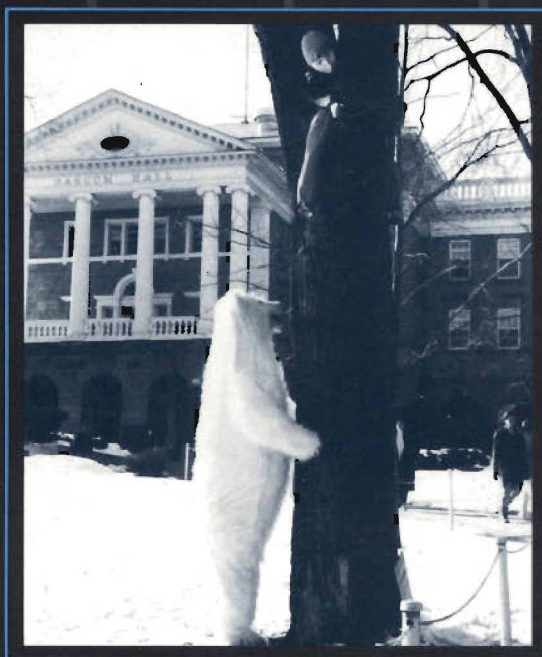


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Cover Photo:

*You know winter is approaching when the
polar bears begin crossing Bascom Hill from
their summer quarters in the Engineering
School.*

Dean Thompson Resigns

Editor's note: Perhaps by now you have heard the sad news that Dean Thompson will step down as dean next summer. He stunned the faculty on 5 October 1989 with his surprise announcement following a "State of the Law School" talk. The faculty's first question was, "Are you serious?", and then suggested that they might not accept the resignation. What follows is the text of the press release issued by the University.

Law School Dean Cliff Thompson announced his resignation on 5 October, saying "new blood" was needed during a new phase of development at the school he had worked hard to improve.

Thompson, 55, assumed the post in August, 1983. His term was marked by accomplishments in a host of areas, including faculty compensation and recruitment, private financial support, and planning for future building needs.

Thompson will serve through next summer and then take a sabbatical leave. He intends to return to the Law faculty, specializing in property and contracts law, and Third World developments.

"All the things I identified to accomplish when I started have been pretty well fulfilled with the support of the chancellor, faculty, students and alumni," he said. "It became clear to me that the Law School was entering another phase, which includes the beginning of a new capital campaign and the final drive to achieve a new building addition. That's the time when you need a new person at the helm."

Added UW-Madison Chancellor Donna E. Shalala: "Cliff Thompson has served this University with distinction, and the Law School made great strides under his leadership. We're sorry to see him step down, but at the same time we are grateful for the solid footing he established for the school."

During Thompson's tenure, faculty retention became a high priority for the Law School, which in the past had a policy of not making counteroffers to faculty being courted by other institutions. Changing that policy, along with judicious distribution of catch-up pay, helped the School fend off numerous offers from other leading law schools, Thompson said.

As a result, Law School faculty salaries, which were at the bottom of the Big Ten when Thompson became dean, are now "significantly improved, in comparison with both the Big Ten and the rest of the nation," he said.

The School also gained in recruitment, particularly of minority faculty. In January, the Society of American Law Teachers recognized the UW Law School with its annual award for "genuine commitment to affirmative action" in faculty hiring.

In an era of scarce resources, the Law School raised over \$6 million during an endowment fund drive that originally had a goal of \$3 million. Alumni annual gift-giving, which had been about \$75,000 per year, has more than doubled during Thompson's term as dean.

A major reason for the success was Thompson's per-

sonal commitment to the Law School alumni association, said John Skilton, 1988-89 chairman of the School's Board of Visitors.

"Cliff has done a very good job of bringing alumni into the Law School," he said. "He enthusiastically became a part of the Wisconsin Law Alumni Association, and he took a very personal approach in his dealings with alumni."

"These kinds of day-to-day things were a trademark of his. I believe that, because of his work, alumni organizations will be able to contribute even more in the future."

Soon after taking office, Thompson recognized that space needs were becoming critical at the Law School building, which was constructed to accommodate about 650 students, but which served about 900 since 1975. A consensus has been reached with Law School faculty on a building plan to add the needed space to the facility while improving functional and aesthetic qualities.

The project has been given a high priority by campus planners, and Thompson "is hopeful that funding and construction can be achieved within a reasonable period of six to eight years."

Other major accomplishments during his term include: integration of the Law School and UW Extension's Continuing Legal Education Program; student endorsement of a tuition increase to add about \$400,000 a year for Law Library improvements; the recent hiring of a permanent development director to help with annual giving; and the faculty's creation of a new Institute for Legal Studies. Thompson gave high priority to keeping in touch with students, both by informal contacts and by occasionally teaching courses.

"The quality of the Law School has improved considerably over the past six years," said Jeffrey Bartell, president of the Wisconsin Law Alumni Association. It's a tough job in that the dean has a lot of constituencies he must deal with, but perhaps Cliff's most outstanding quality is his ability to understand the objectives and motivations of those constituencies and to try and satisfy them.

"I, like a lot of alumni, will be very sorry to see him go."

Thompson—a Rhodes Scholar, Phi Beta Kappa key-holder and 1982 Distinguished Fulbright Scholar—will spend his sabbatical writing a book on revolution in the Third World. A magna cum laude graduate of Harvard College who also won a degree at Oxford University, he has taught in the Sudan, Zambia, Ethiopia, New York, Texas and Hawaii.

Before arriving at UW-Madison, he was dean at the University of Idaho Law School for five years. Before that, he was dean and professor of law at the University of Hawaii.

He will continue as dean of the Law School through the summer of 1990.

Distinguished Service Awards—1989

At the 46th Annual Spring Program, in April, three Distinguished Service Awards were conferred on alumni by the Wisconsin Law Alumni Association: Wisconsin Supreme Court Chief Justice Nathan S. Heffernan ('48), Joseph E. Davies (1894) and Philip F. LaFollette ('22). The presentations to each is reprinted here, together with Chief Justice Heffernan's acceptance.

We are proud to have alumni like these, and are please to add them to our list of Award winners.

Presentation to CHIEF JUSTICE NATHAN S. HEFFERNAN by Hon. John W. Reynolds

It is an honor for me to be called upon to present this Distinguished Service Award to Nathan S. Heffernan. Nat and I have been close friends for over a half a century. We have gone to school together, we worked together, we travelled together, we drank together, and, most importantly of all, we solved the problems of the world together. Therefore, what I have to say today is not objective but it is truthful.

Nat as an undergraduate at this university was bright, enthusiastic and active in campus affairs. He developed a love for this school which he has maintained ever since. He received his B.A. here in 1942 and thereupon joined the Navy as a supply officer. His naval experience was enriching: his roommate was the ship's doctor who had control of all the alcohol on the ship. The doctor had the mistaken belief that if he never drank alone he would never become an alcoholic. Nat did nothing to disabuse the doctor of that belief.

After the war, Nat married Dorothy Hillemann of Sheboygan where Nat had grown up. The two of them moved to Badger Village where a number of us, who were law students, lived at the time. Dorothy taught school and Nat began law school. Dorothy was then, as she is now, a tremendous help to Nat. She was not only his wife and the mother of his children but also his provider and nursemaid. In fact, she mothered him and, in fact, she still does.

In law school, because of Dorothy's work, Nat was elected to the Order of Coif. Perhaps he could have made it on



Chief Justice Heffernan and U.S. District Judge John Reynolds
(Photo by Daniel Flaherty)

his own, I don't know. But I do know, because I too lived in Badger Village, that every night when Dorothy would come home from teaching, she would sit down and type Nat's notes. She did this in order to help "Natty," as she always called him, do better. So I think we have to pay tribute to Dorothy for Nat's achievements. I don't think he would have done it without her.

Nat finally graduated and he and Dorothy moved to Madison. I was still here working in the Attorney General's Office. The Heffernan home was a center of fun and activity for all his friends.

Nat joined Governor Rennebohm's staff, and he and the governor remained friends throughout the governor's life. The fact that Nat was on the Republican Governor's staff has held him in good standing ever since. The Republicans have felt that he isn't quite as liberal as he really is. At the conclusion of the Rennebohm administration, Nat and Dorothy went to Sheboygan where Nat practiced law, and they had three children, Kate, Mike, and Tom.

In Sheboygan, Nat ran for district attorney on the Democratic ticket. He lost the election and was promptly appointed as an assistant district attorney by the Republican victor, who happened to be John Buchen, now a judge in She-

boygan. His next assignment was as Sheboygan City Attorney. Here he found himself in the midst of one of the most bitter strikes in the history of the American labor movement. As city attorney he demonstrated a lifelong facility to get along with conflicting forces. He got along well with the union and with the Kohler Company which in those days was quite difficult.

In 1959, Nat came to Madison to serve as deputy attorney general, and we worked together in that office. He was highly regarded by the staff and, in fact, was in charge of running that office. This allowed me, as the attorney general, to go out and save the country. We both did an outstanding job in our assignments.

Nat has always been active in politics. It is an interest we have shared. During the 1950's he was active in the anti-Joe McCarthy movement and was one of the sponsors of the "McCarthy Record," written by one of his close friends, Charlie Runge. In 1960 and 1961 he was the chairman of the Democratic State Convention. Both of those conventions were riotous ones, and Nat had his hands full keeping order while Jeanie Lucey, the wife of Pat Lucey, led the revolt against what she claimed were the dictatorial methods of Heffernan, Reynolds, Lucey et al. Life is very strange.

In the 1960 election Nat supported Adlai Stevenson. When the Democratic Party deadlocked over selecting the U.S. Attorney for the Western District of Wisconsin, Nat proved to be the solution to that problem. As U.S. Attorney he developed a close personal friendship with the U.S. Attorney General, Robert Kennedy.

In 1964, he went to the Supreme Court of Wisconsin where he has served ever since. I believe it is in that capacity where he has made his greatest contributions to this state and to this nation.

I want to mention his association to legal education. He lectured on municipal corporations at the Law School for three years in the early 1960's. He taught appellate procedure for 12 years starting in 1971. In addition to teaching at the University of Wisconsin, Nat has taught for 15 years at the Appellate Judges Seminar at New York University Law School and numbers among his students two justices of the United States Supreme Court: Justice Stevens and Justice Kennedy.

Nat loved the teaching of law. He gave it up only when he assumed the responsibility of Chief Justice of the Wisconsin Supreme Court. As a justice and now as the chief justice, he has had an opportunity to contribute to the development of the common law of this state. He has been on that bench for 25 years, and during that time the changes in the law have been monumental. I think that the young lawyers do not realize how much we have changed, all of us—the practitioners, the professors, and the judges.

I am going to cite a few of the cases that he was on, that are worth mentioning. In the area of the first amendment, Nat wrote the decision in *Newspapers Inc. v. Breier*. [89 Wis. 2d 417, 279 N.W.2d 179 (1979).] Breier was Chief of Police in Milwaukee. We had a lot of "law and order" when he was Chief. In any event, that decision required the public disclosure of the daily arrest records. Before that time they were secret, and now, throughout the state, people have the right to know who has been arrested.

In another case, *State ex rel. LaCrosse Tribune v. Circuit Court*, [115 Wis. 2d 220, 340 N.W.2d 460 (1983).] Nat's decision required that the voir dire in the selection of a jury be open to the press unless there are compelling circumstances to close it. In close circumstances the press is entitled to a transcript of the proceedings.

In the area of women's rights, it wasn't until 1975 that our court, in *Podell v. Kruzal* [67 Wis. 2d 138, 226 N.W.2d 458 (1975).] decided that a woman had the right to keep her maiden name when she got married.

In the area of conflicts of law, his decision in the case of *Wilcox v. Wilcox*

Nat loved the teaching of law. He gave it up only when he assumed the responsibility of Chief Justice of the Wisconsin Supreme Court. As a justice and now as the chief justice, he has had an opportunity to contribute to the development of the common law of this state.

[26 Wis. 2d 617, 133 N.W.2d 408 (1965).] rejected the old common-law rule based upon the location of an accident and moved to the "center of gravity" theory. This has become a leading decision in our nation and, I must say, when I became a judge it was probably the first case I had to study, and I am still studying it a little bit.

