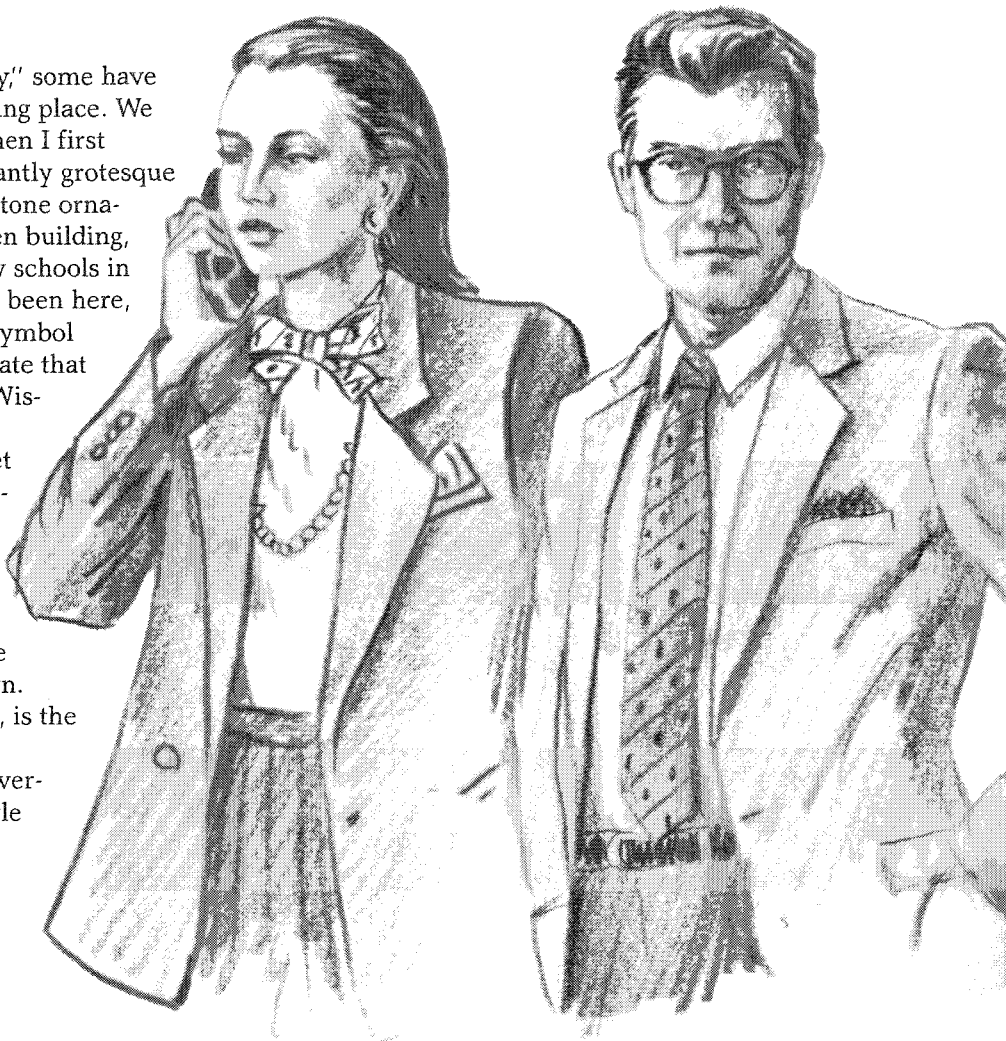
Hurry!
Only 400 ties remain!

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 _____
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