

University of Wisconsin Law School Forum

GARGOYLE



Volume XX Number 4.

Spring 1990



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*Lawyers have always had a prominent place
in American cinema. See Professor Rennard
Strickland's article in this issue for some sur-
prises and observations on the cinematic
image of lawyers.*

Into the 21st Century ('Just Around the Corner')

Dean Cliff F. Thompson

As the Law School accelerates into the 21st Century, I am confident the coming decade will bring continued and significant progress. We are engaged in a self-study process to ensure that the University of Wisconsin Law School remains in the vanguard of legal education and scholarship. We are dedicated to providing a professional education which places our graduates on the right track for a lifetime of learning and achievement as lawyers and public servants. This means we are committed to advancing the "law in action" tradition of this law school. Long ago we pioneered the notion, still only dimly recognized in some institutions, that the analysis and exposition of written rules are insufficient tasks for a law school. We seek to illuminate law as it actually operates—law in action—by empirical and interdisciplinary methods, guided by theoretical insights on the edge of modern critical thought.

There will be a summary of the Law School's progress during the past seven years in a special issue of the *Gargoyle* at the beginning of the fall semester. It will include a survey of the individual accomplishments of the faculty in teaching, research, and public service, which are essential in making the UW a top ranking law school.

I want now to emphasize just one element by which the success of our academic enterprise may be measured. Posed as a question, that element is: does the Law School assist its graduates to function effectively over a lifetime of professional service? A professional career requires decades of accumulated experiences and new learning, and the Law School can only aspire to put graduates on the right track at the beginning. The Law School must provide the intellectual tools and insights which will be valuable in the long-run.

In the context of judging a lifetime of professional service, the importance of black letter rules learned in law school quickly fades. Lawyers change jobs, and specialize in subjects they never took at school. They often become experts in new fields which did not exist at the time of their graduation. Other graduates move into public service or entrepreneurial activities where they do not have a lawyer-client relationship, but in which analytical skills learned in law school and a realistic understanding of how law actually operates in society can be immensely valuable.

I am confident that one of the tremendous strengths of our law school has been in preparing our graduates to deal with the complex and changing challenges they face. As many of you know, one of my favorite topics of con-



Dean Cliff F. Thompson

versations is to ask you to reflect upon the value of your legal education from the perspective of your career. One such conversation I had recently was with Mary Eschweiler in San Francisco. She was the Notes Editor of the *Law Review*, and graduated in the class of 1932. By that year, the Great Depression was well underway, and there were few jobs for men, and even fewer for women. But she had a fascinating career, and in a later issue of the *Gargoyle* we will be doing profiles of her and some of our early women graduates. I think that it is to the credit of the University of Wisconsin that she graduated 20 years before Harvard Law School admitted women.

Ms. Eschweiler's photograph, taken a few years ago, accompanies this article. The reason that I have it is that while we were chatting, she mentioned that she left Madison so rapidly after graduation that she had not included her photograph in the framed collection which hangs

from the walls in the Law School. So I told her if she could find me a photograph, I would remedy the omission. The photographs of our graduating students are maintained up-to-date, but the building in which they were originally housed has long since disappeared, a fact she did not know. Although she is an avid consumer of domestic and foreign news, she had not in her long absence from Wisconsin learned that we have a new building, or even more recently, that we are well on the way to transforming it.

Just as we have retained our collection of photographs for graduating classes while destroying the building in which they were housed, our academic program has retained some traditional strengths while changing rapidly in other areas. Our continuing efforts to combine the best of what is old and new in legal education makes the Law School an exciting place to be.

Our ambitions for our teaching and research programs would be impossible without a solid base of resources. The competitive struggle within the University for limited state dollars will continue, and I am gratified that the strong support of the Chancellor has made possible enormous strides in recent years in new state funds for faculty salaries, faculty recruitment, and for the law library (in addition to the magnificent support given by students, which I described in a letter earlier this year to you).

The impact of increased state funding makes private contributions all the more valuable, because they can truly be used to achieve a margin of excellence. I want to preview briefly for you a new major endowment campaign that we are entering, and which I foresee may extend over a period of six or more years. In this effort, we will be greatly assisted by Chris Richards, the new Development Director for the Law School.

First, the Law School will be part of the University's capital endowment campaign which will be officially announced later this year. Our goal in this campaign is \$3.5 million. Two million dollars would be used to endow competitive grants for faculty, who would be released temporarily from teaching in order to work full-time on special projects which add to the quality and distinction of the school. These projects would include the development of new teaching materials; service outreach in the tradition of the Wisconsin Idea; and research and writing on the newly evolving areas of the law. One million dollars would be used for engaging students part-time in collaborative efforts with their teachers on those projects. The remaining half million dollars would be for the use of the law library.

Judging by the success of peer schools, such as Minnesota, in raising much larger endowments, we think that our goal is modest. The reason for limiting our ambition is the likelihood of a second phase of essential fund-raising.

The second phase arises from the likelihood that in the next few years we will be called upon to provide some portion of the cost of the new building addition. We have reported on this project in the past, and you will



Mary Eschweiler '32

hear a great deal about it in the future. The recent legislative approval for a new building for the School of Business required private support, which strongly suggests that we will have a similar obligation. In any event, the new building addition for the Law School, which should be completed in the next six to eight years, will provide an absolutely critical opportunity to improve dramatically our law school building both functionally and aesthetically.

The architectural conception for the new building addition is so attractive, and the support of alums has been so strong, that in many ways I would love staying on in order to see our ambitions achieved. But as you may recall from seeing the newspaper reports, or the last issue of the *Gargoyle*, I decided now was the time to seek new blood. I have served seven years in Wisconsin, and nearly 18 out of the last 20 years I have been deaning one place or another. Although I believe I could keep up good speed for the next two or three years, it seemed to me that it was unlikely that I would put in another six to eight year sequence, and therefore it would be best to change the deanship!

I have been deeply gratified by the support of everyone, and I look forward to assisting the Law School in all of its goals, but as a regular member of the faculty, and after my first sabbatical in 30 years!

Bringing Bogie Out of the Courtroom Closet: Law and Lawyers in Film

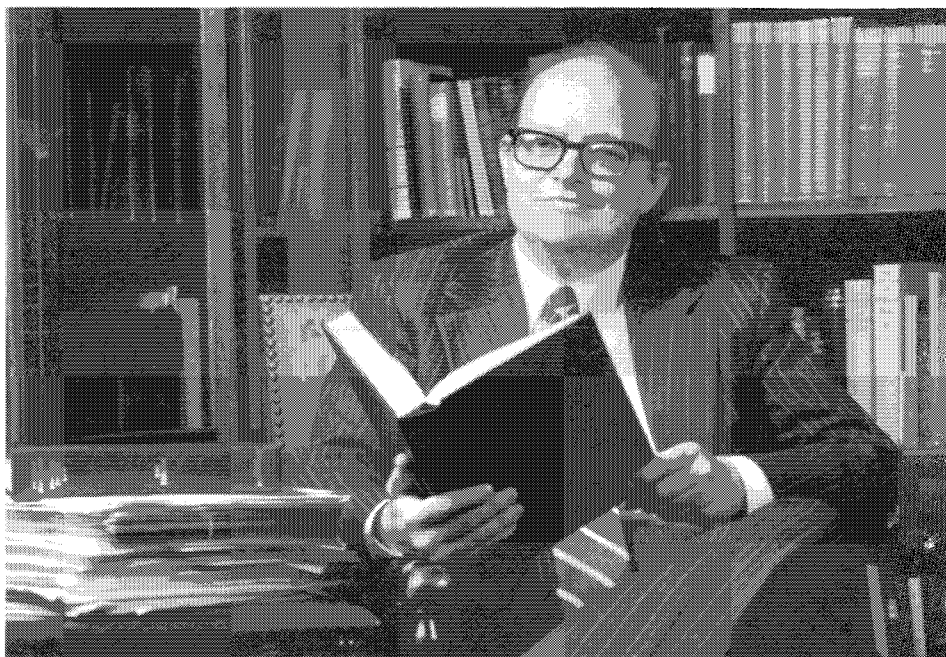
Prof. Rennard Strickland

Casablanca (1942) is a film of mystery and romance. Warner Brothers cultivated that aura of intrigue not only about the place *Casablanca* but also about the man Rick. His mysterious past is among the reasons *Casablanca* is ranked by general audiences as the most popular American film of all time. Questioning Rick's past seems almost subversive, somehow disloyal, unfair to the memory of Humphrey Bogart. And yet, there is no doubt about it: the mysterious Rick Blaine was a lawyer—a criminal attorney at that!

Rick, surely the most famous cinematic bar owner in history, was also admitted at the bar of justice. Before coming to *Casablanca* for the waters, Rick had been a practicing attorney first in New York City and then in Paris. The old Hollywood studio system was good at doing what it set out to do; in *Casablanca* it sought to obscure the past of the man Bogart immortalized on the screen. And the film did just that! It is absolutely impossible from the film itself to establish Rick's legal credentials. Closetting Rick was a deliberate decision by the film's producers.

The proof that Rick was a lawyer has been buried for almost half a century in yellowing corporate files at Warner Brothers. There it is—in black and white—in the "memorandum of screen development" from Stephen Karnot, dated 12/11/41. Just as the movie audience does not know Rick's legal background, the other film characters—save one—do not know, either. The studio memo sets forth Rick's past as follows:

Rick Blaine . . . is a taciturn man of mystery to his patrons. . . . Only Rinaldo, French Prefect of Police, Rick's professed friend, knows of his background as a famous criminal lawyer [and of] his abandonment of career and flight into oblivion.



Prof. Rennard Strickland

Law is a kaleidoscopic profession. No doubt lawyers have a great many varied images of themselves and of their enterprise.

Even after you know that Rick is a lawyer, there are only the slightest ironic hints in the film, a subtle clue or two that might suggest his abandoned profession. Rick, when negotiating the sale of his cafe to Blue Parrot owner Sydney Greenstreet, represents his own interests about as badly as most lawyers do when repre-

senting themselves. Rick has also taken up running a bar and restaurant, the lawyer's favorite way to personal bankruptcy. Howard Koch, one of the screenwriters who transformed the script for the unproduced play *Everybody Comes to Rick's* into the Oscar winning scenario for *Casablanca*, was a Columbia Law School graduate and a member of the New York Bar.

Rick is not the image most Americans conjure up when they think of silver screen lawyers. There are many more famous screen attorneys. Over more than eight decades the motion picture industry has produced courtrooms full of famous and infamous barristers. Cinematic lawyers have shaped the way Americans

think about the legal profession. In an exchange between the beautiful young assistant prosecutor and a handsome young partner in an early episode of "L.A. Law," they talk about their lawyer role models. "Like Gregory Peck in *To Kill a Mockingbird*, (1962)," he says. And she replies, "No, with me it was Spencer Tracy in *Inherit the Wind* (1960)."

Film and law seem to have been made for each other. Real-life courtroom dramas are themselves highly theatrical.