We have a completely new system of criminal law in the state. Nat played his part in its development, and he had a specific role in defending the rights of all individuals, including criminals. I know this is at times not politically popular. He also set out to correct one of the greatest evils in our society: the unbridled, uncontrolled discretion that sentencing judges had over defendants. There is no question that in any system of law there should be some right of appeal. In the state of Wisconsin, because of *McCleary v. State*, [49 Wis. 2d 263, 182 N.W.2d 512 (1971).] the sentencing judge must place on the record his reasons for the sentence he imposes, permitting appellate review of that sentence. I regret that we never did this in the federal system.

In the civil rights area, when Nat came on the court, no one could enforce his U.S. Constitutional civil rights in Wisconsin courts. At least they couldn't use the civil rights provided for them in the United States Constitution. That is hard to believe, but it is true. In *Terry v. Kolski*, [78 Wis. 2d 475, 254 N.W.2d 704 (1977).] Nat wrote for the Wisconsin Supreme Court that people who are denied their constitutional rights under the color of state law had the right to go into the state courts and enforce civil rights claims based on 14 U.S.C. sec. 1983. Prior to that they had to go to the federal court.

Nat's opinions that are the most fun to read are his dissents. It's harder to write a dissent, and he has written quite a few of them, as his colleagues here today will testify to. One of his early dissents was in the Amish case, *State v. Yoder*, [49 Wis. 2d 430, 182 N.W.2d 539 (1971).] The question was whether or not Amish children

should be required to go to school beyond the eighth grade. The State Supreme Court held "no," they don't have to be educated. The United States Supreme Court affirmed that decision. Nat wrote the dissent in our court indicating that unrepresented children have a right to an education and it should not be denied to them under the guise of religious freedom.

In *State v. Milwaukee Braves*, [31 Wis. 2d 699, 144 N.W.2d 1 (1966).] the question was whether baseball is subject to state antitrust law. Justice Fairchild wrote the majority decision, and Nat wrote the dissent. Who was right? I don't know. But I believe that the United States Supreme Court has recently held in *California v. ARC America Corp.* [U.S. , 109 S.Ct. 1661 (1989).] that state antitrust laws are not preempted by federal laws.

I am from Door County, a very precious area of the state, so I followed with great interest the question in *Wisconsin Environmental Decade Inc. v. DILHR Dept.* [104 Wis. 2d 640, 312 N.W.2d 749 (1981).] The question was whether DILHR could require an environmental impact statement before allowing the construction of the largest holding tank in the history of the State of Wisconsin. I think it is 250,000 gallons. The majority said "no," you don't need an impact statement, and Nat dissented. In his decision he described the majority opinion as "the lawless making lawlessness lawful."

In preparing these comments, I asked Nat's former law clerks for their experiences. They remembered fishing with Nat, playing with his dogs, and drinking his martinis. Throughout them all, there is a general theme of a great admiration for his intellect, his charm, and his commitment.

On behalf of the Alumni Association and all of us present here today, I would like to take this opportunity to present to Nat the 1989 Distinguished Service Award for his service in the area of teaching, in the area of judging, in the area of the private practice, and also in the area of public politics.

Nat, congratulations.

**1989 Distinguished Service Award to
CHIEF JUSTICE NATHAN S.
HEFFERNAN April 29, 1989**

Acceptance by Chief Justice Heffernan:

I am of course torn between modesty and veracity. Being a judge, however, I am sworn to the truth and, therefore, I will not disclaim the accolades that you have just bestowed. I accept them with gratification and also with some degree of

humility, for, on an occasion such as this one, praise is likely to be somewhat over-effusive.

But I especially appreciate that the presenter of the award is my near-life-long friend, John Reynolds. John and I met as undergraduates during freshman week in the fall of 1938. Our friendship has continued for over 50 years. We were undergraduates and law students together. I would like to say that we frequently studied together and also frequently caroused together, but only part of that statement would be true.

When John Reynolds ran for Attorney General in 1958, I worked on his campaign. He later appointed me as his deputy. I think it is a test of our friendship that, after having him as a boss for three years, we emerged as being even better friends. He was a great person to work for and a great Attorney General. I think that in a lifetime none of us will be blessed with having more than a very few true friends, friends who can be called upon under all circumstances. John is one of these very few in my life.

In 1962 I became United States Attorney for the Western District of Wisconsin, and John Reynolds was elected Governor, and in 1964, when a vacancy occurred, Governor Reynolds appointed me to the Wisconsin Supreme Court. Accordingly, John I thank you for the opportunity the appointment afforded.

I am the "lost class." I started law school in the fall of 1941, just a couple of months before Pearl Harbor; and had it not been for the "unpleasantness" that followed December 7, 1941, I presume I would have graduated in 1944.

But that is only a presumption. The way my grades were going in 1941 I might not have graduated at all. Herbie Page did not consider me his favorite student. I finally did graduate in 1948—a lapse of almost 7 years. One might conclude I was a slow learner. After the War, things were much better scholastically, mostly because I married Dorothy. She taught school and supported me while we were living at Badger Village, a university student housing project that was converted from the Badger Ordinance plant at Baraboo. My grades improved considerably. I can assure you that I would not have graduated without

In many ways teaching was the best experience of my career. It is satisfying to teach—not only because of the opportunity to pass along knowledge to students, but also because teaching enforces the discipline of the subject upon the teacher. If you want to know a subject teach it.

Dorothy's help and inspiration. In fact, I probably would not have graduated at all. I should point out that after the War I repeated Herbie Page's contract course and did much better, but only after Dorothy attended class with me and met Professor Page. He put her in the front row and obviously concluded that a student who had the good sense to have such an attractive wife deserved good grades.

As I stated, a number of us were veterans. Well, there were a lot of us those days and, when we came back in 1944, '45, '46, the Law School redoubled its efforts to accommodate for the loss of time as a result of the War. The faculty worked double time to make sure that we could get through school as soon as we could. I finished five semesters of law school in 18 months. This meant that the faculty had no vacations, it meant that they had one day off for Christmas, it meant that there were so many students they were sitting in the aisles, but we got a good education and we graduated in record time. The Law School did its best to make up that time we lost, and two of my colleagues, Rollie Day and Bill Callow, were a part of that group immediately after the War who were the beneficiaries of the work of the school faculty. I am deeply appreciative of that, as I think we all are.

The Law School accommodated the law students at Badger by establishing a branch library in the Badger Village

School. So we had a law library—access to not only the Wisconsin Reports but a number of standard texts. To get back to Dorothy, Dorothy was, in a sense, my first law clerk. When she would have an hour off from managing a hundred kindergarten kids, 50 in the morning and 50 in the afternoon, she would go into the library out there and brief the cases that were assigned by our teachers. She would have the briefs for me to read, and she would perform the functions of a law clerk. She typed my notes, and when she would read my notes or the comments of the professor, she would indulge in her own critique about whether that professor really understood that case or not. I certainly owe a great deal to Dorothy. In those days, in addition she was supporting me so well as a school teacher, that we were paying the highest rent in Badger Village.

I also thank the Law School for the opportunity it has given me to teach from time to time since graduation. I have taught Municipal Corporations, had a short stint at Torts, and taught Appellate Procedure and Practice for about 12 years. In many ways teaching was the best experience of my career. It is satisfying to teach—not only because of the opportunity to pass along knowledge to students, but also because teaching enforces the discipline of the subject upon the teacher. If you want to know a subject teach it.

I thank the regular faculty for giving me this opportunity and, over the years, the assistance and friendship they have afforded me.

I have mentioned that Dorothy was my first law clerk. I would be remiss if I did not thank the law clerks I have had since my appointment to the bench. They have been legal helpers and scholarly researchers, but more than that they have been friends, both while we worked together and thereafter. I count my former law clerks among my very closest friends. Much of my success I owe to them and, of course, to my inestimable friend and accomplished secretary, Bessie Sweet.

Again, I thank the Law School and the Wisconsin Alumni Association for this award. I will attempt to justify the honor you have bestowed upon me.

Presentation to JOSEPH E. DAVIES (1876-1958)

by Judge Angela B. Bartell

Angela B. Bartell, Circuit Judge for Dane County, is a 1971 graduate of the University of Wisconsin Law School. She was the recipient of the Joseph E. Davies Prize for scholarship and contribution to the life of the Law School in 1970.

The distinguished career of Joseph E. Davies stands as a monument to the kind and quality of service that graduates of the University of Wisconsin Law School give to the public. As a lawyer, politician, diplomat, public servant, aide to U.S. Presidents and author, Joe Davies used his talents and training unstintingly to advance public interests from Watertown and Madison, Wisconsin, to Washington, D.C., to Versailles and Moscow.

Joseph Edward Davies was born in Watertown, Wisconsin, on November 29, 1876. He was valedictorian in the Watertown high school graduating class of 1894, before entering the University of Wisconsin where he won further honors as commencement orator, varsity debater, student athletic instructor and Phi Beta Kappa before graduating from law school in 1901. He was president of his law class and was temporary chairman of the democratic state convention the year after his graduation.

As a lawyer, politician, diplomat, public servant, aide to U.S. Presidents and author, Joe Davies used his talents and training unstintingly to advance public interests from Watertown and Madison, Wisconsin, to Washington, D.C., to Versailles and Moscow.

He first practiced law in Watertown, where he served as Jefferson County District Attorney for four years. He then moved to Madison and joined the law firm of Aylward, Davies, Olbrich, and Hill, where he specialized in trial law.

He became prominent in local politics, and in 1910 accepted the position of Democratic Committee chairman for Wisconsin. He was chairman of the Western headquarters of the Democratic campaign for Woodrow Wilson in 1912. When



Joseph E. Davies

Wilson went to Washington, Joe Davies went with him. There, he worked together with Franklin Roosevelt as two of "Wilson's Young Men."

After first declining the position of Ambassador to Russia, Davies accepted a position from Wilson as Commissioner of Corporations and authored a tentative bill to create the Federal Trade Commission. When the FTC was finally created, Davies accepted the chairmanship in 1915. During World War I, he was ex-officio member of the War Industries Board, and during peace negotiations was economic adviser to President Wilson at Versailles. Davies' service on the FTC continued until 1917, after which he was nominated as the Democratic candidate for the United States Senate from Wisconsin.

Defeated by Republican Irving L. Lenroot for the U.S. Senate, Davies opened a law office in Washington with an old FTC colleague. The Davies firm specialized in tax cases, advice of bankers on merger, the perfecting of consolidations and cases before the FTC, with Davies himself gaining a reputation as an authority on antitrust laws.

Joe Davies acted as counsel for the Mexican government in 1920, and later acted in a similar capacity for the governments of Peru and Santo Domingo. He was "among the legal brains behind the creation of the National Dairy Products Corporation;" he successfully defended Senator Couzens against charges of Slander; and in 1925 successfully represented the estates of the Dodge brothers and H.H. Rackham in the famous Ford Stock

Valuation Tax Case which arose out of the Mellon-Couzens controversy.

President Roosevelt appointed Davies as Ambassador to Russia between 1936-38; as ambassador to Belgium and minister to Luxembourg in 1938-39; as Special Assistant to Secretary of State Cordell Hull in charge of War Emergency Problems and Policies in 1939-41; and as chairman of President Roosevelt's War Relief Control Board between 1942-46. He was appointed special envoy with rank of ambassador for President Roosevelt to confer with Marshal Stalin in May-June, 1943; and as special envoy of President Truman with rank of ambassador to confer with Prime Minister Churchill in June of 1945.

In January of 1942, he published *Mission to Moscow*, a book described variously as "a good and true story, written with exceptional vision and courage" and as "a mish-mash, unbelievably dull, of every opinion, left, right, and center, that has been expressed about Russia in the last ten years." The screen rights to this work were sold to Warner Brothers in 1942.

He received decorations of the highest order from the governments of the U.S.A., Greece, Belgium, Yugoslavia, Luxembourg, Santo Domingo, U.S.S.R., France, Chile, Peru and Panama, including the Medal for Merit, the highest civilian decoration of the United States in 1946. Personally, he was described as "a dramatic speaker, and a dramatic sort of person"—handsome, fiery, flashing dark eyes, black brows, [and a] fine profile." His character included a "wonderful lack of self-consciousness, his innocence, his looking upon all men as human beings no matter how exalted their position, his naturalness, his charm."