If the legal profession is to comprehend the public view of law and lawyers, American film must be seen as more than a pleasant or even challenging diversion. For the image of the lawyer—indeed even the behavior of lawyers themselves—has been significantly influenced by the magic of the great stereopticon. In fact, it has become so pervasive that the ABA Section on Tort and Insurance Practice recently published a guide for the use of films in teaching professional responsibility to law students. The future impact on both the public and the bar will be far greater with more than sixty-five percent of American television households equipped with VCRs. Ours is a visual culture and the moving image on the screen is a primary transmitter, indeed, creator of the culture.

Law is a kaleidoscopic profession. No doubt lawyers have a great many varied images of themselves and of their enterprise. And like the blind man and the elephant, the image of the profession depends upon whether you are grasping the trunk or the tail. Lawyers themselves live and work in a world of law, courtrooms, conferences, and libraries. For the vast majority of America's non-lawyers the longest, most continuous and sustained association with legal institutions is in the world of film. It is not in the bright light of a line-up, or from the jury box, or even standing before a judge that the average American learns about law. Most Americans know Perry Mason; fewer recognize even the name of William Rehnquist.



Law dominates American life and culture in ways not even imaginable to our founding fathers and certainly not comprehensible to the vast majority of our fellow inhabitants of this planet. There is continuing truth in Alex de Toqueville's oft-quoted dictum that in America, sooner or later, all questions become legal ones. It is also true, as Garth Jowett has asserted, film is a democratic art. Thus, it is only natural that in a society like America, the filmmaker and the lawmaker would have both a natural affinity and a jealous distrust.

Most screen lawyers are not as romantic as Rick and most settings are considerably more mundane than Casablanca. Nonetheless, some of the screen's most memorable moments belong to the law. Film and law seem to have been made for each other. Real-life courtroom dramas are themselves highly theatrical. John Waters, the quintessential outlaw moviemaker, notes in his autobiographical observations, *Shock Value* (1981), that "trials are the most entertaining of all American spectacles, always better than the theater, and except for a few special

cases, much more thrilling than the movies."

Almost from the beginning, trial scenes provided the infant film industry with an ideal setting in which the crude technology of the pioneer cinema could function. As sound came, the limited mobility of the courtroom added to the already attractive elements of filming on a single set; fixed points of sound and lighting combined with apt opportunity for dramatic revelations.

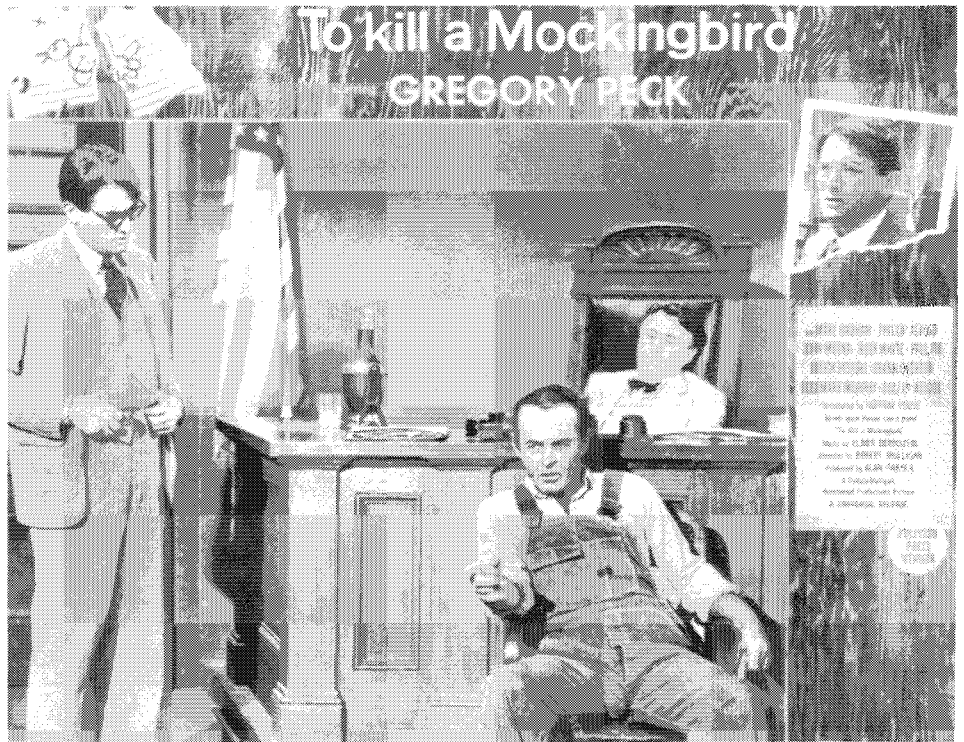
For almost a century now, law and lawyers have appeared in every imaginable genre of film. Not surprisingly, screen lawyers most frequently appear in crime and criminal dramas. Attorneys, and particularly judges, dominate many tales of western settlement and empire building. "True-life dramas," especially famous, notorious or sensational trials, provide rich opportunities for filmmaking. Screen biographies based on the lives of famous lawyers and jurists are fairly common. The classic social problem film often turns upon a legal issue or solution; the court-martial is a convenient forum for the greater issues of war and peace. The

so-called "Woman's Picture" is often entangled with a question of justice. Finally, the screen comedy, particularly the old-fashioned screwball kind, has contributed significantly to our image of law and lawyering. Futuristic or science fiction films often raise questions of justice. A great epic spectacular or even a musical may address legal issues. The best law and lawyer films are about the struggles of mankind, of great men and women and especially of ordinary citizens in extraordinary situations.

Humphrey Bogart's screen roles illustrate the range of film images of attorneys. The romantic Rick in *Casablanca* was neither Bogart's first nor last performance at bar. His lawyers reflect the extremes to which the screen has subjected the legal profession. Bogart's lawyers have varied from a crusading Thomas E. Dewey-like D.A. protecting Bette Davis when she turns "state's evidence" in *Marked Woman* (1937) to the crooked "mouthpiece" who steals tainted money from his co-conspirator James Cagney while Cagney "takes the rap" in *Angels With Dirty Faces* (1938).

The screen's view of the dichotomy in the legal profession—of *Society Lawyer* (1939) versus *Criminal Lawyer* (1951)—is no more vividly portrayed than in *Knock on Any Door* (1949). Bogart is forced to resign from his blue chip, silk stocking law firm when he chooses to represent young accused murderer John Derek. Years ago, Bogart had represented Derek's innocent father and now believes he provided an inadequate defense in the earlier trial. In a classic drama supporting the sociology of the forties and fifties, Bogart himself, the legal profession, and society at large bear the heavy burden for a good boy gone bad because his father's lawyer was too busy. Appropriately, Bogart's last screen performances for Warner Brothers is as the lawyer crusading, once again, against the kingpins of the underworld in *The Enforcer* (1951).

An even more striking black versus white view of law and lawyers comes out of MGM. No actor has ever, in such a short time, played such contrasting lawyers as did Louis Calhern, the great old workhorse of Mayer's stable. Both *The Asphalt Jungle* and *The Magnificent Yankee* were released in 1950. Calhern's crooked



Small-town lawyer Finch is the quintessential American attorney. He is the dream that young lawyers hope to achieve and that old lawyers regret having lost.

lawyer in *The Asphalt Jungle* master-minded a great caper and is then so disreputable that he double-crossed his partners in crime. An indelible screen image from this film of the early fifties is sleazy lawyer Calhern with Marilyn Monroe, his devastatingly beautiful mistress. Film historians believe the chance for Calhern to recreate his stage role of Oliver Wendell Holmes, Jr. in *The Magnificent Yankee* was Metro's reward to a faithful contract player. Certainly, his portrayal of this heroic United States Supreme Court Justice is one of the great idealized portraits

of law and lawyers in American life. Seen back-to-back, *The Asphalt Jungle* and *Magnificent Yankee* show the legal profession at its best and worst.

Like Bogart, there are others whose screen ethos has made them ideal cinematic lawyers. Spencer Tracy, Henry Fonda, James Stewart, Gregory Peck, Paul Newman, and Robert Redford have all grown up on the screen as lawyers moving from the green kid just out of law school to the beaten-down, threadbare, struggling hack or the wise and wily senior counselor. Of this group, Spencer Tracy deserves to hold the screen lawyer prize for sustained service at the bar, having started as a young lawyer in *It's A Small World* (1936), sparred with his attorney-wife Katherine Hepburn in *Adam's Rib* (1949), financed from his legal practice the elaborate wedding of daughter Elizabeth Taylor in *Father of the Bride* (1950), and repented of dubious behavior, giving his life to atone, in *The People Against O'Hara* (1951). Toward the end of his career, Tracy brought to the screen an

inspired recreation of a fictionalized Clarence Darrow in mortal combat with William Jennings Bryan in *Inherit the Wind* (1960) and the troubled judge presiding over Nazi war crime trials in *Judgment at Nuremberg* (1961).

A superb contrast in the various areas of law can be seen in Paul Newman's society lawyer, a big-firm tax manipulator, in *The Young Philadelphians* (1959), and in his failed slovenly alcoholic ambulance chaser of *The Verdict* (1982). Similarly, Jimmy Stewart's perpetually blushing bridegroom lawyer in *Made for Each Other* (1939) has become not only older but wiser by the time of *Anatomy of a Murder* (1959). Redford similarly goes from the bridegroom associate in *Barefoot in the Park* (1967) to the aging seducer in *Legal Eagles* (1986).

No actor ever felt the impact of the law from more angles than Henry Fonda. He is a struggling frontier barrister in *Young Mr. Lincoln* (1939), a grizzly old special counsel in *The Boston Strangler* (1968), a jurymen in *Twelve Angry Men* (1957), the eloquent everyman cowpoke

confronting mob violence and lynching in *The Ox-Bow Incident* (1943), and the tragically doomed prison escapee in *You Only Live Once* (1937).

Gregory Peck's Atticus Finch in *To Kill a Mockingbird* (1962) is a cinematic high point in the idealized portrayal of a lawyer as guardian of society. Small-town lawyer Finch is the quintessential American attorney. He is the dream that young lawyers hope to achieve and that old lawyers regret having lost. Atticus is an ideal, a standard of aspiration. He is, in so many ways, like a modern Abraham Lincoln, who is the favorite American dream of the country lawyer. Lincoln, himself, has been brought to the screen in films as heroic as John Ford's *Young Mr. Lincoln* (1939) and as poetic as Robert Sherwood's *Abe Lincoln in Illinois* (1940). If lawyers could choose but one film to argue for their role in civilization, surely it would be *To Kill a Mockingbird*.

Satirical comedies give us a less idealized lawyer. The attorney's professional pomposity is perfect for pricking and nobody did it better than Groucho Marx

as lawyer Thaddeus J. Loophole in *At The Circus* (1939). What a crazy, helter-skelter view of the self-important lawyer! And, of course, in the end Groucho saves the Big Top from bankruptcy while singing "Lydia the Tattooed Lady." In *I'm No Angel* (1933) Mae West argued her own case as her own attorney before a Judge she attempted to seduce. This courtroom scene is one the true masterpieces of her comedic art. The antics of lawyer Edward Everett Horton and his fraudulent effort to establish adultery provide the background for *The Gay Divorcee* (1934), the first Fred Astaire and Ginger Rogers starring-vehicle.