Joseph Davies died in May of 1958 and was buried in the Cathedral of St. Peter and St. Paul in Washington, D.C.

While his views of the Soviet system and leadership were viewed critically by some, his words are worth weighing again in light of recent geopolitical events:

"They [America and Russia] both want the greatest happiness for the greatest number of people. If their methods are different, that's their business. My wife and I thank God that Franklin gave us ringside seats at the greatest experiment in the history of man. . . . We're both pioneers, young, vigorous. We've both got the virtues of pioneers, the same concepts of peace, justice, and the brotherhood of man. If we don't win, if we don't help them, God help the earth."

Presentation to PHILIP F. LA FOLLETTE (1897-1965)

by Gordon Sinykin, '33

It is fitting that Philip F. La Follette should be recognized for the Distinguished Service Award, and it is a privilege to offer these remarks about him at this time.

Everyone called him "Phil." He received his undergraduate degree in 1919 and his law degree in 1922 from the University of Wisconsin. He was district attorney of Dane County in 1925 and 1926, and a lecturer at the Wisconsin Law School from 1926 to 1930. He served in World War I and again in World War II, mostly in the Southwest Pacific in the latter conflict, and left military service at the end of the war in 1945 as a colonel on the staff of General Douglas MacArthur.

Phil served three terms as governor of Wisconsin, from 1931-33 and 1935-39. After military service in World War II he practiced law in Madison, lectured throughout the country, served for a few years as president of the Hazeltine Corporation (an electronics company) in Long Island, New York, and then returned to Madison and his law office there.

This summary does not begin to describe Phil's many other activities, including the details of his leadership in forming the Wisconsin Progressive Party in 1934 and his efforts in attempting to organize a national progressive party.

Progressives in Wisconsin had made their election campaigns as a faction of the Republican Party, and after a meeting in 1934 of Progressive leaders from all parts of the state, it was decided to cut loose from the Republic Party and organize a new political party in this state. That necessitated obtaining a decision from the Wisconsin Supreme Court on the requirements for creating a new party and then launching a campaign to elect Progressive candidates. The first election, in 1934, was a smashing success. Phil was elected Governor, Robert M. La Follette, Jr. was elected again to the United States Senate, and many other candidates were victorious on the Progressive ticket. It was a startling development in American politics, but the new party disappeared from the scene after World War II.

I first got to know Phil in 1930 as a freshman law student in his class in criminal law. He was different from other faculty members in his teaching methodology. He would teach by cross-examination, asking question after question to demonstrate the strength or weakness of the student's answers. Unfortunately, he had to leave after about a month of the school year in order to continue his cam-



Philip F. LaFollette in 1938

paign for Governor, which he won.

Phil served as the chief executive of Wisconsin for six years during the Great Depression of the 1930's. America faced the worst peacetime crisis of its history, wracked by record unemployment, farm and home foreclosures and business failures. Phil attempted to deal with such problems by far-reaching economic programs. Felix Frankfurter wrote Phil in 1931: "Your Message to the Special Session of your Legislature is the most heartening state paper that has come out of the Depression."

Phil was considered a "radical" by conservative forces in Wisconsin, and some of his major proposals were defeated in that and succeeding sessions of the legislature. However, he was singularly successful on a number of fronts. An unemployment compensation act was passed—the first of its kind in the United States. A statewide old-age pension system was adopted, a comprehensive and progressive labor code was enacted, and then legislation was passed which virtually eliminated child labor. The old Railroad Commission was reorganized as the Public Service Commission with wider powers to regulate public utilities, its staff was expanded and experts were recruited from across the country. David Lilienthal was persuaded to give up his law practice and accept appointment to that Commission. He subsequently became a director of the Tennessee Valley Authority and then chairman of the Atomic Energy Commission. Looking back upon his Wisconsin experience, Lilienthal pointed out that "Many of the best things that were part of the New Deal . . . came out of the minds and imaginations of the men and women who were around Phil in Madison in 1931-33."

Phil never backed away from controversies, regardless of the odds. In his prime, his courage and superior intellect were formidable. He never hesitated to blaze new trails.

Other government reorganization measures were adopted, notably that of the Banking Department at a time of widespread bank failures. A comprehensive reorganization act for state agencies was passed in 1937 but was scrapped by a subsequent Republican administration.

Rural electrification, mortgage foreclosure mediation, reforestation and other conservation programs were undertaken with wide-ranging results. Some received bitter criticism from the conservative opposition, such as the highway program to eliminate railroad grade crossings, later adopted on a national scale. One measure which was fought strenuously but unsuccessfully by persons of wealth was the repeal of the state income tax exemption of corporate dividends, long a tax haven of the rich.

Phil was a controversial figure and never shied away from proposing "radical" ideas. An example was his proposal during his second administration for a comprehensive works program for Wisconsin known as the Wisconsin Recovery Program, which was supported by the Roosevelt Administration. After a long and bitter struggle in the legislature, the bill passed the Assembly but lost by one vote in the Senate.

I had the privilege of working closely with Phil in his political campaigns, serving on his executive office staff while he was Governor, and practicing law with him. While we were both in Manila during World War II, we agreed to start a new law firm in Madison after the war. I returned late in 1945, some months after he did, and found a small office furnished and ready for use marked "La Follette & Sinykin."

Phil never backed away from controversies, regardless of the odds. In his prime, his courage and superior intellect were formidable. He never hesitated to blaze new trails. He was dedicated to carrying on the Wisconsin Idea and the tradition of progressive government promoted so assiduously by his father and brother, Robert M. La Follette, Sr. and Jr.

The Distinguished Service Award is a memorial not only to his achievements as a public leader and chief executive of this state, but also to his constant and unwavering support of this great University.

Law School Clinical Programs:

**The Legal Assistance to
Institutionalized Persons Program (LAIP)
The Prosecution Program
The Legal Defense Project (LDP)**

The Challenge

The challenge for any law school is to produce lawyers who not only know the law and how the legal system operates, but who also have a sense of responsibility toward the client, the profession, and the community. Perhaps more important, first-rate law schools strive to develop inquiring minds so that students, both before and after graduation, will question the practices and institutions they encounter and continuously search for ways to improve the way clients are served and the legal system as a whole. But a law school of the first rank in a state university of the first rank has a still broader mission. That mission includes the development and dissemination of knowledge, as well as direct service to the state, so that the quality of life of its citizens can be improved.

Legal education involving service to the state and the development and dissemination of information to diverse audiences is a reflection of the University of Wisconsin Law School's fidelity to the "Wisconsin Idea." That tradition, well described in a turn of the century Chicago Tribune article, characterizes the quality clinical experience:

Paradoxically put, the Wisconsin Idea consists of two distinct and separate ideas. One is that the University ought to serve the whole state, to be helpful to the people of the entire state, to all sorts and conditions of men and women, as well as to the [students] sent there to be trained and fitted for service. The other correlative idea is that the service should be direct, vital, and practical as far as possible, [as by] sending students to study government "in operation," to learn not [only] from books, but from actual processes and concrete examples.

The clinical programs at 913 University Avenue seek to achieve these ambitious objectives in the tradition of law-in-action. Stated simply, the law-in-action tradition reflects the view that the study of law must include not only the law on the books, but also the law in operation.

To be an effective lawyer, one must know how the law operates in action. The clinical programs at 913 University Avenue afford to students and faculty alike, a unique opportunity to study law as actually applied in a variety of settings. These inquiries build carefully on topics stressed in law school classes. Closely supervised study in a focused, "real world" setting provides a number of educational benefits that complement traditional pedagogical approaches.

The Clinics

Since 1977, three clinical programs have operated out of a single building at 913 University Avenue: The Legal Assistance to Institutionalized Persons Program (LAIP), The Prosecution Program, and The Legal Defense Project (LDP). The proximity of the three programs at 913 University Avenue has resulted in the creation of a clinical learning center in the best tradition of law-in-action programs. Students learn to be better lawyers by working directly with clients. The state is served by their involvement. And, consistent with the mission of a great state university, the legal work leads to the development of knowledge and insight that is shared through writing, advice giving, and direct public service.

The student-centered clinical arrangement allows students (both undergraduate and graduate law students) to work closely with faculty, clinical staff, and members of the practicing legal profession to deal with a wide variety of legal problems confronting people involved in the criminal justice system. The ratio of students to teachers is low so students receive individualized attention throughout their studies in the program. Program inquiries build carefully on topics stressed in law school classes, particularly classes taken by students in their first year of law school. Housing all three clinics in one building ensures student access to clinical faculty and encourages continuing dialogue between students

and teachers in the different programs.

The three programs at 913 University Avenue are scheduled to permit a sequence of clinical experience for the interested student. The LAIP Program is available to students who have completed their first year of law studies. The Prosecution Program enrolls students during their second semester of their second year and their first semester of their third year. Students in the LDP program have completed at least half of their law school credits and are typically in their final year of study. A substantial number of students, especially those interested in a career in criminal law, participate in two and sometimes all three programs.

The Legal Assistance to Institutionalized Persons Program (LAIP)

Founded in 1964, the Legal Assistance to Institutionalized Persons Program (LAIP) was the first of the Law School clinics, and today remains the largest with nearly one-fourth of all Wisconsin law students participating at some time during their undergraduate law studies. Like the other clinics at 913 University Avenue, LAIP embodies two of the most well-established traditions of the University of Wisconsin Law School, the "Wisconsin Idea" and law-in-action.

The "Wisconsin Idea" is reflected in LAIP service to the state, both to state government and Wisconsin citizens. The program serves the Wisconsin Division of Corrections and the Division of Care and Treatment Facilities, working closely with staff at all of Wisconsin's State Correctional and Mental Health Institutions. The program also serves Wisconsin citizens who are institutionalized and who, as a consequence, are among those who have the least ability to help themselves. The program strives to assist in ways that serve both the interests of the individuals and the objectives of the Wisconsin correctional and mental health systems.

Students are assigned to work in virtu-



ally all post-adjudication aspects of the justice system, including both state and federal adult (male and female) corrections, juvenile corrections, and the state mental health institutes. Under the close supervision of staff attorneys, students provide direct legal assistance to institutionalized individuals. Although the original emphasis of the program was on the criminal law concerns of the clients, in recent years students in the program have provided service in a wide variety of civil matters, including family law, debt problems, and government benefits. This emphasis reflects the view that an effective lawyer must be attentive to all the legal needs of the client.

In addition to providing "traditional" legal services, LAIP students have the opportunity to participate in the Restorative Justice Project, an experimental project that seeks to repair the harm caused by a criminal offense through, among other things, arranging for supervised face-to-face encounters between victim and offender. While this project is still in its initial stages, early experience strongly suggests that interests of the victim, offender, and society as a whole are served by the restorative approach.

Stated broadly, the primary educational objective of LAIP is to afford the student an opportunity to experience the legal and correctional systems in ways that are impossible after graduation. This opportunity results from complete access to correctional, mental health, and juvenile institutions, giving the student an in-depth and first-hand experience of prisons and mental hospitals. As a result of

close contact with people in trouble, students develop an understanding of what assistance may be afforded by those with legal training.

The achievement of this educational objective is reflected in a letter received from a graduate:

The [LAIP] program was a unique opportunity to see and participate in the law in action. As correctional interns, I and my colleagues were able to see how a major component of the criminal justice system worked from every conceivable perspective. On any given day, we had the opportunity to talk with wardens, social workers, guards, chaplains and a large number of inmates. Each had his or her own story to tell. Together they gave us a picture which it would be impossible to duplicate any other way. I have yet to find another lawyer, even lawyers practicing a large amount of criminal law, who can match the insights I gained during the year I was associated with the program.

Close contact with individuals who are in serious trouble, almost all poor and disproportionately members of minority groups, helps students find real meaning in their study of law. This is reflected in a comment to another letter from an LAIP graduate:

[For] myself and other American Indian law students, LAIP helped to heighten our understanding and respect for the law and the legal process. In many cases it made the critical difference between retention of Indians in law school and dropping out.

The essence of the "Wisconsin Idea"

is service to both state government and citizens. That service, of course, occurs in part as a result of motivating and educating new lawyers, as well as in developing information through research as detailed in the next section. At LAIP, moreover, service to the individual and state is provided directly in the form of legal representation of low-income clients.

The service-to-clients objectives of LAIP are to ensure that inmates have received fair and equal treatment during conviction and sentencing, that mental health patients have been properly committed and are able to leave the institution at the appropriate time, and that institutionalized people and their families have access to needed legal assistance. Students provide this assistance, on both civil and criminal matters, under the close supervision of members of the clinical faculty.

The reaction of people who are served is reflected in the following excerpt from a client letter:

You have pulled me up in my attitude towards legal representation for the poor. You have made me realize that it was wrong for me to assume that poverty meant defeat. You have given me a little hope, and for that I thank you.

These brief comments reflect that, for the student who supplied the appreciated service in this case, three important educational objectives were achieved. The student (1) gained an understanding of the impact of lawyer advice on clients; (2) came to better understand the professional role of the lawyer; and (3) learned to apply substantive knowledge and skills to a problem in an effective, integrated way. These three objectives, as well as obtaining knowledge of the system, summarize the educational aims of the program.

Throughout its 25-year history, LAIP has modified its activities in response to the needs of its students, its clients, and the institutions it serves. Despite this growth and continuing change, the program has remained faithful to the ideal that law-in-action provides an excellent means to serve Wisconsin and its citizens as part of the tradition of the "Wisconsin Idea."

Prosecution Program

The primary goal of the Prosecution Program is to help develop prosecutors who show good judgment in the exercise of their considerable power. Prosecutors all too often begin their careers by being "thrown" into the day-by-day processing of criminal cases without the benefit of perspective, or the chance to question their reasons for proceeding in a particu-

lar manner. Once established, this pattern is difficult to change during the course of practice.

The thesis of the prosecution seminar is that if future prosecutors are encouraged to inquire about the proper role and responsibility of the prosecutor and are stimulated to question why prosecutors make the decisions they do, they are likely to develop a perspective that will help them find solutions to difficult problems facing them as prosecutors. The Prosecution Program strives to instill in law students this reflective quality, so that as prosecutors they will serve their communities and the criminal justice system well.

The Prosecution Program, although treated separately here for reasons of emphasis, is actually part of the LAIP Program and is staffed by LAIP clinical faculty. This organization allows the Prosecution Program to draw on LAIP's vast experience in corrections, criminal law and mental health law.

Students in the program address the questions that prosecutors confront in three stages, beginning with a seminar in the spring, followed by a summer internship in a prosecutor's office, and a final fall seminar.

The spring seminar explores the function of the prosecutor in the criminal justice system. A portion of the seminar prepares students for their summer placement by focusing on practical skills needed to work in a prosecutor's office. The seminar is designed, however, to go beyond the teaching of skills to raise questions about the appropriate role of the prosecutor and to sensitize students to some of the systemic pressures and

ethical dilemmas faced by prosecutors.

During summer internship, students work full time in a prosecutor's office. The work performed is similar to that of any prosecutor, investigation, legal research, drafting pleadings, and negotiating plea bargains. Student interns are certified to appear in court with supervision and have the opportunity to represent the state in trials or other hearings. In addition to criminal cases, students are exposed to other areas, including traffic, juvenile, child support, and paternity.

Throughout the summer, students maintain contact with the staff of the prosecution program, which monitors their activities. In addition, each student has several projects to complete during the summer. These projects are formulated by the staff and students in the spring and involve collecting information about an office's practices that will serve as discussion material during the fall seminar. Examples of such topics are the implementation of the new mandatory arrest law in domestic disputes, the extent to which offices seek out or follow the wishes of victims, and criminal complaint practice.

In the fall following the summer internship, students are enrolled in a seminar that allows them to reflect on their experiences and compare them with those of other students. The seminar provides a valuable opportunity to evaluate the criminal justice system from a unique perspective and to discuss ways that it can be improved. This is especially valuable for those students who later go on to careers in criminal justice, because the pressures of every day practice in the system seldom allow time for this type of

reflection.

The combination of field placement and seminar discussion not only provides an opportunity to send students out to prosecutors' offices to participate and observe, it also makes it possible to bring experienced prosecutors in to the classroom to join staff and students in considering important problems confronting prosecutors in this state. In recent years, for example, Milwaukee County District Attorney E. Michael McCann has participated in seminar discussions on these issues, providing the kind of insight that only years of service afford.

Several hundred students have participated in the prosecution program since its inception. Many of the program's graduates have become prosecutors, often in the county where the placement occurred. In this way, the program serves as an important means for recruiting new prosecutors throughout the state.

The Legal Defense Project (LDP)

Originally created to provide service to Dane County jail inmates who were unable to pay money forfeitures ordered for ordinance violations, the Legal Defense Project has evolved into a program that provides trial level representation to persons charged with misdemeanor criminal offenses in Dane County.

The Legal Defense Project offers students a unique opportunity to be directly responsible, under the supervision of clinical faculty, for all phases of representation, from the client's initial court appearance to trial and sentencing. Students in the program are permitted to conduct hearings and trials under Wisconsin's student practice rules. A typical LDP case involves investigation, plea negotiations, pretrial motions, and attorney-client strategy discussions culminating in the client's decision to plead guilty or go to trial. Through each phase, the LDP student is responsible for continuing representation of the highest caliber.

Active participation in the Dane County misdemeanor system provides an intensive "first-hand" educational experience with many benefits. Immersion in the system provides a unique perspective, allowing student attorneys to understand the dynamic nature of the system and the interaction between its various actors, including the police, courts, prosecutors, defense bar, and social service agencies. The focus on misdemeanor cases ensures an in-depth experience.

Direct client representation exposes students to the human consequences of involvement in the system and provides



Left to right: John Pray (LAIP Supervising Attorney) and students Mary Pittman and Glenn Yamahiro.



Left to right: Meg Gains (LAIP Supervising Attorney) and Mary Green (2L).

the opportunity to learn how well the criminal law responds to community problems, such as domestic violence, drunk driving, and retail theft. It also permits students to assess the fairness of monetary and other sanctions applied as punishment for the poor.

Participation in the program allows law students to develop a sense of professionalism and to learn of the responsibilities of the lawyer to the client, other system actors, and society as a whole.

The Legal Defense Project also provides law students with the opportunity to develop traditional lawyer skills, such as interviewing, negotiating, drafting motions, briefs, and memoranda and the effective presentation of evidence. Limited caseloads encourage thorough work and effective representation.

Student supervision is highly structured and intensive. Limited enrollment ensures a student-to-teacher ratio no greater than four to one and permits daily access to supervising attorneys and on-site supervision of all court appearances. In addition, students in the Legal Defense Project are required to enroll in a four-credit Trial Advocacy course which provides a continuing opportunity to reflect upon system problems and goals, whether systemic changes would improve achievement of the goals and how the lawyer can most effectively contribute to the pursuit of justice. The classroom component also provides students with the opportunity to practice courtroom skills with videotaped performances and feedback from clinical faculty.

In addition to providing an excellent educational experience for law students, a number of undergraduate students interested in criminal justice have been involved in the program as investigators and mock jurors, allowing them the opportunity for "hands-on" experience.

Maintaining computerized records of all cases and dispositions provides an immediate and current source of information to research trends in the handling of minor offenses. In turn, this information can be shared with others to suggest refinements and improvements in the system.

Apart from the educational and research opportunities provided by the Legal Defense Project, the program provides service in a number of ways. By representing the poor, the program helps to ensure access to justice for those most needy members of the community. The lessons learned by program students can instill a sense of professionalism which can be a source of continuing contribution to the community throughout the student's career. And, as both students and staff are able to share the knowledge gained, the justice system can be made more fair and responsive to the needs of all segments of society.

A good measure of the program's success in meeting these goals is provided by the views of those with the best opportunity to see the program in action, Dane County's circuit judges. In response to a request for an evaluation of the program a few years ago, many of Dane County's judges wrote letters of strong support. One example, typical of many responses, emphasizes both the service and educational aspects of the program:

"[T]he Legal Defense Project performs a service for the community in its representation of people involved in litigation pending before the courts. The quality of services rendered has on each and every occasion been exceptional. . . . The students involved, in my opinion, have gained valuable experience from working with the Legal Defense Project which is undoubtedly of significant importance in

their representation of clients in future years."

Another Dane County Judge emphasized the program's role in bringing new perspectives to the system:

"The students bring a much-needed fresh point of view and enthusiasm to an over-burdened, over-routinized system. The innovations the students present in one case can be and are utilized in other cases. . . ."

In these ways, the Legal Defense Project is an integral component of our law school's commitment to education and service to the community.

The History of Funding for the Clinics at 913 University Avenue

Prior to 1975, several experimental law-in-action programs, funded by Ford Foundation, ABA or federal funds, were initiated at the University of Wisconsin Law School. In 1975, with funding from these sources no longer available, the University was faced with the decision of whether to continue the LAIP program. Chancellor Edwin Young's response was to first continue the program out of Chancellor's Office funds and then appear before the Legislative Joint Finance Committee to ask that Committee to add funds to the University budget to make it possible to continue the program. At the request of Joint Finance and the governor, the legislature appropriated the funds necessary to continue the LAIP program. At the urging of then Senator William Bablitch, the legislature also added additional funds to enable the law school to re-institute a prosecutor internship program and the Prosecution Program became an on-going part of LAIP. The special appropriations were added to the University base budget for the specific purpose of funding these programs at the law school.

The specially appropriated legislative funds were later supplemented by contracts with the Wisconsin Division of Corrections, the Wisconsin Division of Care and Treatment Facilities, and the United States Bureau of Prisons. During fiscal year 1989, funding for LAIP under these contracts amounted to \$283,700. In addition, in 1989, LAIP was the recipient of a \$25,000 grant from the Legal Services Corporation, and in 1989 and 1990 received \$20,000 grants from the Wisconsin Trust Account Foundation, funds derived from Interest on Lawyer's Trust Accounts (IOLTA).

The Legal Defense Program was initially created by a federal grant of Law Enforcement Assistance Administration (LEAA) funds. At the start, it was designed to serve inmates of the Dane

County jail. It soon became apparent that many people were in jail because they were poor and unable to pay traffic and other fines. Rather than wait until they were jailed, representation was offered in court where the decision to jail was being made. This was the origin of the Legal Defense Project, which offers legal assistance to indigent persons charged with misdemeanors in Dane County. The program is now funded jointly by the law school and the Office of the State Public Defender, with the Public Defender contributing \$84,000 in fiscal year 1989.

The Contribution

Consistent with the Wisconsin Idea, the clinical programs at 913 University Avenue provide service to the state of Wisconsin and its citizens in a wide variety of ways. Most obvious is the value of high quality legal training and the experience of working with low-income people who find themselves in serious trouble. Whether as an advocate on behalf of the indigent person or on behalf of the community, the experience of the clinical program participant provides needed services to the citizens of the state.

Service to clients also serves state of Wisconsin agencies, particularly the Division of Corrections and the Division of Care and Treatment Facilities (in the case of LAIP) and the State Public Defender (in the case of LDP). The long-standing and ongoing support of these agencies, as well as the Federal Bureau of Prisons, serves as testimony to the value of this service. The Prosecution Program, similarly, provides needed assistance to counties, particularly rural counties with greater prosecution needs in summer months.

A major emphasis of the three clinical programs at 913 University Avenue is disseminating the knowledge gained by working in the criminal justice system and its subparts, particularly the misdemeanor trial, correctional, and mental health systems. Over 50 journal articles have been written by clinical faculty and students on topics directly relating to the clinical experience. (See appendix.) In addition, clinical faculty have made use of their experience to provide information to the practicing bar through articles in the Wisconsin Bar Bulletin, CLE seminars, and other informational materials. Clinical faculty members are frequently called as resources by members of the bar and provide a bridge between the Law School and the practicing bar in the state.