What red-white-and-blue-blooded American does not thrill at the thought of the American judicial system in action in *Bedtime for Bonzo* (1951)? District Attorney Jess White (destined to find more permanent employment as a Maytag repairman) and college professor Ronald Reagan (also to go on to other work) plea bargain the fate of the burglarizing chimp. Highlights among lawyer comedies include the slapstick of the Three Stooges in *Disorder in the Court* (1935); the Disney dilemma of our webfooted hero in *Donald Duck on Trial* (1947); the flower child antics of attorney Peter Sellers in *I Love You, Alice B. Toklas* (1968); the revelation of good-natured lawyer Jack Benny that he can win only by being nasty in *The Meanest Man in the World* (1943); the vaudeville sketch in which Edward Arnold propelled his client from a \$2 fine for littering to death row in *Ziegfeld Follies* (1946); and that wonderfully free-spirited trial at the conclusion of the musical *Oklahoma!* (1955) when Charlotte Greenwood threatens the territorial marshal with a fabricated tale of his indiscretion. And is there anything sillier than Benji in *The Shaggy D.A.* (1976)?



The lawyer both acts and is acted upon but seems always trapped by forces and fates which suggest the inevitability of defeat.



Comedies like *The Fortune Cookie* (1966) and the more recent *From the Hip* (1987) raise serious questions about the actual operation of the legal system. Much of the popularly expressed dissatisfaction with the tort system flashes across the screen in *The Fortune Cookie*. Director Bill Wilder tells the tale of Jack Lemmon, the television sports cameraman, who is knocked down on the sidelines at a football game and of Walter Matthau, his ambulance-chasing lawyer/brother-in-law, who pressures this plaintiff into exaggerating damages. Thus, an all-too-familiar and popularly perceived lawyer-client-insurance company battle is underway. Matthau won a much-deserved Oscar for his on-target portrayal of the lawyer as shyster.

The struggle of law and outlaw is central to the world of the movie west. The broader American historical myth of a New Eden and of the coming of civilization to a savage land is intimately tied to these same struggles. The words "law," "lawless," "code," and "justice" appear in the titles of hundreds of westerns, particularly the backlot "B" Saturday Matinee films of Johnny Mack Brown, Rex Allen, the "Durango Kid," Whip Wilson, Tim Holt, and even Roy Rogers, Gene Autry, John Wayne, George O'Brien, and Hopalong Cassidy. Standards of the Cowboy genre include films with titles such

as *Buck Jones' Law for Tucson* (1936) or Johnny Mack Brown's *Oklahoma Justice* (1951). Just a few of the titles tell the story: *Ghost Town Law*, *Gun Law*, *Six-Shooter Justice*, *Land Without Law*, *Law of the Range*, *Lawless Range*, *Lawless Prairie*, and *Beyond the Law*.

In fact, there were probably more women lawyers on the screen in the thirties than there were in the courtroom. And yet, the portrayal was tragically stereotypic.

All of the elements of law and order in the settlement myth come together in John Ford's often underrated masterpiece *The Man Who Shot Liberty Valence* (1962). Jimmy Stewart as Ransom Stoddard is the young lawyer come west to Shinbone with law books in a valise. John Wayne as Tom Doniphon is the old hand ready with a gun, standing alert to protect his girl and even the greenhorn lawyer against the likes of Lee Marvin as Liberty Valence. In the opening scene Valence has stopped the stage, robbed the passen-

gers, and then to show his contempt for Stoddard actually tears the pages from his law books. In the final showdown, of course, it is Wayne with his gun who prepares the way for the election of the new United States Senator, Ransom Stoddard, known forever as "The Man Who Shot Liberty Valence." As the newspaperman notes when the aged senator tries to set the record straight, "This is the West and when the legend becomes fact, we print the legend." Law and lawyers are central to that legend.

The world of film *noir* or the dark cinema is inhabited with as disreputable a bunch of lawyers as ever flickered across the screen. Some of these attorneys are scheming and corrupt, like Calhern in *The Asphalt Jungle* (1950), others are the weak pawns of powerful, devastating femme fatales like Barbara Stanwyck who dominates Kirk Douglas in his very first film *The Strange Love of Martha Ivers* (1946). From works like *The Lady from Shanghai* (1948), through the neo-noir classic *Body Heat* (1981), the lawyer uses and is used in a world which is dark, bitter, and doomed. The lawyer both acts and is acted upon but seems always trapped by forces and fates which suggest the inevitability of defeat. These powers of moral corruption have rarely been more chillingly combined than in the story of John Garfield's ambitious lawyer in *Force of Evil* (1948).

Race, the great and haunting issue of American civilization, has tested law and lawyers on the screen just as it continues to test every fiber of American society. *To Kill a Mockingbird* (1962) is, in the final analysis, about how law and lawyers deal with justice and race. Similarly, *Intruder in the Dust* (1949) places Faulkner's lawyer Gavin Stevens in the center of an exploding racial crisis. Hollywood's reflection of society's cowardice, fear, and ambivalence on the hard questions of race surfaced in Twentieth Century Fox's cutting of John Ford's *Judge Priest* (1934). In the version Fox ultimately released, Will Rogers seems to be the classic Southern benevolent bigot while old Steppin Fetchit comes across as the worst of the shuffling stereotypic Black clowns. Unfortunately, the sensitive motion picture Ford believed he created cannot be reconstructed because after their editing Fox destroyed the film negatives. Ford later remade the picture as *The Sun Shines Bright* (1953) because in the earlier version Fox had excised the pivotal and humanizing scene in which Judge Priest saves the Black from lynch-



Courtroom films are notoriously inaccurate. Critics and lawyers who see these errors generally pass them over in the name of dramatic license. Occasionally the mistakes are so irritating and grossly in error that the profession rises up.

ing. Whatever his presidential record on civil rights, the actor Ronald Reagan stood up as the battling Southern liberal district attorney fighting the Ku Klux Klan in *Storm Warning* (1950).

Many of the best films about law were rooted in real cases or actual incidents. Dramatic conflicts as in the Dreyfus case have appeared again and again in critically praised films such as *The Life of Emile Zola* (1937) and the lesser *I Accuse!* (1958). Maxwell Anderson's *Winterset* (1936), the popular poetic verse rendition of a Sacco-Vanzetti-like drama, was lifted almost directly from stage to screen, bringing to Hollywood experienced New York actors who were prepared to handle the difficult dialogue. Films such as

Inherit the Wind (1960), *Witness for the Prosecution* (1957), *The Night of January 16th* (1941), *Rope* (1948), and *The Magnificent Yankee* (1950) originated on the stage. Others such as *Twelve Angry Men* (1957) were first performed on television. The epic historical dimension of the stage drama *A Man for All Seasons* (1966) translated into a truly great film which raises fundamental questions about law and the law's servants.

Films recognize that in law there is both formal and informal authority. Fritz Lang captured this in the classic *M* (1931), his transcendent view of the ambivalence of justice in Berlin between the wars. Peter Lorre, the tragic child murderer, is cornered by criminals of the Berlin underworld who bring him to trial in their own way and on their own terms. Val Lewtons's *Bedlam* (1946) is an equally satisfying depiction of the ironic turning of justice. Boris Karloff, as the sadistic head of the infamous English asylum, is tried by inmates including Anna Lee who has been falsely committed by Karloff. The question of the law, and what law is, troubles the trapped passengers in Alfred Hitchcock's *Lifeboat* (1944). John Hodiak asks: "Whose law? We're on our own here. We can make our own law."

Not surprisingly, the broadest juris-

prudential questions come to the screen in the filming of important literary works. Not often successful films, either artistically or financially, the "classics" nonetheless ask significant questions about law. The dilemma is there on the screen in Herman Melville's *Billy Budd* (1962) and the film of William Golding's *Lord of the Flies* (1963) raised the frightening spectre of the origins and enforcement of law. Ronald Coleman made lawyer Sidney Carton truly heroic in *A Tale of Two Cities* (1935); there was something magical about Lillian Gish's Hester in the silent adaptation of Nathaniel Hawthorne's *The Scarlett Letter* (1926). One wishes that *The Brothers Karamozov* (1958) could have been more lively but the ultimate questions of the Grand Inquisitor are still shattering.

Women and minorities as lawyers are not as new to the screen as might be suspected. In fact, there were probably more women lawyers on the screen in the thirties than there were in the courtroom. And yet, the portrayal was tragically stereotypic. *The Lady Objects* (1938) is the "lady lawyer" film at its most absurd. It is a sort of combination musical, gangster, romance in which, as the one-sheet advertising poster proclaims, "a man [is] on trial for his life with his wife [as] his mouthpiece." The message was as sexist as it was mixed. A promotional card for *The Lady Objects*, distributed to theaters to be displayed in the lobby, contained the following confession of the lawyer/wife: "Gentlemen of the Jury! If my husband murdered this other woman . . . I am to blame! I've been a success as a lawyer . . . but a failure as a wife!" Is it any wonder that women must still struggle against such images? Another film of this time which featured a female lawyer is Claire Trevor's *Career Women* (1936) which proclaimed in the one-sheet, "All I Wanted was Love and Now They Want to Hang me!"

Adam's Rib (1949) was probably the best of the Tracy/Hepburn comedies and presents a woman as a lawyer who is the equal of her lawyer husband. As the ending reveals, it is still a product of the times. As early as *Bordertown* (1935) the Hispanic lawyer came to the screen but hardly in a flattering profile. With few exceptions, early black attorneys were the intellectual and moral equivalents of Amos 'n Andy's Lawyer Calhoun. Recently black lawyers have been subject to the same screen indignities as white attorneys in films like *Action Jackson*



In truth, most lawyers are neither Santas nor sadists. Much of the everyday life of the American attorney is not the stuff of which dreams are made; the real world lawyer is rarely the subject of cinematic drama.

the horrors of a legal system in which the ends of justice seem lost. *The Star Chamber* (1983) chronicles the perceived failures of courts which let loose guilty criminals on "mere technicalities" and the even greater dangers when officers of the law surrender to lawlessness. *Cape Fear* (1962) is a thoughtful and disturbingly violent enactment of the dilemma of the lawful lawyer versus the lawless outlaw. In this film, Gregory Peck is driven to violate the law by the savagery of Robert Mitchum whom he has earlier sent to prison. The human dimensions of this film make Peck's seeming inevitable choice of violence truly devastating. The film provides a brutal contrast with *To Kill a Mockingbird* which was released in the same year.

Courtroom films are notoriously inaccurate. Critics and lawyers who see these

errors generally pass them over in the name of dramatic license. Occasionally the mistakes are so irritating and grossly in error that the profession rises up. Sidney Lumet's highly acclaimed film *The Verdict* (1982) was at the center of such serious attacks from the bar. Attorneys were particularly offended at the cavalier misuse of the rules of evidence, the patently absurd conduct of James Mason and his twelve associates, and the hero Paul Newman's own less-than-ethical behavior. The concern was not that the screen must portray all lawyers as pure, or the legal system as incorruptible, but that the arena in which the struggles take place ought at least reasonably to reflect the way the law itself operates.

In conclusion, let us look at contrasting movie images of a lawyer as shyster and a lawyer as savior. A pair of classic films released in 1947, *Kiss of Death* and *Miracle on 34th Street*, represent the extremes of the screen lawyer. *Kiss of Death* is remembered as the noir classic in which Richard Widmark laughingly pushed Mildred Dunnock in her wheelchair down a flight of stairs. And yet the real villains of *Kiss of Death* are District Attorney D'Angelo, played as a corrupting destroyer of the downtrodden, and the backroom lawyers who protect the criminal and betray the law itself. These lawyers are at best an extremely dirty gray. The ethical failure of Brian Donlevy

as the district attorney sets into motion the tragic and escalating dilemma of ex-con Victor Mature. In *Miracle on 34th Street*, bachelor lawyer John Payne saves Edmund Gwenn's Santa Claus, restores little Natalie Wood's faith, and marries her mother, the beautiful Maureen O'Hara. And all of this occurs because as Kris Kringle's attorney, Payne gets introduced into evidence in Santa's sanity hearing several tons of Santa's mail which the U.S. Post Office delivers to the courtroom.

In truth, most lawyers are neither Santas nor sadists. Much of the everyday life of the American attorney is not the stuff of which dreams are made; the real world lawyer is rarely the subject of cinematic drama. In a society dominated by the mass media, the Atticus Finches and Thaddeus J. Loopholes inevitably seize the screen, understandably overshadowing the lawyer who reads abstracts, files wills, and defends shoplifters. For this reason the intelligent and entertaining documentary is so important.

The legal profession, indeed, the organized bar itself, ought to be about the business of supporting the production of vivid and interesting accounts of the world of law and lawyering. The profession needs first-rate, highly accurate portrayals of the important real world work of the American lawyer. The last thing we need is chauvinistic lawyer propaganda trumpeting a message that the world is getting better and better because in America the lawyer is our most important product.

Production of honest, entertaining, and exciting films is possible; there could even be an audience, particularly through educational television. It is not accidental that the most gripping—indeed, the most disturbing and energizing—documentaries of the post-War era are the work of Frederick Wiseman, a lawyer turned cinema master. The commercial film is not able to be so honest. Without documentary film, the lawyer in the mind's eye will no doubt remain a bizarre combination of Groucho Marx, Gregory Peck, and Mae West.

One of the reasons for the extremely low level image of the legal profession today is that too many lawyers like Humphrey Bogart's Rick have closeted their humanity and are reluctant to reveal this side of their professional as well as personal life. Rick says, "I don't stick my neck out for nobody." We love Rick and we love the movie *Casablanca* precisely because that is not so—and we know that it is not so.

"Tomorrow... Another Bookend" Law School Convocation-1989

Graduation from law school is, hopefully, a memorable time for each of us. But why, you might ask, should you want to remember someone else's graduation? We think that there are at least two good reasons, reasons that justify reprinting graduation remarks delivered at the last Law School Convocation, in May 1989. First, it is amazing how much of law school remains the same from year to year, even from twenty or thirty years ago—friends, frustrations, and occasionally triumphs. Secondly, most speakers choose to remember the good times, the funny things that complement the joyous nature of the occasion. And, after all, who can resist a good joke!

"...Then I Switched To Decaf" Prof. Howard Erlanger

Now, as Yogi Berra would say, "Before I speak, I want to say something:"

I owe it all to caffeine.

Last weekend, I had a very unnerving experience. I sat down on a park bench, next to a guy who was clearly down and out. He looked at me and said, "You know, I had it all: A law degree from U.W., a great job, a condo, a BMW; —then I switched to DECAF."

Seriously though, I am pleased and honored to be selected to address you this evening. In fact, on behalf of my colleagues, I am pleased and honored that you wanted any faculty member to speak to you at all! After all, you have had to listen to us for almost 4,000 hours of class time—and I know it wasn't always easy.

I keep thinking of that teaching evaluation that started out so grand. "Professor Erlanger, if I had just one day to live, I'd want to spend it in your class—because it would seem like a year!"

But I don't have a year, or even a day. In fact, Tedd tells me that I have exactly 15 minutes! I said, "Tedd, what happens

if I go over?" He said, "Hey—no problem. I'll ring a bell. It's just like in Trusts & Estates. You can talk as long as you want, but the students will leave when the bell rings."

What I would like to talk about tonight is the public image of the legal profession and your role in shaping that image. I think it's quite safe to say that the public is of two minds about our profession. On the one hand, it's clear that there is high status and a lot of social rewards that go with being a lawyer. (I assume you know that, or why else would you have gone through all that suffering that Joe just told us about?) On the other hand, lawyer bashing is great sport, and has been so for centuries.

In the 17th century, King Louis the 12th of France is reported to have said, "Lawyers use the law as shoemakers use leather; rubbing it, pressing it, and stretching it, all to the end of remaking it for their own purposes."

Just to prove that there are some things that are constant in this world, 300 years later, last week in fact, my brother-in-law pulls me aside to say, "Have you heard this one:

"A man had three daughters. One was an engineer, one an accountant, and one a lawyer. One day, when they were all over at his place for dinner, he was fed up with all the esoteric talk, and he decided to see if any of them still knew the basics. So he called each daughter aside, and asked her,

"What's two plus two?"

The engineer said "4-point-000."

The accountant said, "4 dollars."

But the lawyer pulled the shades, closed the door, put her arm around her dad and said, "What would you like it to be?"

Yet at the same time, we have a proud tradition of lawyers like Clarence Darrow, Louis D. Brandeis, and Thurgood Marshall. On TV we have "Perry Mason," replaced to be sure, by Arnie



Prof. Howard Erlanger

Becker in "LA Law," and in literature we have heroes like Atticus Finch, in *To Kill a Mockingbird*.

Now you might ask, what are we to make of all this? How can the public hold both these views simultaneously? On the one hand they see us as knights in shining armor, and yet on the other, as the student speaker put it two years ago, we're just slightly more popular than radioactive waste.

Well, I'm glad you asked that, because it reminds me of the story about the psychiatrist who gave her patient one of those ink blot tests. The shrink holds up the first picture and the patient says,

"Hmm, that's a picture of two people making love."

In response to the second, the patient says, "Same thing, two people having sex."

And the third, "Same thing, they're having intercourse in this one too."

The shrink turns to the patient and says, "I'm afraid you have a fixation with sex."

The patient gets indignant. "I have a fixation with sex?!? You're the one showing the dirty pictures!"

I think we have the same problem as the shrink. We complain that the public is schizophrenic in its view of the profession, but it's the legal profession that's sending those mixed messages. We say we're not money grubbers, but then the ABA Journal features a cover story on "The ten largest jury awards of 1988, and the lawyers who won them." Inquiring minds want to know, I guess. We say we're professionals with a commitment to public service, but in fact lawyers don't do a whole lot of true pro bono work, and they generally resist efforts to impose mandatory pro bono service or mandatory financial commitment. We say the law is the last bastion of humanism, but clients complain that lawyers appear bored or indifferent, and exhibit a superior attitude.

What lesson can be learned from this, as you make your transition from being a student to being a professional? First,

let's face it, none of us is Clarence Darrow, and none of us is Arnie Becker. But at any given moment, it's easy to feel like you're either of them, or both of them.

When you hang up that shingle, or get your Bigelow carpet on the floor, you're going to feel pretty special: You endured three years of law school. You know what *res ipsa loquitur* means. You know what "lives and being plus 21" means, or at least you know that people think you know. But that same source of pride will be a source of fear, because you know how little you really do know. The key is going to be to keep a balanced perspective on all of this; to rejoin the real world as a real person; to prove yourself by the quality of your relationships with people, and to prove yourself by the quality of your work, not your legalese.

One quality that people are looking for in a lawyer is the lawyer's ability to relate to the client. Going to see a lawyer is not an easy thing for people to do. Clients are apprehensive about their problem, and they're concerned about revealing private matters. In this context a lawyer has to be more than a legal technician. He or she must be a clinician as well. As Dean Price of the University of Washington Law School put it, "The lawyer's role demands that the client be recognized and respected, not treated as an anonymous object being processed in an assembly line. The lawyer may have dozens of clients (frankly, I hope you have hundreds) but the client has only one lawyer, who might be the only lawyer the client has ever consulted."

One of the worst things you can do in law, or in anything else, is to think you're smarter than everyone.

Three people were in a small airplane which was in serious trouble. The pilot said "We only have one parachute; You all will have to decide who gets to use it. One of the three passengers was an older person who said,

"I've had a good, full life; you're both so much younger than I, so one of you should be the one to be saved."

The second person was a third year

law student who said, "Huh? Could you repeat the question?"

The third person wasted no time, saying, "I'm one of the smartest people in the world. I've spent years getting my education. I'm not about to see it wasted now!" With that, the person grabs it off the floor, puts it on, and jumps out the emergency exit.

The law student watches all this happen, and then announces, "The smartest person in the world just jumped with my backpack!"

Finally, if we want to be recognized as a profession, and not just a business, more has to be done to serve under-represented people in our society. Many of you have begun that commitment as students, through some of the clinics and through the Wisconsin Public Interest Law Foundation Summer Fellowships. Some of you have tithed one day's pay, from your clerkship last summer. As alumni and as practitioners in the community, you'll be asked for your continued support of the Public Interest Summer Fellowships, and of a loan forgiveness program for students with debt who take low paying jobs after graduation. I hope we'll be able to count on you for your support.

The late Bob Stover, in his critique of legal education, wrote about his own experiences as a student at another law school. He noted that the professional obligation to do public interest work was stressed on honorific occasions, especially convocations at the beginning and end of law school, but not much in between. He wrote that the speeches reminded him of bookends, beautifully crafted works of art and elegance, but with nothing in between. As I was preparing this speech, I thought I heard Bob's voice saying, "Tomorrow, you'll just be another bookend."

But I hope that over the coming years we, working together, will create something meaningful to stand beside those bookends.

Thank you.

"Pebbles... Polished and Diamonds... Dimmed?"

by Joseph DeCecco, '89

Isn't it amazing how the Law School can bend time and space so that three years seem like fifty? And what a glorious three years it's been.

There were many memorable moments during first year. For instance, we discovered that the City of Madison's idea of a parking space is one where someone else's car is already parked. We learned that the Financial Aid Office's definition of a gourmet restaurant is one where someone else has to clear your tray off the table.

First year was a time of being told what to do and when to do it, of unbending, pre-planned schedules and class selections. But we did what we were told and kept our mouths shut (particularly difficult for some of us). We all behaved like cattle being led to the slaughterhouse. We sensed something unpleasant was happening inside, but we didn't want to seem impolite.

Finally, we were allowed to actually choose one course. Elated at our new found freedom, we hadn't yet learned that when you choose between two evils in Law School, you eventually end up with both.

During our second year, however, we began to blossom. Many of us got jobs in the "real" world of law. Time and time again we were reminded of the universal law firm credo: "If it wasn't for the last minute, nothing would get done."

We were introduced to the real definition of pay equity. Remember that? We got paid ten bucks an hour while the client was being charged a hundred. And all the time we were being held to research standards beyond the abilities of many of the Associates. It just isn't fair. I mean, for example, bank tellers or bank managers can write all the bad legal briefs they want, and nobody cares. But let a law student write one bad check...