In addition, LAIP has played a significant role in developing the law in Wisconsin. LAIP faculty, especially Professor Frank J. Remington, are often called upon to comment and propose legislation to solve, on a systemic basis, many of the problems encountered in the criminal justice and mental health systems. Recent examples include the revision of Wisconsin's homicide law and the statutes relating to credit for jail time served by convicted offenders.

LAIP has also had a thorough involvement in administrative rulemaking in Wisconsin. While director of LAIP, for example, Professor Walter Dickey drafted, with the assistance of his students, the first comprehensive administrative rules for corrections. At the present time, LAIP staff and students are assisting the Juvenile Bureau of the Division of Corrections in completely revising the administrative rules for juveniles. LAIP involvement in the revision of administrative rules continues on a routine basis as amendments are proposed.

At present, LAIP students and faculty continue their efforts to develop understanding about significant issues that are presented in the clinical experience. Ongoing research and writing projects focus on such important issues as: the respective roles of trial counsel and judge in ensuring that criminal defendants adequately understand their decisions to plead guilty; the role of victims in the criminal justice process; the possibilities of developing a "restorative" model of justice that emphasizes the need to restore relationships broken by criminal behavior; and the role of guardians ad litem in the guardianship and protective placement process. In addition, LAIP faculty and students are developing pro se materials to assist institutionalized persons who seek to represent themselves in various types of proceedings and are producing a videotape to be used as part of the treatment for competency at Mendota Mental Health Institute.

Similarly, LDP provides the opportunity to develop written materials, based on the clinical experience, that can assist in improving the administration of justice in the county and state. For example, program experience played a role in the development of a Wisconsin Law Review article concerning the dilemma facing defense counsel representing a mentally ill client. The most recent example of LDP writing is a handbook on misdemeanor practice in Dane County. In addition, maintaining computer records of

program cases provides a basis for examining and discussing whether local responses to community problems achieve the desired result, need to be changed, or should be refined.

The Prosecution Program, likewise, provides a means to develop new ideas that can have a positive impact on the criminal justice system. Each summer, students work on special projects that provide material for discussion or further research. Not only do future prosecutors encounter various ways to solve problems inherent in the system, but law school staff are able to research various aspects of prosecution and offer suggestions for improvement. Current examples include a review of criminal complaint practices in the state and a study of prosecutor attitudes toward crime victim participation in the criminal justice process.

Perhaps the most important contributions of the clinical programs at 913 University Avenue are reflected in the accomplishments of their graduates. Clinical program graduates have had a real and significant impact on the administration of justice in Wisconsin. Because program graduates have served in almost every conceivable role in both public and private spheres, it would be impossible to catalogue their contributions in any comprehensive fashion.

While the programs at 913 University Avenue strive to prepare those interested in criminal justice for careers in the system, they are by no means so limited in their objectives. An important premise of the programs is that future lawyers who will go on to varied careers should have first-hand exposure to the criminal justice system in action. Even when the graduates' career paths do not include direct involvement in the criminal justice system, the clinical experience provides information that can be critical to good decision-making.

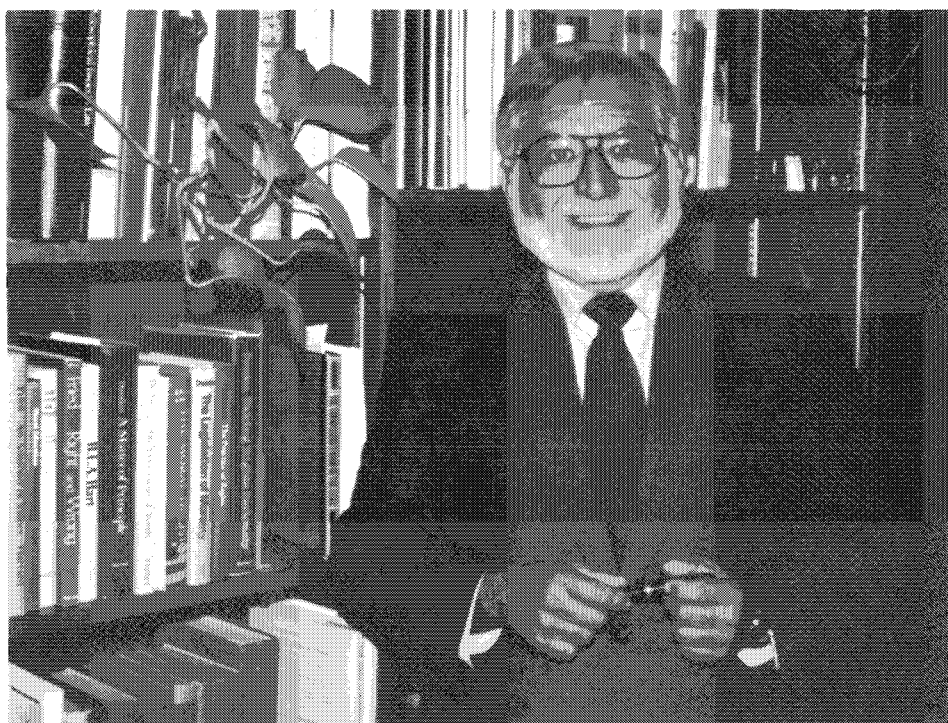
While the programs at 913 University Avenue strive to prepare those interested in criminal justice for careers in the system, they are by no means so limited in their objectives. An important premise of the programs is that future lawyers who will go on to varied careers should have first-hand exposure to the criminal justice system in action. Even when the graduates' career paths do not include direct involvement in the criminal justice system, the clinical experience provides information that can be critical to good decision-making.

Alumni Support Library's Efforts to Move Forward

Alumni are joining in the effort to rebuild the Law Library, bringing a new mix of resources to move the library forward. For example, Roy Mersky (Class of '53), volunteered his considerable talents as a legal educator and library consultant, to advise the Law School and University about library space needs. Roy, who is the Hyder Professor of Law and Director of Research for the Tarlton Law Library at the University of Texas, in Austin, and the co-author of a leading textbook on legal research, is one of the nation's pre-eminent librarians and frequently retained for his highly regarded advice about library matters. Roy's unique contributions to the Law School match the innovative plans developed for transforming the library into a facility rivaling its peers and fully capable of supporting legal research into the next century.

Following years of enduring pinched budgets and increasingly cramped quarters, the Law Library began on its road to recovery last year, when, quite remarkably, law students voted to raise their own tuition levels to help improve the library. This tuition-generated boost was nearly matched with increased funding by the state and this year brought the Law Library's total operating budget back into the lower range of its peers for the first time in over a decade! But like the seamless web of the law reflected in the library's holdings, this increase in the library's budget has repercussions stretching beyond the capacity of its physical facilities and has hastened the need for an ambitious building project.

The Law Library's plans call for blending newer and existing technologies to support the integrated research needs of the Law School community over the next several decades. The facility needed to advance this plan could take advantage of a campus-wide rewiring project, which is providing over 250 data outlets in the Law Library alone. Study carrels equipped with data outlets would allow library users to integrate their use of traditional paperbound materials with convenient access to external databases, like LEXIS and WESTLAW, and to compose documents using word processing and other software made available through a Law Library network. Library computer labs would be used for training students



Professor Roy Mersky

to effectively utilize these newer technologies. But even with this heavy reliance on newer technologies, the Law Library's book collections will continue to grow, taking on an expanded regional and national significance: where duplication is reduced or eliminated in some areas new depths of research capabilities would be made available in other subject areas.

Roy Mersky volunteered to help last summer, just as the Law School was beginning to revise its building addition proposal to accommodate these increasingly ambitious plans of the Law Library. Roy offered to review the Law School's current plans and related documents, visit the Law School and propose solutions to the library's space needs. Of course, we were delighted to accept this generous offer.

Roy was welcomed to the Law School in late August, with a small reception held in his honor and attended by librarians, faculty, alumni, and friends from around Madison. He then set to work for several days with Library Director Blair

Kauffman, reviewing the library's facilities and plans and meeting with key Law School and University officials, to get a firm handle on potential solutions to the Law Library's space needs. At the conclusion of his visit, Roy briefed the Dean on his findings and outlined a full written report with Blair Kauffman, which is now being finalized. In the meantime, this visit served to raise consciousness about the severe space needs of the library, which in turn are integrally tied to the space needs of the rest of the Law School, and renew the drive to find a viable solution within the near future.

Following Roy Mersky's summer visit, the faculty adopted a revised space plan, which more than triples the amount of additional space previously allocated to the Law Library. This enhanced space plan is now moving forward in the campus planning process and holds the potential for transforming the entire Law School building into a facility more suitable to the Law School's proud history and enviable location on Bascom Hill.

UW-Law Olympian Joe Bersch

Carol O'Rourke

Joe Bersch, a recent graduate from UW Law School, took an extra semester to complete his legal studies and thereby found time also to fulfill an Olympic dream. In September of 1988, Joe represented the United States on the U.S. Olympic Sailing Team in the 1988 Olympic games in Seoul, Korea.

A native of Milwaukee, Joe began sailing at age six at the Milwaukee Yacht Club on Lake Michigan. He began competing on a local level by age ten and nationally by age fifteen. In 1979 Joe represented "Midwest Area E" at the National Junior Championships in Marion, Massachusetts, finishing fifth. He also competed in the United States Youth Championships in 1980 in Port Townsend, Washington, finishing sixth. It was at this time that Joe became involved in the Olympic 470 Class, winning all major regional events from 1980 to 1984. (For landlubbers, the accompanying photos show the 470 Class sailboat.)

From 1980 to 1983, Joe attended the University of Miami majoring in Marine Science and geology, with minors in chemistry and biology. While attending the University of Miami, Joe actively campaigned for the 1984 Los Angeles Olympics. His ambitions were cut short, however, due to an unexpected spinal operation.

After recovery, Joe sailed full-time on a forty-one foot racing sailboat in the Virgin Islands Atlantic Seaboard. He then enrolled in UW Law School, with an intent in pursuing a career in Admiralty and Maritime Law. While at the Law School, Joe took directed reading with Professors Bilder and Baldwin, expanding his knowledge of and interest in the law and the sea. Joe greatly values his experience at the University of Wisconsin.

"UW-Madison is a great law school because its atmosphere and faculty allowed me to pursue my non-academic interests while obtaining a nationally recognized education in law."

Joe again became involved in Olympic sailing in 1986, also in the 470 Class, with partner Luther Carpenter from New Orleans. They qualified for the 1987 U.S. Men's Sailing Team after a third place



Joe Bersch on right

finish in the U.S. Olympic pre-trials in Newport, Rhode Island.

During the summer of 1987, while working as a law clerk for Stinson, Lyons, Gerlin and Bustamante, in Miami, Joe took time off to travel to Kiel, West Germany, for the Kiel Race Week, the largest one-design sailing event in the world, and the 470 World Championships.

During the fall semester of 1987, Joe took time off from his legal studies to compete in the U.S. 470 Nationals in Dallas, Texas, finishing fourth of forty-two competitors. In the spring Joe went to Haifa, Israel, for the 470 World Championships.

"Dean Thompson encouraged me to take time off to pursue an Olympic dream—so I did!"

Joe was then off to the south of France to compete in the International Spring Cup in Sete, France, followed by the Hyeres Olympic Week in Hyeres, France. After spending the spring in Europe, Joe returned home that May to watch his law

school peers graduate.

In July of 1988, Joe competed in the U.S. Olympic Trials in Newport, Rhode Island. He and his partner, Luther Carpenter, finished fifth and were chosen by the U.S. Olympic Committee to be members of the U.S. Olympic Second Team. He spent the summer training in California and in August left for Pusan, South Korea.

"I found the Korean people to be the friendliest people I have ever met, but the country is severely polluted, and the food is scary! Raw sewage flows in streams into the ocean where we sailed."

Joe arrived home in September 1988 to resume law school. He graduated in December and moved to Seattle, Washington, a location with superb sailing and law firms active in Admiralty Law. Joe is currently working for LeGros, Buchanan, Paul and Whitehead.

"My future plans include making enough money so I can sponsor other sailors' Olympic dreams and promote Olympic sailing throughout the U.S."

Judicial College Dines in the Law School

Each year, judges from throughout Wisconsin gather in Milwaukee or Madison to conduct continuing judicial education programming. And each year Marquette University and our Law School take turns in hosting a dinner for the gathered judges.