Anyway, third year was a coming of age, a rite of passage. We could see the light at the end of the tunnel, although some of us were just kinda facing the

wrong way. We knew that hard work never killed anybody, but why take the chance? Third year was when I began to suspect that Ambrose Bierce was right when he said, "Law School is where pebbles are polished and diamonds are dimmed." I figured I had to be a diamond because my grade point average showed my pebbles weren't being polished.

But were we excited at the prospect of joining that great kinship of the American judicial system. Some of us were able to participate in trials, and we marveled at a system where people are judged by a jury of their peers. We marveled until we realized that the defendant's fate was in the hands of twelve people who weren't smart enough to get out of jury duty.

Still, there was a sense of camaraderie, of united purpose. I'll never forget the day when I was serving as a prosecutorial intern and was second chair in a trial. The public defender leaned over from her table and said to me, "Joe, you know it doesn't matter whether you win or lose." That, I thought, is the bottom line. The system is served when you do the best you can. But then she continued by saying, "Joe, it only matters whether I win or lose."

But the greatest achievement of our third year was finally almost figuring out how to be successful on law school exams. We came real close, but just didn't quite get it right. Sort of like the religious composer who wrote "Onward Christian Sailors."

At any rate, we leave the past three years behind—all of the frustration, the problems, the lack of any social life whatsoever, secure in the knowledge that it can't get any worse. A word of caution, though, against high expectations. In the immortal words of Yogi Berra, "The future is like the present, only longer."

Well, I had a lot of fun doing this, and I particularly appreciate your choosing me to speak tonight. But I wouldn't be me if I didn't make a few personal observations.

There is a man not present tonight whom I sorely miss. His untimely passing deprived him and his lifelong partner and companion of the chance to spend their twilight years together, to finally



Joseph DeCecco '89

rest from a lifetime of work, to comfort each other as they grew old together. They had toiled their entire lives, sometimes at two or three jobs at a time, not for themselves, but to be able to provide the next generation with the opportunities that had not been available to them. They asked for nothing except a chance—a chance to prove they could work as hard as the next person. And while they hold a unique place in my heart, they are far from being unique.

There are many, many people just like them across this country. People who only ask that they be judged by the content of their character and the sweat of their brow. And when that chance is denied them, either intentionally or by accident, by prejudice or ignorance, to whom do they turn?

They turn to you and me. We are now the system. The "them" has become "us." And sometimes it's very difficult to wade against the stream of popular opinion. It's not easy to say "Yes" amid a sea of "No's." It's not easy to say "No" amid an ocean of "Yes's." It takes a special kind of courage to do what has to be done simply because it's the right thing to do.

I've seen that kind of courage in this class. And I have no doubt that I will continue to see it.

I will miss you all very much. Good luck and Godspeed.

Law School Hires New Development Director

After nearly eight years on the job, David G. Utley has stepped down as the Law School's Director of Development. Christopher Richards has been hired to replace Utley, who remains with the UW Foundation as a Vice President charged with seeking support for campus-wide activities.

With the support of Dean Cliff Thompson and the faculty, Utley organized the Law School's first Capital Campaign in the mid-1980's, a highly successful effort that raised over \$6 million, doubling its goal. Also during Utley's tenure, annual giving from alumni more than doubled.

Richards is a 1981 graduate of UW-Stevens Point. After spending four years as a reporter in commercial and public broadcasting, Chris accepted a fund raising position at Wisconsin Public Radio. As the Manager of Corporate Services, Richards worked with businesses in securing underwriting support for programming broadcast on the 11-station, statewide radio network. Chris began his work at the Foundation and the Law School in late August 1989.

"I greatly enjoyed my tenure at Wisconsin Public Radio and it was a difficult decision to leave. But when the opportunity arose to work with one of the nation's premiere law schools, I couldn't refuse," Richards said.

His new duties focus on bolstering the Law School's Annual Fund and securing support for the School's new \$3.5 million Capital Campaign. Chris said, "It's a big job, almost overwhelming at times. But the alumni have been great; they deeply appreciate the Law School and the impact it has had on their lives. They know its needs, and are prepared to help. With that kind of support, I'm confident the School's objectives can be met."

The Capital Campaign is seeking to raise \$2 million for an endowment to support faculty research projects; a \$1 million endowment for student research

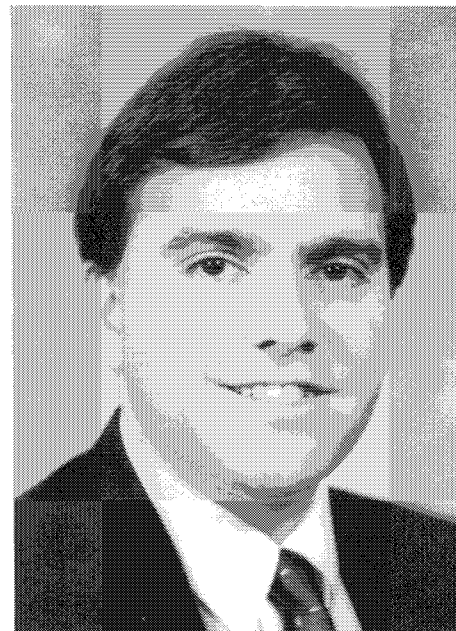
assistance and loan forgiveness for students pursuing careers in public service; and a \$500,000 endowment for advancing the Law Library. The Campaign ends in December 1992. Among the tasks Chris will pursue in the coming year is identifying volunteers to work on Capital Campaign committees around the country. These committees will spearhead local fund raising activities to help meet the Campaign goals.

A major objective of the new Development Director is to increase the Law School's contact with its alumni. You can expect more news to reach you through the mail and more opportunities to respond. Richards is hopeful alumni will feel free to share their opinions about the Law school and participate when possible. Increased communication is the goal. To that end, Chris has been active traveling the country—often with Dean Thompson—visiting with Law School graduates at alumni functions and at private meetings. "Travel is part of the information gathering process," Richards says. "It's also a great opportunity for me to tell alums what's new and what's planned at their Law School."

Chris will also be working closely with Law School Assistant Dean Ed Reisner in setting up a class agent program. Class agents will work to rally the participation of their classmates in various Law School projects. For instance, class agents might help organize a class reunion or send a letter urging their classmates to respond to the Annual Fund appeal.

Chris notes that "it's an ambitious list, but barely scratches the surface of what needs to be done."

Therefore, your participation is invited. If you want to volunteer, or simply volunteer an opinion or suggestion about the Law School's needs and priorities, feel free to contact Chris at 608/263-5495 or write him at the Law School.



Christopher Richards

Era Passes: Law School Honors Four Retiring Faculty

Last April, at the Benchers Society Dinner, members of the Law School community paused to honor four of its distinguished faculty members who had retired or were in the midst of retiring. Professors G. William Foster, Stuart G. Gullickson, Orrin L. Helstad and James B. MacDonald take with them more than 120 years of teaching experience and a wealth of fond memories from fellow faculty and alumni. Printed here are the remarks presented by fellow faculty.

Prof. G. William Foster

by Prof. J. Willard Hurst

Bill Foster is a man who never stops learning. In the of course of some 35 years at this law school he has taught at least 12 or 15 courses, including administrative law, contracts, civil procedure, conflicts, torts, and federal jurisdiction. Beyond this, his colleagues have become aware that he possesses a good many other talents. He is the law faculty's only Olympic-quality bird watcher. He can understand the instruction booklet for a Japanese VCR in order to hook it up to a TV set. He can distinguish between a quark and a neutron. He is skilled at household carpentry.

As a lawman he has shown that he has that quality of professional skill and devotion which another distinguished lawyer once described when he said that a creative lawyer is a man who causes things to come about. Let me describe two instances of this demonstrated talent at helping things come about.

In this second half of the 20th century American business has been reaching out more and more beyond particular jurisdictional boundaries, to become increasingly interstate, if not global. These developments have produced new demands and challenges on the judicial systems of particular states. Bill was principal draftsman of what became known as the long-arm statute, providing Wisconsin jurisdiction over such matters involving out-of-state connections. It is legislation which has become a model for like provisions thereafter adopted in many other states. The whole accom-

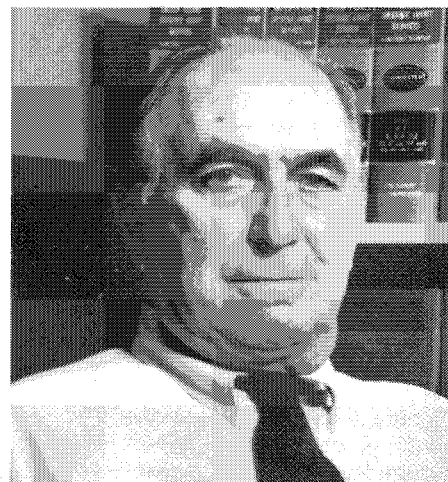
plishment has been a model of the creative work of the lawyer who knows how to pull diverse agencies and doctrines together to form a coherent pattern for general benefit.

Another example of Bill's creative work lay in quite a different setting, one of high importance in the life of the country. In 1954 the Supreme Court of the United States ruled that legislation which segregated children in public schools by race violated the equal protection standards of the 14th Amendment, and that such legally imposed segregation must stop. The Supreme Court played its part by declaring the basic principle. But there remained the enormous difficulties of translating the principle into detailed application.

With his own background in constitutional law, civil procedure, and federal jurisdiction, Bill Foster saw a job to be done here. He travelled widely and repeatedly in the southern states where the federal courts were enmeshed in these issues, learning at firsthand from the judges what they were up against and how they were responding, and bringing to individual courts the benefit of experience polled from the work of fellow judges. He brought to Madison several conferences of judges, lawyers, and law teachers to explore the boundaries of this new, difficult area of public policy and so broadened and deepened the stock of knowledge of how to cope with the challenges put to the legal system.

Congress began tardily to shoulder responsibility, with civil rights legislation of the 1960's, providing some remedies for violation of civil rights and subsidies for education conditioned on pursuit of desegregation policies. This new pattern of statutory policy suddenly thrust on local school authorities responsibilities of types they were wholly unaccustomed to dealing with, and with little indications of just what the federal agencies would require for compliances with the newly declared standards. Again, public agencies confronted novel problems without benefit of established plans, procedures or experience.

Again, Bill saw a job to be done. By this time he and a number of faculty



Prof. G. William Foster

members at other law schools whom he had recruited had accumulated a great deal of detailed knowledge of what had been and was going on in the field, a body of knowledge unavailable from any other official or non-official source. Drawing on this accumulated stock, Bill courageously undertook to draw a set of policy guidelines based on the experience of judges, lawyers, and legal agencies which had been grappling with the issues raised by the Supreme Court's desegregation decision. The Foster guidelines were published in the *Saturday Review of Literature*, and thereafter were widely distributed in reprints which reached thousands of local school districts. After some period of official hesitation, the federal authorities finally themselves adopted the Foster guidelines. Great credit is due to the pioneering courage and devotion with which a handful of federal judges in the South initially sought to carry out the Supreme Court's mandate. But, in addition, within a span of four months after promulgation of the Foster guidelines, more school desegregation was accomplished than the courts, unaided, had been able to enforce over the course of nearly ten years.

The record is, indeed, one of a creative lawyer who caused things to come about. For all of his colleagues, I know that I can share pride that Bill Foster was one of us.

Prof. Stuart G. Gullickson

by Prof. Gerald J. Thain

When one is asked say a few words about a long and distinguished career, it can be difficult to develop a theme for those few minutes. In giving it some thought, it came to me that the theme of Stuart Gullickson's career was actually illustrated by a phrase from Gilbert & Sullivan. But don't worry, I won't sing! The phrase is "the slave of duty," which is what the protagonist of *The Pirates of Penzance* is called. I think the literal sense of those words vividly describes Stu Gullickson's career. He has a history of duty far beyond the call of necessity or expectation. This is indisputable but the question that remains is what accounts for this, what is it in his background, psyche, development, environment, or whatever that compelled Stuart to become such a slave of duty?

One possibility of course, is that it may be heritage. It may be the logical expectation for one who is a Wisconsin graduate, a Wisconsin native, a person who practiced law during a long and distinguished career, in places such as Merrill and Wausau. It is said that you can take the lawyer out of Marathon county but you can't necessarily take Marathon county out of the lawyer. Perhaps that sense of duty comes from Marathon county. I'm not sure about that.

It is also possible that it comes from being a member of a very distinguished class of law school graduates. It has been said many times, at least by those who are members of the class of 1950, that the class of 1950 was one of the most successful and remarkable classes that ever graduated from the University of Wisconsin Law School. Perhaps that accounts for it. However, Stuart, I'm not sure about that, either. We know Stuart had, as noted, a truly distinguished career as a practicing attorney, doing a good deal of civil litigation in Merrill and Wausau. It is a brutal fact that we too often obscure that the life of a litigator is a life that is literally full of tremendous stress. Many litigators succumb to this stress. Some are driven to drink; some are driven to mental illness; Stuart was driven to academia!

However, unlike some who fled to academia after an initial career as a practicing lawyer, Stuart did not take a passive role in his new career. Instead, being the slave to duty that I indicated, he was not satisfied simply to teach existing courses at the law school, he developed new courses. He is responsible, as I'm sure most of you know, for the General Practice Course in its present form, utilizing other's works in predecessor courses but indeed developing a truly new course. This course received high regard, not only nationally, but around the world. Stuart again answered the call of duty and was persuaded to go to such remote places as Australia and Ireland to advise the legal community in those areas on his development of the general practice course and how practice skills can be taught within the law school curriculum. But he did not stop there; his sensitivity to duty was such that at the time he had achieved a position that one of my colleagues, Arlen Christenson, has frequently been quoted as saying that, with all of its occasional frustrations and difficulties nevertheless is one of the best jobs in the world, that of being a law professor at the University of Wisconsin, Stuart left that position, in effect, to assume the duties of Associate Dean at the law school. Few people have said that that is one of the best jobs in the world. Indeed, another of my colleagues, Peter Carstensen, said not long ago that no sane person has ever said that is one of the best jobs in the world. Stuart has never said that it was one of the best jobs in the world. But since he was a slave to duty he undertook it, with the knowledge that the position was very important to the success of the law school. He served as Associate Dean for four years after which he somehow resisted overtures to continue.

It happens that I was in the process of trying to consolidate a few files the other day. In that task, I came across the notes of my discussion with him, concerning the transition of Associate Dean duties from him to me after he told Dean Thompson that four years was enough and he was no longer going to serve as Associate Dean because there were other things that he needed to do. He told me then that no rational person could be



Prof. Stuart G. Gullickson

expected to serve in that position more than four years. Since I have just completed my fifth year in that position, I was particularly struck by his observation. Thanks, Stuart!

Again, what was it that made Stuart such a slave to duty. Was it the academic climate? Probably not that, not alone. In addition to his services to the law school I have mentioned, there were significant professional activities. Stuart played a major role in the American Bar Association's studies of what could be done in order to bridge the gap between legal education and practice in terms of continuing legal education. He played, as you certainly know, an important role in the Dane County Bar Association throughout his academic career, serving in several offices, including a term as President during 1983-84. Apparently he did not have enough to do as Associate Dean so he directed the Dane County Bar Association in his "spare time!" Then, he reached a stage where he said he was going to devote himself to the more typical professor's life and dedicate his energies to teaching and writing. He is producing a book on practice before the federal court for the western district of

Wisconsin. He also wanted to bask a little bit in the honor of being a Habush-Bascom Professor of Law. That is a named professorship at the University, which Stuart is the first person to receive. He returned to the classroom, teaching sections of Trial Advocacy and Civil Procedure.

Rather than taking the usual route of repeating his General Practice Course direction and teaching, Stuart taught different courses and developed new materials even though he expected to be retiring soon. Moreover, Stuart, being the slave to duty that he is, when asked by Chancellor Donna Shalala to assume the position of legal counsel for the university, even though the present semester had already started and he was very much looking forward towards retirement and a summer trip to Japan, could not say no. He undertook that job, the

duties of which I will not bore you with in detail. But the extent of those duties I understand are such that, in order to get into the house one night when he returned recently, Jan made him show his American Express Card: she was not sure she still recognized him, after all those hours at the office.

Stu asserts he is going to retire in the full sense of the word and not teach part-time after his trip to Japan. Following his visit there, he is going to take time to relax and travel the world. He says he is going to spend some time in northern Wisconsin resting and perhaps practicing his putting. I have news for him. The world today is such that the fax machine, the wireless, carrier pigeon and other tools of modern technology available to the Chancellor and to the Law School are likely to be used to ask him to come for-

ward once more when "duty calls." I suspect he won't be able to say no when that happens. Because I think his sense of duty comes from the realization that being a law practitioner and being a law professor entails much more than just holding a job. Indeed, it is more than being a professional, it is being a person who views those positions as "callings" in every sense of that term. Stuart is a person who expects to conduct his life as what I call "a slave of duty" and does so conduct it because anything less would not fulfill the obligation of his callings.

So, I say to Stuart, although we hope you are not fully retiring, we act on this occasion as though you are, and we try to answer the question of what do you say to such a slave of duty at this time with two short words:

Well done!

Prof. James B. MacDonald

by Prof. Arlen Christenson

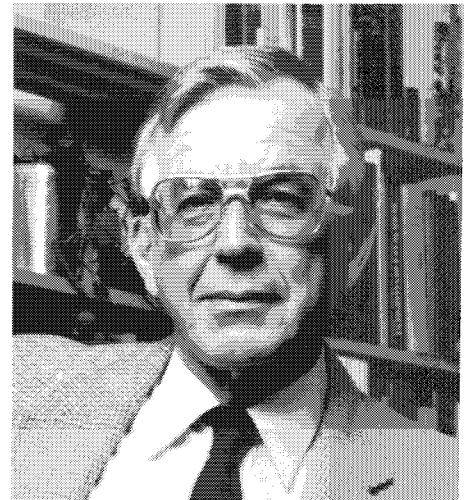
Jim MacDonald has long been a role model of mine. Among other things, Jim is the only professor of law I know who has managed to figure out a way to get paid for taking a spring camping trip. For a number of years, Jim has taken his intersession class on a western field trip to study water law. There is more to water law in the arid west so Jim and Betty would take a group of law students to scenic Colorado and elsewhere in the west as part of a real Law School course.

Another thing that Jim does is to serve with me as a member of the citizens advisory committee to the State Public Intervenor. The Public Intervenor protects

public rights in water and other natural resources so it was perfectly appropriate for us to engage in public service by taking a sailing trip in the Apostle Islands. Again Jim's example served me well.

Jim MacDonald's finest example, however, is his deep and abiding concern for the environment and what the law and lawyers can do to save it. Jim was one of those few people who got into the business of being concerned about the environment even before Earth Day. His preparation for his role as an environmental leader was not only his many years of teaching, but his active role in such efforts as his Alaska study and the litigation leading to the ban on DDT.

Jim has been a wonderful colleague and a great example. I will always be grateful to him.



Prof. James B MacDonald

Prof. Orrin L. Helstad

by Prof. Frank J. Remington

It is my pleasure to introduce the only former Dean among the retirees being honored tonight. I note that former Dean Spencer Kimball is here. He contributed so much to this school as Dean for which we are grateful to him. Lillian Young is here and her presence brings back fond memories of former Dean George Young. Also, having had dinner tonight with some distinguished lawyers from the Southwestern part of this state reminds me of Oliver Rundell who was Dean when I joined the faculty about forty years ago. I remember an occasion like this when the Law Review was honoring Oliver at the time of his retirement. The editor was assigned the task of introducing Oliver. Wanting to be brief he said, "Since I don't know any good jokes I'll just introduce the Dean."

Well, Orrin Helstad is no joke. He is a distinguished lawyer and member of this faculty. When Orrin graduated from law school we had the good fortune to be able to hire him for \$3,600 a year. He claims he only got \$3,000. I never have known what happened to the other \$600. But what Orrin lacked in salary we made up to him in other ways. We gave him a desk in the library back by the only elevator installed by the University during the depression. It was before air conditioning. But Orrin had a machine of sorts

next to his desk which supplied circulating air. The only trouble was that the air came out the top at 85 degrees and out the bottom at 25 degrees. When I would go back to see Orrin I would find him with his sleeves rolled up and his over-shoes on.

Despite the primitive conditions, Orrin and Margo Melli produced a really superb new criminal code for the State of Wisconsin. It preceded the monumental Model Penal Code of the American Law Institute. The Wisconsin Criminal Code has served this state well for the past 35 years, thanks in large part to the excellent work of Orrin Helstad.

After the Criminal Code, Orrin stayed in state service and was the author of the State Administrative Code and this state's version of the Uniform Commercial Code.

He then joined the faculty and in time became the Dean. I remember then Chancellor Ed Young telling me that he chose Orrin because Orrin was committed to the Wisconsin Idea, the idea that both legal education and service to the people of the state are important objectives of a state law school. Under Orrin's leadership that great tradition of this school continued to flourish.

Upon retirement as Dean, Orrin has continued to serve as the Director of the General Practice Course and has made important improvements to that important course.

On a more personal note I am grateful



Prof. Orrin L. Helstad

to Orrin because of his willingness to share with me his great knowledge of automobiles. Earlier, Sue and I used to pick out a new car by its color. We had some catastrophic results, which we've avoided after consulting with Orrin who has, in recent years, told us what we ought to do.

All in all, Orrin's record of distinguished contribution is one of which all the Norwegians in Blair, Wisconsin, his home town, can be very proud. And, so can all of the rest of us.

New Faces, New Places: Charo and Williams Join Faculty

by Kathleen Conklin, '90

As noted in the last issue, featuring profiles on Professor Linda Greene and Rennard Strickland, the Law School recently added five new faculty members. Prof. Richard Delgado, the first to arrive, was featured in Vol. 19, No. 3. The remaining two are featured here.

Prof. Alta Charo

Alta Charo returned to academia to reaffirm her personal politics, regain her ambition to "save the world," and prepare students to affect social change.