In 1985 and 1987, the dinners hosted by UW were memorable, but for the wrong reasons. Both times we opted for a relaxed, summer barbecue theme, and each time the skies opened and boats were needed to reach the dinner. Judges could be heard quipping about UW's "beans and weenies" dinners.

This year, Dean Thompson opted for the high road, a nicely catered dinner served in the elegant surroundings of the Law Library's Old Reading Room, under the Curry mural. A gift by Chief Justice

Nathan Heffernan augmented our budget, and a new tradition was well launched.

To commemorate the occasion, the Dean called on Judge Michael Brennan ('64) for some suitable poetry. Judge Brennan responded with extemporaneous verse which credited Judge Susan Steingass ('76) with a heroic role in the fair turn of events.

In response to the Dean's later request for a written version of the poem for the Gargoyle, Judge Brennan noted: "We had a debate on the spelling of 'weenie'. My court reporter assures me its old German slang and it is correct. He, however, spells fine but doesn't understand the scanning involved in fine poetry."

Weenies & Beans

Said Steingass to the Dean,
What's the Cuisine?
Weenies & Beans says the Dean.
Steingass to the Dean,
Now that they have been anointed,
Judges demand a dinner better appointed.
Weenies & Beans says the Dean;
I don't wish to be mean
but if you work for the State its got to be lean.
Doth say the Dean.

Weenies & Beans!, says Steingass to the Dean,
No more will you see this bright face
In the hallowed halls of this fine place.
If we get
Weenies & Beans

Judge Mike Brennan



Herzberg Awarded for Excellence in Teaching Trial Advocacy

A particularly telling measure of the significance of any course in graduate education is the opinion expressed by students currently enrolled. After only four weeks in a trial advocacy course taught by University of Wisconsin Law School Professor Stephen Herzberg, at least one student is giving serious consideration to litigation rather than the corporate work he had always intended to pursue as a career. Apparently Herzberg's desire for trial advocacy students to "work hard, have fun" and be well versed in legal theory is effective.

Clearly, Herzberg's technique of teaching trial advocacy is effective. He is the winner of the 1989 Richard S. Jacobson Award, which names him as the nation's top trial advocacy teacher. The highly competitive award for excellence in teaching trial advocacy is sponsored by the Washington D.C.-based Roscoe Pound Foundation, and was presented in Boston at the July meeting of its affiliate, the Association of Trial Lawyers of America.

Instructors at all of the nearly 200 accredited law schools nationwide were eligible. Herzberg was nominated by the other professors who teach trial advocacy and criminal law at University of Wisconsin Law School. He was selected from 30 nominees.

The Jacobson Award is based on a range of criteria and recognizes teachers who have advanced the science of advocacy and improved the quality of trial lawyers in the United States. Herzberg's trial advocacy class incorporates standard legal theory with state-of-the-art psychological research, videotapes and mock trials to help third year students synthesize the theories of their first two years into efficient and effective courtroom advocacy.

Unlike some of the other trial advocacy classes, students are expected to commit two semesters to Herzberg's course. The result is to turn students into superbly trained lawyers, competent in the knowledge of trial strategy and techniques as well as ability to perform.

Much of his unconventional method in teaching trial advocacy is the result of Herzberg's work with a team of social psychologists to challenge traditional assumptions about trial presentation. Herzberg claims that substantive theory about trial advocacy has been taught as a folklore rather than a discipline, and is

based on offensive, discriminating and just plain inaccurate generalizations about people. Testing of some of the assumptions proved they could be ineffective, even detrimental at trial.

For example, prosecutor's were taught generally that you get the conviction if you get the victim to cry. Herzberg thought this precluded another psychological dynamic—that of the juror who attempts to identify with the victim. To prove the point, the team filmed a rape trial, using actors and actresses, and manipulating one variable—whether the witness cried or not. The outcome substantiated their theory that prosecutors could get a higher conviction rate when the witness appeared able to get on with life after the catastrophic event rather than be destroyed by it. Apparently jurors were less likely to think she must have done something to deserve the attack.

Another tradition of lawyers in court is to ask a witness' name, address, etc., in the opening questions. Herzberg and his social scientists team found that the opening moments of presentation are a precious opportunity to impress in the memories of the jury some particularly significant fact or issue. Other studies caution that while jurors do remember opening comments and other "electric moments," they tend to forget information offered immediately after.

Herzberg also teaches his students some basic no-nos about lawyer behavior. He encourages them not to do things they would not do as people apart from their roles as lawyers. Included in this list is wearing flashy jewelry, talking down to juries and, of course, opening questioning with the dull and routine.

Besides the psychological techniques, Herzberg also provides students with immediate feedback on their performance through videotapes of their mock trial performances. He notes that this has become relatively common since he first started videotaping.

Herzberg's use of technological sciences has become an outlet for public education about the mysteries of the legal system as well.

In 1977, he did one of the first "gavel to gavel" telecasts of a murder trial, through a public television station in Milwaukee. Nine years later he produced the first documentary to record how a jury deliberated a difficult case. Entitled



Professor Stephen Herzberg

"Inside the Jury Room," the PBS "Frontline" special won him a blue ribbon from the American Film and Video Festival.

Apple Computers has made Herzberg an Apple legal fellow for his work in the use of computer-generated graphics as presentation tools in the courtroom. He is also researching the use of artificial intelligence to compare various trial outcomes resulting from different advocacy strategies.

After joining the UW-Madison faculty in 1973, he founded the Ordinance Defense Program. At that time the program provided indigent misdemeanants with representation by supervised law students. Now entitled the Legal Defense Project, the program is one of the Law School's clinical placements, and handles approximately 40% of the misdemeanor cases before the State Public Defender's office.

In one of the local news interviews Herzberg admitted "the only downside to this award is that I have to get dressed up." Herzberg usually spends his time in the more casual auspices of fishing guide on northern lakes in Wisconsin, owner of a goat farm west of Madison, and rugby-shirted law professor who teaches his students to "not be boring."

New Faces in the Faculty

Wisconsin has received national recognition from the Society of American Law Teachers and the Association of American Law Schools for recruiting four minority professors. The Law School took the opportunity to hire these distinguished teachers under the Madison Plan, a project implemented by Chancellor Donna Shalala, to dispel the appearance of discrimination and to integrate minority administration, faculty, and students into the University. This effort reflects the Law School's commitment to supporting a faculty strong in research, teaching, and service, and rich in diversity.

In this issue we profile two of our new faculty. The other two, Professor Patricia Williams and Professor Richard Delgado, along with Professor Alta Charo and several of our visiting faculty, will be featured in the Volume 20, Number 4 (Spring).

Professor Linda Greene

Professor Linda Greene comes to Wisconsin after spending three years working as a counsel to the Senate Judiciary Committee in Washington, D.C. There she worked for Senator Howard Metzenbaum on the Antitrust Subcommittee. She was responsible for advising the Senator on a wide range of legislative issues including federal court nominations, federal court jurisdiction, constitutional amendments, federal criminal law, civil rights legislation, and reproductive rights. "On a single day, I might write questions to be asked of a judicial nominee, introduce a bill to protect religious groups against hate violence, assist the Senator at a hearing on family planning programs, meet with staff representing other senators to resolve differences over procurement fraud legislation, meet with interest groups to consider new legislative proposals, and field 40-50 phone calls." A minimum day was 8:30 am to 7:00 pm, and on a number of occasions she worked all night long on the Senate



Professor Linda Greene

floor. The pace was quite fast, but the work exhilarating and rewarding. "I have a tremendous amount of respect for elected officials and staff who devote themselves to legislative service."

In 1988 Greene took a leave from her Senate counsel position to work on the presidential campaigns of Jesse Jackson and Michael Dukakis. She is very enthusiastic about political work and plans to continue her involvement in politics.

Before coming to the Senate, Greene was a tenured professor at the University of Oregon, and a visiting professor at Harvard Law School and Georgetown. She started her teaching career ten years ago at Temple University after a three year stint as a staff attorney at the NAACP Legal Defense Fund and one year as a Deputy City Attorney in Los Angeles.

"I knew I'd be returning to teaching, but I wasn't sure where I'd go. I'd given

up my tenured position at Oregon to work in the Senate, and had thought that I'd return to California where I was born and raised. But as soon as my friend Jim Jones learned that I'd quit Oregon to work in the Senate, he started urging me to consider Wisconsin. Finally, I agreed to come to Wisconsin, despite the fact that my bicoastal friends warned me about the cold weather."

Greene has taught civil procedure, employment discrimination, federalism, and various seminars in constitutional law including one on race conscious remedies which she will teach again next semester. She has a strong interest in comparative constitutional systems and in the long run would like to become more involved in the field of comparative constitutional law.

Greene enjoys the outdoors and looks forward to cross country skiing and ice skating this winter.

Prof. Rennard Strickland

by Ed Park

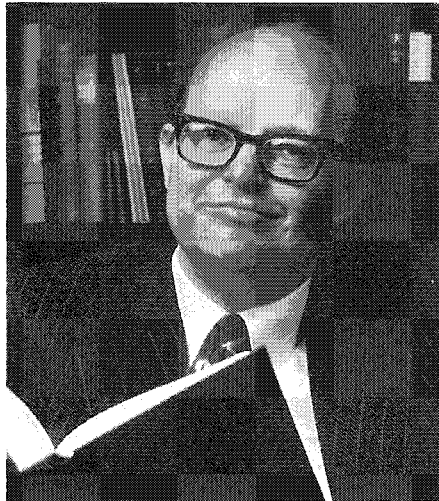
Rennard Strickland describes his career to this point as that of an academic gypsy. After holding teaching positions at numerous law schools and universities, he comes to Wisconsin for this academic year only from Southern Illinois University where he was the Dean of the School of Law at that institution.

Professor Strickland is an eminent scholar and the country's leading academician in the field of Native American law. This focus reflects his own ancestry and upbringing. He was raised in Muskogee, Oklahoma, the administrative capital of the Five Civilized Tribes. His mother was one-fourth Osage Indian and his father one-eighth Cherokee.

Strickland experienced what he describes as a typical middle class, mixed breed upbringing. He was, however, exposed to the difficulties of poverty in the Native American population. He cites the Indian suicide rate as ten times the American population at large and among children 100 times.

His parents strongly valued education as evidenced by the fact that all his siblings became members of college faculties. Strickland attended Northeastern State College for his undergraduate work completing three majors, history, literature and communications, in his four years in attendance. The school, which was started under the Cherokee tribe and taken over by the State of Oklahoma when it joined the Union in 1907, has the highest percentage of Native Americans of all American institutions.

Strickland states that he entered law by default. He didn't want to go to graduate school. His success as a debater in



Professor Rennard Strickland

high school and college influenced his decision. Earning his J.D., (and later his S.J.D.) at the University of Virginia, Strickland says of his choice, "I disliked the law school experience so much that I wrote my first book as an alternative to dropping out or suicide." While much of his work at Virginia was with Neill Alford studying American Indian traditional systems, his strongest influence was that of Carl McFarland who later would direct Strickland's dissertation.

Extensively involved in professional and educational activities Strickland has served on numerous committees of the ABA, AALS and LSAC. He wrote the book, popular with prospective law students, "How to Get Into Law School."

"The legal profession is broad," says Strickland, "and can accommodate many people with diverse interests," emphasizing that he feels law students can make what they want of the world and their careers. He believes that the Wisconsin Law School is as good as any of the private law schools and is particularly unique in its long history on the cutting edge of the law addressing the relationships between legal and socio-economic systems. Of the school he says that it offers a combination of the ideological and pragmatic sides of the law. He quotes Cal Woodard in calling it "a very balanced law school with an unbalanced faculty."

Strickland finds the stereotype of the disappearing American Indian disconcerting. The Native American population is the fastest growing in the country. Of the one and one half million American Indians, over half are under twenty years of age. Today Indian political units are more powerful than they have been over the past hundred years.

Normally juggling over a dozen projects at a time, Strickland is combining a personal interest in film with his professional interests. Current projects include use of the University film archives, one of the world's great film archives including those of Warner Bros and RKO, to study the use of the law and lawyers and the depiction of Native Americans in motion pictures.