Charo's background is diverse and catalytic. She grew up in an immigrant neighborhood in Brooklyn; then took a scholarship to attend Harvard where she studied biology and did laboratory research on the sex lives of Florida lizards. She became involved with the Sierra Club which focused her interest on the politics rather than the science of the environmental movement. She subsequently entered Columbia Law School because of its fine reputation for international and environmental law, and was a summer associate with the Natural Resources Defense Council.

Why Teaching

As Associate Director of the Legislative Drafting Research Fund at Columbia University, her "first job," Charo was able to combine teaching with policy research. At the time she was lecturing on "Legislative Drafting." The policy work included research and writing on environmental law, municipal election law, reproductive technologies and energy issues. Actually writing a law which someone else would then introduce helped Charo refine her politics. The experience also made her realize that lecturing was too removed from the real action, and kept her from implementing her own ideals. "I knew what I believed. Academia was too distant from politics."

After a one-year stint at the University of Paris, Sorbonne, as a Fulbright lecturer on American legislative process and institutions, Charo decided to get out of

teaching altogether. "I resolved to work for the government."

Over the next three years she worked first for Congress, then for the Agency for International Development. The former position was with the Office of Technology Assessment as a Legal Analyst addressing questions of reproductive technologies and other "cutting edge sciences." The information guided "the madness that is Congress," in outlining federal legislation and funding for the technologies.

But Charo was disturbed by what she saw happening there and the impact it had on her political ideals. "I saw politics and government up close and in-person. All the facile solutions I was so certain of at Columbia fell apart under the ideological and practical scrutiny and pressure in government."

Charo left OTA to work on low-tech issues affecting a wide range of people. Through the American Association of Science she became a fellow in population policy at the Agency for International Development (AID). Ultimately, the experience was a frustrating last shot at structurally implementing her ideals. Charo says, "AID left me demoralized and confused about the best way to tackle global social justice. When I left, I had no idea what my goals were, and went back to academia where the only person I could hurt was myself."

Student Education Goals

In making her return to teaching, Charo has certain goals for her students.

She maintains that legal training creates the potential to affect social change, or to promote social stability, depending upon one's political persuasion. Charo contends that law students should develop their ability to understand the social and political context in which laws are passed and administered. They should develop the ability to find and exercise reasoning in the reform or application of those laws.

Some students, she says, will be radicals. "I want to help them be more per-



Prof. Alta Charo

suasive radicals. Students need to learn to do more than shout; they need to explain *why*, and suggest improvements. Some students will be traditionalists. I want them to be more nuanced in their traditionalism. I want them to see why others want to change the status quo. In the end, the business of arguing *both* sides is amenable to those goals." Charo suggests that if students can argue both sides, they will be more open to persuasion, and in turn be more persuasive.

Charo is teaching first-year Torts this fall semester and finds the experience consistent with her goals for student education.

She claims Torts is traditionally presented in light of the holy trinity of policy goals: deterrence, compensation and fairness. She expects her students to first learn how torts law operates in the U.S. to meet those three conflicting goals; then to analyze those cases as if we were living in a different society.

For example, if there is no need for the individual to compensate the victim, because compensation has become a collective social response, fairness and deterrence will necessarily have different characterizations. In a world where fairness is determined less by what is earned and more by what is needed, Charo hypothesized, the analysis of compensation and fairness must vary.

"Ultimately I want my students to learn how they and the law function in the U.S., and recognize the potential they have to affect global change."

Why Wisconsin

Charo has a unique assignment with the University of Wisconsin. As part of the Law and Medicine initiative in conjunction with the UW Medical School, she splits her teaching time between the Law School, Medical School and Agricultural Biotechnology Center. Charo finds the experience rare and full of opportunity—a "luxury not found in other schools."

"Unlike most Universities, Wisconsin has very strong traditions of interdisciplinary work. Here, I have a chance to teach and do collegial research in the law school and medical schools." Charo relishes the ability to combine her need for "daily contact with real science," with the chance to ground legal research and analysis in current hot topics.

Charo's science emphasis is currently on genetics. She plans to look into the legal significance of growing evidence of a genetic predisposition toward addiction, particularly alcoholism. To the extent such a predisposition is irresistible, civil and criminal penalties for acts

committed while under the influence of alcohol may need to be revised. The solution is not present. Nor can the threat of punishment be an effective deterrent to behaviors sparked by irresistible urges. On the other hand, if the individual is no longer viewed as "in control," then there may be a potentially enormous area of state control opened up. This is particularly important these days, as more and more women are put in jail during the late stages of pregnancy in order to prevent access to drugs and alcohol.

Another area of research concerns the growing inapplicability of biological definitions of life and death to the questions surrounding accrual and extinction of legal rights. "When judges find it necessary to become arbiters of science and to make scientific findings on when life begins or ends in order to manage divorce cases and hospital care, it is clear that science and law can no longer expect to use the same definitions."

Charo will also spend her time this winter writing on the rise and fall of RU-486, the so-called "abortion pill" for an Institute of Medicine study on how bioethical decisions are made in the US; working with the Canadian Law Reform Commission on a series of health law studies; and examining congressional options for legislation on genetic screening in the workplace for the Office of Technology Assessment.

Biopolitics

Aside from research, Charo's focus for future law courses is somewhat less esoteric. Next spring she will teach "Biopolitics." Structured as a statutory drafting class, students will actually write a law on one of the currently hot topics in health or biotech law. The course will be open to second and third year students. The topic will be "determined by the newspapers."

Several students have approached Charo about the possibility of adding a course or seminar on the legal ramifications of Acquired Immune Deficiency Syndrome (AIDS). While the resources and interest make this a feasible topic of a seminar, Charo contends that for now it may be more efficient and more appropriate to make AIDS an issue in every course.

Charo emphasized that people with AIDS have problems that touch on every aspect of life—pregnancy, health care, insurance, housing, employment, wills, etc. She encourages housing clinics or other student-staffed legal reference centers to deal with the issue. Furthermore, courses on insurance law, administrative

law, trusts and estates, etc., should address the legal and psychosocial ramifications of the AIDS epidemiology, and its effects on our social institutions.

There is one drawback to Charo's teaching arrangement which results in her spending about half her time at either school. She has found a severe limitation on the amount of contact she has with many law students. However, her responsibility as faculty liaison for the Wisconsin Health Law Association, a student organization at the Law School, will provide more exposure to a variety of students. She also encourages all students to feel free to come by and discuss career opportunities in health law and policy.

The development of health law as a viable field of expertise and legal training is an interest shared by several other professors at the Law School. In the ideal world, Charo surmises, students would have exposure to the macro issues in health law. Primarily, these are the problems of resource allocation at the U.S. and global levels, and distribution of services to a huge population of needy people. Students would also have exposure to the microethical issues, such as the individual relationship of doctor to patient, the dilemma of terminating life being sustained by technological advancements, and the decision to procreate by other than traditional means.

"The whole of the health law field is exciting and vitally important to the legal community because it concerns experiences which everyone shares in daily lives, and with which we are all passionately and controversially concerned. No one is without opinion on these experiences. We all face disease, aging and death and all have very strong and individual feelings about how we get through those stages." Charo recognizes that to cover this much material at Wisconsin's Law School will take the efforts of more than any one professor or department. Again, the interdisciplinary richness of this school may be the perfect environment.

Alta Charo has some personal goals consistent with those for educating her students, and some designed to preserve some measure of self-identification and sanity. Over the next five years, she would like to recapture some certainty about her politics. She wants to outlive another Republican administration. And finally, she desperately wants to keep accumulating enough frequent flyer miles to avoid the cold Wisconsin winters. Charo says "Star Trek" and "Bewitched" ruled her formative years. The former engendered some of her love

for science, and the latter bolstered her belief that eventually we will "eliminate the need for equipment." She has a passion for black and white movies. She loves "speaking foreign languages badly." She will go anywhere an airplane goes (if she hasn't already); but prefers those that stay in the air. And she will ride any roller coaster built.

As evidence of the truly international political spirit of this woman, Charo's favorite event this year was "doing the 1,000 minute dance" at a M'Chou ('meshuay'-translate "barbecue") in N'Djamena Chad, Central Africa. This endless song was about 'CIDA,' which is French for 'AIDS.' It was part of an effort

sponsored by World Health Organization to provide information about AIDS.

Finally, Charo has a few choice opinions about the best and worst aspects of Madison, Wisconsin. Despite all her worldly travels, she never knew that squirrels and chipmunks could make more noise at night than police sirens and she lives in constant fear that she will finally have to take her mother's advice and start wearing a hat and gloves. She describes the best of Madison as "How close you are to honest-to-god County Fairs with prizes for best pig and Mad Bob, in Car #25, in the Demolition Derby." Of course, seeing both Bob Dylan and Pinchas Zuckerman since

her arrival has also impressed her with the advantages of a town where buying tickets does not entail waiting in line overnight.

One of the most endearing aspects of her stay so far has been the widespread misimpression that she was hired under the "Madison Plan." "It's flattering," say Charo, "considering that each and every one of the Madison Plan appointees is more senior and accomplished than I. And, it has given me a chance to practice my language skills as students greet me with 'hola' or 'ciao'. I'd like them to know that I would also welcome 'gut morgen,' 'bonjour,' 'salaam,' or even a plain 'shalom'."

Prof. Patricia Williams

Teaching at the Wisconsin Law School has a peculiarly ironic aspect for Professor Patricia Williams. In her previous position as Associate Professor at City University of New York Law School, Williams taught a jurisprudence course nicknamed "Cows and the Code." In a city where few to none of those in class had a first-hand concept of what cows look like, an issue such as "Do cows have horns?" often resulted in wide-ranging discussions about language, meaning, legal interpretation and resultant contractual expectations. In her current position, Williams need only to drive a few miles out of Madison to answer the question and avoid the linguistic intricacies.

She is not at a loss, however, for subjects by which to implement in her teaching this intense interest in linguistics. Williams is currently teaching a class called "Commercial Rights and Constitutional Wrongs," in which she incorporates the vagaries of advances in biotechnology to promote wide-ranging and thought-provoking discussions at Wisconsin, similar to those about cows at CUNY.

Though she began teaching for somewhat typical reasons, Williams' method

is anything but orthodox. She is a professor in order to share her experience and expertise, and to have a larger impact. As a law professor she is able to get past the immediate needs of the client and deal with fundamental changes rather than the symptoms.

She is also geared toward collaborative teaching-structuring classes to be taught by three or four teachers at one time. At CUNY she taught "Law in a Market Economy," an interdisciplinary first-year course covering contracts, property, economics and jurisprudence, with several other professors. She maintains that the collaborative effort is stimulating for the professors themselves, but also teaches students that there are many and different authorities on a subject.

Student Education Goals

Williams has specific goals for educating students which are consistent with her teaching approach. She attempts to remove any hierarchy from the class structure. She feels most students are too dependent upon teachers dispensing information like some concrete thing. Her students are encouraged to interact with her and each other. She also enjoys



Prof. Patricia Williams

older students because they often bring a clearer sense of their goals to the classroom experience.

Her goal in education is ultimately to serve the goals of her students. The only over-riding concern is that students learn the skill of listening, both to better serve the needs of their clients and to become better informed about their chosen specialties.