Next year Prof. Strickland will assume the position of Director of the American Indian Law Center at the University of Oklahoma.

Faculty Notes

In June, Professor **Gordon Baldwin** gave a lecture at the USIS Library in Colombo, Sri Lanka, on the subject of "Constitutions and Compromises." The lecture was attended by a large audience of Sri Lankans including several judges, government officials, with a sprinkling of expatriots. This was a rare honor, for Sri Lankan universities have been closed for nearly three years.

Professor **Peter Carstensen** appeared as an expert witness in a hearing before the Wisconsin Public Service Commission. He testified about the competitive policy implications of local telephone company practices regarding long distance service. Carstensen expects two publications this fall. One examines the impact of antitrust law on the actual structure and conduct of business over time and will appear in the *Iowa Law Review*. His second piece, which will appear in *Review of American History*, is a review of a recent book on the early history of antitrust law and its development.

Professor **R. Alta Charo** has recently been appointed to the Permanent Consultative Committee of the Law Reform Commission of Canada. She will be one of approximately twenty professionals advising the Commission on issues relating to biotechnology and reproductive health policy. Professor Charo was also recently appointed to an Institute of Medicine panel that met to consider the need for improving systems for providing medical, genetic, and social information to adoptees about their birth parents.

While on leave during the spring, Professor **Larry Church** taught at law schools in Adelaide, Australia, and Taipei, Taiwan. On his return to Madison, Church also travelled through the Soviet Union.

Professor **William Clune** was an organizer of a conference on "Choice and Control in Education," sponsored by the LaFollette Institute of Public Affairs. As an outgrowth of this conference, Clune spent the summer preparing conference manuscripts for publication as a book, writing his own paper on "Educational Governance and Student Achievement," and writing a newsletter summarizing the conference. Clune also continued to work on two educational grants: a U.S. Department of Education grant to the Center for Policy Research in Education (CPRE) and a National Science Foundation grant to study the influence of policy on the

growth, decline and content of math and science courses. In July he taught a seminar at Stanford University to education policy specialists from the World Bank.

Professor **Richard Delgado** completed editing and revising four law review articles he had in the works: "Legal Storytelling for Oppositionists and Others," (Mich. L. Rev.), "Why Do We Tell the Same Stories? Law Reform, Critical Librarianship and the Triple Helix Dilemma," (Stan. L. Rev.), "Minority Professors' Lives: The Bell-Delgado Survey," (Harv. CR-CL L. Rev.), and "On Taking Back Our Civil Rights Promises: When Equality Doesn't Compute, 1989," (Wis. L. Rev.). This summer Delgado also wrote "Panthers and Pin-Stripes: The Case of Ezra Pound and Archibald MacLeish," "Myth and Ideology in Law School Hiring: Is the Law School a WASP?" and "When a Story is Just a Story: Does Voice Really Matter," (Va. L. Rev.). Delgado spoke at two AALS Workshops in Washington, D.C., one on Alternative Dispute Resolution and the other on Emerging Voices in Legal Scholarship. He also published a number of short pieces of humor and political satire.

Professor **Howard Erlanger** just completed a monograph on tax and estate planning aspects of Wisconsin's new marital property law. He will be participating in a CLEW telelecture program on that topic in the fall.

Professor **Martha Fineman** has written four major law review articles this year on the topics of child advocacy (U. Cal. Davis L. Rev.), property division at divorce (due out in the *Family Law Quarterly*), motherhood (hopefully will be published by Yale J. of Humanities and Law), and feminist legal theory (due out in *Florida L. Rev.*). Her book, *At the Boundaries of Law: *Feminism and Legal Theory*, which she is co-editing with Nancy Thomadsen, has been accepted for publication by Routledge Press. Fineman has two of her own essays in this volume. It will be released in the U.S., Australia, New Zealand, Canada and the U.K. in the fall of 1990. Fineman will give a major presentation in October on feminism and legal theory at the University of Florida (Gainesville) Symposium. She will also be one of thirty-five invited participants at a Wingspread Conference on Family Law sponsored by the ALI. She is chairing an AALS panel on Family and Poverty in January, 1990. Fineman is

currently putting together a new course and new material for a year long exploration of Families, Poverty and Law.

Professor **Marc Galanter** was a speaker at the Plenary Session on The Future of Sociolegal Scholarship at the Law and Society Association's annual meeting, held in Madison in June. He and Thomas Palay delivered a paper on "The Transformation of the Large Law Firm." In July, Galanter spoke on "Empirical Issues in the Assessment of ADR" to an Association of American Law Schools Workshop on ADR in Washington. In September, he spoke to the Conference Group on Jurisprudence and Public Policy in Atlanta on "Punishment in the Civil Law." Drawing on his earlier work on affirmative action policy in India, he made a presentation to the "Conference on a Post-Apartheid Constitution for South Africa" at Columbia University. As part of his continuing study of litigation patterns, Professor Galanter is scheduled to give a paper in October on "The Civil Jury as Regulator of the Litigation Process" at the University of Chicago Law School. In November he will deliver the Annual Access to Justice Lecture at the University of Windsor. His topic will be "The Changing Response to Industrial Disasters."

Professor **Herman Goldstein** was awarded PERF's National Leadership Award, an award presented annually to an individual who has made outstanding contributions to the police field. The Leadership Award recognizes innovators whose work has served as models to those interested in improving police services.

In September, Professor **Linda Greene** spoke on "The Supreme Court Decisions on Civil Rights and Legislative Responses" as part of the Congressional Black Caucus Legislative Weekend in Washington, D.C. On November 3, she will participate in a roundtable entitled "Freedom of Expression on Campus" which will be televised by Wisconsin Public Television. Greene will also participate in "A Century of Civil Rights Struggle" Conference at the University of Wisconsin, chairing the session entitled "The Persistence of Racism—Prospects for the Future." The Harvard Blackletter Journal recently published Greene's article entitled "The Confirmation of Thurgood Marshall to the United States Supreme Court." Greene is currently a member of

the Legislation Committee of the United States Olympic Committee. The Legislation Committee reviews all proposed changes in the USOC Constitution, Bylaws, Charter, and applicable federal legislation. During the summer, she participated in an international seminar on German political issues in Hamburg and Berlin.

Professor **James E. Jones, Jr.**, spoke on "Affirmative Action in the 1990's" at the Wisconsin Association of Black State Employees' annual convention in Appleton, Wisconsin. He also addressed the Health Care Personnel Association of Wisconsin on the topic of "Affirmative Action—Where It Came From, Where Is It Going?" Jones gave a luncheon speech to the Critical Race Theory Conference at St. Benedict's Center in Madison. This workshop was attended by 20 to 25 minority legal scholars from 16 different law schools throughout the country.

Professor **Leonard Kaplan** was a member of an international delegation from the International Academy of Law and Mental Health to the U.S.S.R. where he presented a paper on "Civil Commitment in the United States." He also had the opportunity to observe the Serbsy Institute in Moscow and the hospital for the criminally mentally ill in Leningrad. Kaplan co-organized the scientific meetings for the 15th International Academy of Law and Mental Health in Jerusalem where he presented two co-authored papers and one written by himself. He is currently on the organizing committee for the 16th International Congress of Law and Mental Health set for June, 1990, in Toronto, Canada.

Professor **S. Blair Kauffman** spoke at the national convention of the Association of Legal Administrators in Toronto, Canada, on "State of the Art Technology in Library Automation," and at the annual meeting of the New Orleans Association of Law Libraries on "The Role of ROMs in Law Libraries." His article "The Future of Legal Bibliography" appeared in a special symposium issue of *Legal References Services Quarterly* and was republished in book format by Haworth Press. Kauffman directed a special day-long microcomputer workshop and moderated a panel on "Integrating MacIntoshes into the Law Library," in conjunction with the annual meeting of the American Association of Law Libraries, held in Reno, Nevada. He completed serving his term as Chair of this organization's Special Interest Section on Automation and Scientific Development but will continue compiling a monthly column on

"Law Library Hi Tech" for the AALL Newsletter. Kauffman taught an Intersession course in the School of Library and Information Studies, on Legal Reference.

Professor **Lynn LoPucki's** "Profiles of Ohio Lawyers" (5 Volumes, 3,160 pages) was recently published by Anderson Publishing Company, Cincinnati, Ohio and the fourth edition of his "Directory of Bankruptcy Attorneys" (1,950 pages) was published in October by Prentice Hall. He presented his article "The Demographics of Bankruptcy Practice" at the annual Law & Society meeting and it was published in the American Bankruptcy Law Journal in August. The second edition of his "Directory of Intellectual Property Lawyers and Patent Agents" (1,850 pages) is scheduled for publication in December by Clark Boardman Co., Ltd. twenty-seven thousand lawyers participated in his Annual Survey of the Legal Profession this year. The data from this survey is on his personal computer and is available to other faculty for research purposes. A second article based on the data, "An Empirically-Based Model of Lawyer Specialization," is in draft form.

Professor **Stewart Macauley** was a member of the Program Committee for the Law & Society Association Annual Meeting, celebrating the Association's 25th anniversary this summer in Madison. He organized a panel entitled "L.A. Law and Society," discussing the impact, if any, of the messages conveyed by the T.V. program on such things as assertion of rights, the nature of the American legal process, life in big law firms, and the ethics of lawyers. Macauley gave a paper at the International Congress of Law and Mental Health in Jerusalem, Israel, entitled "The Public's Perception of the Psychiatrist in the Legal System," dealing with the perceived and actual functions of the insanity defense in the American criminal justice system. He also attended the Conference of the German Association for Comparative Law in Wurzburg where he gave a paper reporting American theory, doctrine and empirical research concerning legal regulation of franchises and dealerships. Macauley had two of his articles published recently: "Popular Legal Culture: An Introduction," (Yale L.J.), and "Bambi Meets Godzilla: Reflections on Contracts Scholarship and Teaching vs. State Unfair and Deceptive Trade Practices and Consumer Protection Statutes," (Houston L. Rev.).

Professor **Margo Melli** organized the Conference on the Law and Public Policy

of Family Dissolution for the American Law Institute. The conference will be co-sponsored by the Johnson Foundation and held in November at Wingspread in Racine, Wisconsin. Melli also began a one-year term as Chairman of the National Conference of Bar Examiners, the organization that develops standardization tests for the use by state bar examiners. These tests include the Multistate Bar Exam, the Multistate Professional Responsibility Exam and the Multistate Essay Exam. This fall Melli will be chairing a Gender Equality Task Force for the University of Wisconsin-Madison campus.

Professor **Thomas Palay** will spend the 1989 fall semester as a Visiting Scholar at the American Bar Foundation in Chicago. There he will continue his research on the growth and transformation of the big law firm.

Professor **Joel Rogers** recently attended the inauguration of the International Center for the Sociology of Law in Onati, Spain. He delivered a paper to the Comparing Capitalist Economies Project conference in Bellagio, Italy. Rogers helped plan as well as participated in the American Bar Foundation-Institute for Legal Studies conference on the transformation of the corporate law firm. Rogers

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Professor **Walter Raushenbush** continues to serve as a member of the Real Property question-drafting committee for the Multistate Bar Examination. He is also Secretary of the Board of Trustees of the national Law School Admissions Council, the organization which owns and administers the LSAT. Raushenbush will be a Visiting Professor of Law at the University of Arizona College of Law in Tucson for the second semester 1989-90. He also published new editions of "Wisconsin Real Estate Law" (with Jim McDonald) and "Cases and Materials on Real Estate Transactions." He is currently at work on a new edition of his book, "Wisconsin Construction Lien Law."

Professor **Frank Remington** spoke at the 7th Circuit Judicial Conference on "Recent Developments in Criminal Law and Procedure." He and Professor Steve Herzberg spoke on various issues at the Sports Agents Institute.

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Herzberg spoke on various issues at the Sports Agents Institute.

Professor **Rennard Strickland** served as consultant to "The Panel for National Dialogue on Museum-Native American Relations" at the Heard Museum in Phoenix, Arizona. He lectured at Marquette Law School on "The Indian Dilemma: Personal Choices and Public Issues in Worcester v. Georgia." In October, Strickland gave the keynote address entitled "Reclaiming the Patrimony: Land, Bones, and the Modern Indian Law Movement" at the Harvard Law School Conference on Native American Issues. He will speak at Southern Methodist University in November lecturing on "Bodmer and Buffalo Bill: Hollywood Images and Indian Reality."

Professor **Joseph Thome** recently spent a month in Chile, continuing his research on the social and political role of grassroot organizations in the process of democratization in Latin America. He presented a paper on this topic at the Law & Society Association Annual Meeting held in Madison during the summer.

Together with Professor **Donald H. Wollett (McGeorge)** and Professor **Joseph R. Grodin (Hastings)**, Professor **June Weisberger** will be revising a casebook in Public Sector Labor Law for the Labor Law Group. She has spent time this past summer getting the project started.

Professor **Bill Whitford** served as faculty at a one week conference on teaching contracts sponsored by the Association of American Law Schools held at Cornell Law School. He continued work on his joint research project with Professor Lynn Lopucki concerning bankruptcy reorganization proceedings involving large, publicly held corporations. They delivered a paper on this topic at the Law & Society Association Annual Meeting. Whitford also wrote an article concerning Chapter 13 of the Bankruptcy Code which will be published as part of a symposium issue by the Indiana Law Journal.

Professor **Patricia Williams'** review of Ethan Katsh's book, "The Electronic Media and the Transformation of Law," appeared in "The New York Times Book Review." Her article, "The Obliging Shell: An Informal Essay on Formal Equal Opportunity" was published in the Michigan Law Review. Williams' essay "On Being the Object of Property," previously published in Signs: A Journal of Women in Culture and Society, has been reprinted in an anthology put out by the University of Chicago Press entitled *Feminist Theory In Practice and Process*.

Four Law School faculty members have embarked on a program of research

on business disputes. The Business Disputing Group's members are **Marc Galanter**, **Stewart Macaulay**, **Thomas Palay**, and **Joel Rogers**. The BDG is collaborating with the Rand Corporation's Institute for Civil Justice in an analysis of business litigation in the Federal Courts from 1971 to 1987. This is part of a multi-phase study of changing patterns of corporate use of law and legal services.

Professor **Frank Tuerkheimer's** trial advocacy course was recently written up in a number of newspapers. The course uses the recent Spike Lee movie, "Do the Right Thing," as the fact situation for a trial simulation. Third year law students tried the case involving racial tensions and alleged police brutality.

Professor **Gerald J. Thain** has been elected to membership in the American Law Institute. He also recently delivered a paper on "Article 9 of the UCC—Pursuing Priority Problems Without Getting Ensnarled" at the State Bar of Wisconsin Annual Meeting and represented the Law School at the fall meeting of the Wisconsin Chapter of the American College of Trial Lawyers, participating in a panel on trial practice, ethics and professionalism.

We note with sadness the passing of **Verna E. Baertschy**, law librarian at the Law School from 1943 to 1969. After her retirement she had continued to live in Madison.

An important Law School activity of interest to the profession continues to be the work of the Wisconsin Criminal Jury Instructions Committee. It is a collaborative effort between outstanding members of the Wisconsin trial judiciary and members of the Law faculty. Staff responsibility is handled by Professor **David Schultz**, Associate Dean for Outreach. Professor **Frank J. Remington** continues to serve the committee as a long-time advisor.

Recently two judge members of the committee retired and were given a suitably engraved desk pen set as a token of the Law School's appreciation of their contribution to the work of the committee. **Frank Remington** presented one of these to retiring Judge John Bartholomew of St. Croix County and **Dave Schultz** made a similar presentation to retiring Judge John Buchen of Sheboygan County.

The work of the committee, which is in its 30th year, enables the Law faculty to keep in touch with criminal law practice throughout the state. The product of the committee's work is a four volume publication, Wisconsin Jury Instructions—Criminal, which is used by lawyers and judges around Wisconsin. A similar project prepares civil jury instructions.

Alumni Notes

Terry Mead ('81) served as a panelist at a libel and privacy conference sponsored by the American Newspaper Publishers Association, National Association of Broadcasters and Libel Defense Resource Center, in Seattle in August.

Richard Baumann ('64) became President-Elect of the Commercial Law League at its 95th Annual Convention. He will become President in July 1990. League members are experts in the field of credit and finance. Mr. Baumann practices in Los Angeles.

Tomas M. Russell ('67), Chicago, was recently named Chairman of the Board of the Illinois Institute for Continuing Legal Education. For over 27 years, IICLE has been the primary continuing legal educator in Illinois, offering a wide range of books and courses for practitioners to use throughout their careers. In addition, Mr. Russell is General Counsel to the Illinois Bar's Insurance Risk Retention Group, a bar-sponsored private insurance company that provides malpractice coverage for lawyers.

Floyd A. Brynelson ('40), Madison, Wisconsin, has been inducted into the Wisconsin State Telephone Association Hall of Fame.

Daniel L. Goelzer ('73), General Counsel of the Securities and Exchange Commission, has been honored by President Bush as a winner of the 1989 Presidential Rank Award. These annual awards are given to persons in the federal government's Senior Executive Service who have demonstrated exceptional performance. Mr. Goelzer is also a member of the Law School's Board of Visitors.

Judith L. Lichtman ('65), president of the Women's Legal Defense Fund, is a recipient of a 1989 Sara Lee Frontrunner Award. Sara Lee Corporation grants these Awards to honor women of outstanding achievement.

Barbara Burbach ('75) is president-elect of the Milwaukee Bar Association. She practices family law with Chernov, Croen & Stern. She will be the first

woman to lead the Milwaukee Bar, which represents more than 2,000 lawyers.

Seward M. Cooper ('78) is serving as the President of the Liberian Chamber of Commerce. Mr. Cooper practices in Monrovia, Liberia.

Robert B. Moberly ('66), Professor of Law at the University of Florida, has been elected Chair of the American Association of Law School's Labor Law Section and to the executive committee of the International Society for Labor Law and Social Security. In the spring he will serve as visiting professor at Monash University, Melbourne, Australia.

Erica Moeser ('75), executive secretary of the Board of Attorneys Professional Competence, is serving on the Council of the ABA Section of Legal Education and Admissions to the Bar.

Judge Charles B. Schudson ('74) is the co-author of "On Trial: America's Courts and Their Treatment of Sexually Abused Children."

Sara Lee Johann ('82) has co-authored "Representing . . . Battered Women Who Kill." She appeared on the Sally Jessy Raphael show this summer to discuss her work.

Kenneth E. Kraus ('86), a member of Schopf & Weiss, Chicago, is a co-author of "Failing Bank Litigation," recently published by the Illinois Institute for Continuing Legal Education.

Mary Traver ('83), Vice President and General Counsel for Blue Cross/Blue Shield United of Wisconsin, has been appointed Chairperson of the Health Insurance Law Committee of the Tort and Insurance Practice Section of the ABA.

John C. Mitby ('71), Madison, has been inducted as a member of the American Board of Trial Advocates.

Thomas G. MacDonald ('81) has moved from Minneapolis to join the New York firm of Seward & Kissel.

Thomas W. Paterson ('84) has become a partner of Susman, Godfrey & McGowan in Houston.

Stephen Youngerman ('78) has joined the Long Beach, California firm of Bush, Koppel & Schweizer, opening an office in Santa Monica. His practice concentrates in construction litigation.

Joel Hirschhorn ('67) has joined the Miami firm of Broad and Cassel as head of its litigation section.

David S. Ruder ('57) has stepped down as chairman of the Securities and Exchange Commission and will return to Northwestern University Law School.

Roger D. Wiegley ('77) has joined the Chicago firm of Sidley & Austin.

Robert L. Curry ('53), formerly president of Cuna Mutual Insurance, is returning to Boardman, Suhr, Curry & Field, Madison, of counsel.

Steven M. Press ('88) has joined his father's practice in Minneapolis.

George R. Edgar ('75), formerly a member of the Public Service Commission of Wisconsin, has joined Boardman, Suhr, Curry & Field, Madison, where he will concentrate on public utility and environmental matters.

With sadness we report the death of **Dennis M. Day** ('61). Mr. Day worked in the legal department of Kaiser Aluminum, specializing in international transactions.

Share Your News with Your Fellow Alumni! Send Us Your Class Notes:

Gargoyles

c/o University of Wisconsin
Law School
Madison, WI 53706

Editor's Note

It seems like yesterday that I studied Cliff Thompson's resume to prepare a Gargoyle story on his hiring. But more than six years have passed and now, as you read in this issue, Cliff has announced that he will step down as Dean and return to teaching next summer. Many of you alumni have gotten to know and appreciate Cliff's talents. We will miss him as Dean, but I suspect that Cliff will continue to travel and visit with our far-flung alumni.

As I write, we are on the down-side of on-campus interviewing. Today, however, we have eleven rooms of interviewers, no mean feat when there are only three permanent interview rooms! Our season got off to an interesting start. In the first week we had one employer fail to show up, a fire drill during the interview day, one interviewer with a broken leg, and a 30 minute city-wide power outage that made interviews in windowless rooms even more ominous than usual.

We may be seeing some light at the end of the space shortage tunnel. The University architects have presented a conceptual plan for a 30,000 net assignable square foot addition to this building. The exciting part of this plan, in addition to some striking architecture, is that for the first time an addition is planned which will consolidate the various parts of the current building while providing necessary additional space. As we once again go through the campus-system-state process of approval, you will hear more about this ambitious and exciting plan. Renderings by an architectural artist are being prepared and may be included in a future issue of the Gargoyle.

Last year we were surprised by an incoming class of more than 300 students. This was a result of a tremendous increase in applications and a higher rate of registrations per acceptance. When the deadline for this year's first year class

passed, the number of applications had climbed once again, to almost 2500, but the admissions committee was well-prepared. When we welcomed the Class of 1992, it consisted of 285 members, just as we planned.

Following the Dean's welcome to these newest law students, a young man came up to me and said, "My mom and dad said to say hello. My mom thought it would make you feel old. My name is Bill Morgan." Many thanks to Barb and Jim Morgan, the proud parents. Jim was my classmate in the "gold medal" class of 1972. Yes, it did make me feel old!

The last issue of the Gargoyle was the special issue with faculty and staff pictures and biographies. As a result, I have to test your memories, and with two mys-

tery pictures not just one. In Vol. 19, No. 4 (Spring 1989), C. Scott Pryor ('80) identified himself among the students being honored at the Awards Convocation. Scott, there are 22 persons in the picture. Are you trying to protect yourself by not admitting which one you are?

In Vol. 20, No. 1 (Summer 1989), two grads identified the mystery photo as a labor law course with Prof. Abner Brodie. Howard Eisenberg ('71) and Kathleen Ortman Miller ('76) recognized Joan Hicks ('70) and Angela Bartell ('71), while Howard admitted that he, too, is pictured.

The picture in this issue is from the 1976 Law Revue (the play, not the book). It shows a skit based on Hollywood Squares. Who are all those Squares?



Mystery Picture

Please Complete and Return in the Next Two Weeks

What do you read? What do you like?

From time to time we question whether we are doing our best to inform you about the School, its students, its graduates, its faculty and its programs. Below is a list of articles or features from this and earlier issues. Please take a few minutes to mark this survey and send it back to us in the next two weeks so we will have a better idea about what kind of information or articles you like.

Mark, rip, and mail!

Content	(low)	Level of Interest				(high)
	1	2	3	4	5	
Notes about Alums (by class years)						
Notes about Faculty						
Dean's Note						
Editor's Note						
"Mystery Picture"						
Fund Drive Reports						
Articles about legislators who are UW Law graduates						
Articles about selected alumni and their careers						
The best of the Law School Convocation Addresses (students, faculty, distinguished guests)						
News/reports from Law Alumni Board of Directors/Visitors						
Human interest about students, e.g. "UW Olympic Sailor"						
Articles about new faculty						
Non-technical articles about faculty research or service						
Distinguished Service Award Presentations						

What would you like to see more or less of in the Gargoyle? Any comments would be welcome:

Return right away to: Gargoyle, Univ. of Wisconsin Law School, Madison, WI 53706