Besides the commercial rights course for upper level students, Williams is teaching first-year Contracts. She brings a level of practical expertise to the course. Her past practice was in consumer protection and consumer finance related to contracts; and she has been a U.C.C. consultant for firms. She is a past member of the State Bar of California Standing Committee on Uniform Commercial Code.

After teaching contracts for nearly ten years, she is thrilled to be working with the Wisconsin contracts materials. The material is "wonderful, better than any other I've taught from." Because of her love for collaborative teaching, Williams welcomes the practice which the Wisconsin contracts professors have of getting together once per week to evaluate materials, difficulties, new cases and student perceptions.

Why Wisconsin

The University of Wisconsin has a history of being dedicated to interdisciplinary studies, like few other universities in the country. Williams notes the Law & Society movement is associated with Wisconsin. She finds it particularly supportive of her goal to share information and improve accessibility of teachers to each other and to students. She will perhaps have the opportunity to contribute to the feminist legal theory works-in-progress workshop held by the Law School every summer.

Williams is also employed by the Women's Studies Department of the University, which she calls one of the largest and most diverse in the country. Next semester she will begin teaching a con-

temporary problems course on gender issues from a literary perspective. The opportunity to pursue both interests is one she has not found in other career positions.

But her real interest, she says is in language, and competitive meanings of words. In the "Commercial Rights, Constitutional Wrongs" course, this is evident in her focus on the import of language of attorneys, judges, and the effect of the use of the first person. Students explore how private bodies of law have and continue to make inroads into public discourse.

Primarily, the course addresses how commercial interests overlap and detract from or enhance civil rights. Commercial interests, such as the housing situation, may be approached from the constitutional property perspective.

All of Williams' courses have turned on the impact of the law on living creatures. It stems in part from the recent discovery by her sister, of a written contract for the sale of her grandmother to her grandfather. He, as irony would have it, was one of the wealthiest attorneys in the southern states. Williams began to see a commonality in the sacrifice and oppression of animals and slaves through contracts. It is somewhat appalling to her that this chattel use of contracts is now effected on women through surrogate mother agreements. She notes that the Mary Beth Whitehead agreement was based on bovine and porcine breeding contracts.

Biotechnology

Another of William's pursuits is the legal implications of biotechnology. "Just because we have the means by which to transplant ovum, it does not follow that we should use it." She finds custody issues all mixed up with contract issues in the case of surrogacy agreements. She argues that this cannot be a contract for services unless we admit the womb is a mechanism. This mechanistic approach reduces women to "parts," and raises the

same type of property ownership and possession issues as contracts for inanimate goods or services.

The surrogacy issue is really one of much deeper cultural notions, particularly those of patriarchy, property, and the selfish motivations for replication. Fundamentally, the rhetoric of self-ownership is in question. Williams plans to work with a research assistant to study the linguistics and distinctions of what she calls ownership, disownership, self-ownership and self-possession. She maintains that self-ownership is not a self-evident freedom and hopes to restore the language of law and ourselves.

This property perspective also underlies her perceptions about minority professors in general. "We as minority scholars are told to prove ourselves in academia, but truth is a function of who is able to exercise intellectual dominion."

Williams is a prolific writer and intends to do much more of it over the next five years. Most of her work has already been unconventional in terms of law and literary criticism. However, she will continue to put her "self" into the writing, despite some criticism that her work should be less personal. Williams says her writing "parodies formality."

For Williams, the only drawback to teaching at Wisconsin is the winter cold. Clearly, she is not alone. Although she says she is incredibly happy here, Williams is also wary of the ivory tower seclusion that is inherent on university campuses.

Otherwise, she anticipates that teaching at the University of Wisconsin should be a perfect environment in which to avoid some of her dislikes. She abhors rigidity, fanaticism, literal interpretations, and the political and physical violence going on in New York City.

Williams, though careful to explain or avoid labels, admits to being something of a pacifist. She enjoys dancing and good jazz. Though Madison has its share of experimental theater and music, she may have to take some trips to Chicago to fill that need.

Michael Olivas, Visiting Professor

Michael Olivas, Professor of Law and Director of the Institute for Higher Education Law and Governance at the University of Houston Law Center, joined the UW Law School faculty this fall as visiting professor for the 1989-90 academic year. Professor Olivas earned his Ph.D. in Higher Education from Ohio State University in 1977 and his J.D. from Georgetown University in 1981. Before teaching law, he served as Director of Research for the League of United Latin American Citizens National Educational Service Centers from 1979-82. In 1982 Professor Olivas organized the Latino Law Professors, a group designed to help recruit other Latino law faculty and students, and to aid Latinos in the legal profession.

Professor Olivas's areas of expertise are reflected in the courses he teaches: Immigration, Legal Process, and Higher Education and the Law, a seminar course which discusses legal issues affecting colleges and universities. Professor Olivas is particularly interested in how immigration laws have changed universities and how the university as a workplace has changed for workers, especially foreign nations. He is also working on a supplement to his case book and teachers manual on Higher Education Law which he will be using in class for the first time this year.

Professor Olivas is enjoying his first visiting professorship and the opportunity to teach at the UW Law School.

"I think the University of Wisconsin has a first-rate law school. It's a splendid university, and I've also enjoyed the chance to work with Chancellor [Donna] Shalala."

Professor Olivas is currently serving as Chancellor Shalala's special counsel concerning legal issues pertaining to students on campus. He is helping draft a code of conduct for fraternities as well as examining how international students are faring with the changes in immigration laws.

As impressed as Professor Olivas is

with the Law School, he does see problems in terms of the city's racial climate and finds the low percentage of Latino and other minority students troublesome.

"I think the people of color here are not always comfortable. I would have expected a larger percentage of minority students, although I might add that the minority students I have come in contact with are excellent."

Although Professor Olivas believes that the Law School and the University as a whole have made strides in attracting minority faculty, he thinks that greater efforts must be made in recruiting minority students.

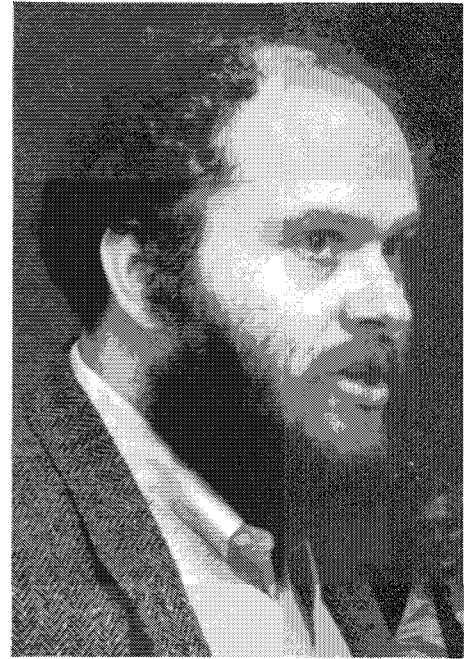
"I've been underwhelmed by the overall results. I think the efforts on the part of recruiting minority students haven't been as successful. It may take more time for that to show itself because there is not a large indigenous population of minorities in this state. I think that there has been a particularly disappointing plateau at a low level in minority graduate enrollments."

Professor Olivas does see changes ahead for minorities at the Law School and throughout the entire university. He said kiddingly,

"This is the first NCAA Division One school to hire a Hispanic football coach, so I think that maybe things are going to change here. When the most important person on campus, the football coach, is Hispanic, I can't help but think that there is going to be racial progress."

Professor Olivas, originally from Albuquerque and Santa Fe, is married to Augustina Reyes, who is currently writing her dissertation on school finance. He enjoys reading, cooking Mexican cuisine, and seeing ten to twelve movies per week. At age thirty-eight, Professor Olivas predicts that his career will take some twists and turns in the future, perhaps involving an administrative appointment.

"Of course, someday I'd like to be able to say that I am Professor Emeritus from the University of Wisconsin."



Prof. Michael Olivas

Faculty Notes

Professor Richard Delgado has been honored as a co-author of the book *Freedom at Risk: Secrecy, Censorship and Repression in the 1990's*. The book has been selected as the 1989 Best Book in the Free Press Association's Eighth Annual H.L. Mencken Awards for "outstanding writing in defense of individual rights and civil liberties." Professor Delgado's essay is entitled "The Language of the Arms Race: Should the People Limit Government Speech?" The book, edited by Professor Richard Curry of the University of Connecticut, is published by Temple University Press. He has also had articles accepted for publication by *Georgetown Law Journal*, *Virginia Law Review*, *Southern California Law Review*, *St. Louis Law Journal*, and *Constitutional Commentary*. In December, Prof. Delgado spoke on campus anti-racism rules at Harvard and in October on distributive justice at the University of Maryland Law School.

Professor Alta Charo traveled to Ghana to conduct a USAID survey of legal and regulatory obstacles to family planning and maternal health problems. Issues investigated included the impact of drugs and the absence of hard currency to the status of women.

Professor Linda Greene was Program Chair of the AALS Minority Section Annual Meeting Program on "Race Conscious Remedies: Theory and Practice After Croson." She was also Program Chair of the Midwestern People of Color Scholarship Conference at Loyola, Chicago. Professor Greene was the USIA Consultant for the government of Mozambique on constitutional reform in Mozambique.

Professor Stuart Gullickson served for a month as a lecturer at Chuo University's Institute of Comparative Law in Tokyo, Japan. There is no discovery or jury trial in the Japanese legal system. Professor Gullickson taught two class sessions by presenting a lecture-demonstration of a jury trial. He delivered a lecture to Chuo's Faculty of Law on problems in the U.S. discovery process. Also, he spoke on judicial case management in our Wisconsin and federal courts at a meeting of civil procedure professors at Tokyo University. His interpreters were Professors Osanai, Inoue, and Isobe, who are part of the self-styled "Wisconsin Gang" of Japanese professors who have spent research leaves at our Law School.

Professor Gullickson reports that he found universal respect for Professor Sam Mermin among legal academics in Tokyo and Osaka.

Professor James E. Jones, Jr. was honored by the Madison Metropolitan Branch of the NAACP as the 1989 Unsung Hero for Services to the Madison Community. He also recently delivered the All University Lecture at Northeastern University, entitled "The Rise and Fall of Affirmative Action."

Professor Walter Raushenbush served as visiting professor during the spring, teaching Property at the University of Arizona College of Law in Tucson. Professor Raushenbush continues to be a member of the Real Property Question-Drafting Committee for the Multistage Bar Examination under the auspices of the National Conference of Bar Examiners, which this year is chaired by Professor Marygold Melli.

In January, 1990, **Associate Dean Gerald Thain** delivered an address on "The Emerging Development of the Commercial Speech Doctrine" at the meeting of the Wisconsin Chapter of the American Law Institute during the Mid-Winter State Bar meeting in Milwaukee. Dean Thain was a speaker at a program on "Advertising Claims: Using Evidence to Back Them Up," sponsored by UW-Madison/Extension for lawyers and others involved in advertising. His topic presented was "Recent Developments in Advertising Regulations."

Dean Thain, in conjunction with **Professor Frank Tuerkheimer** of the Law School and **Professor Jack Ladinsky** of the Sociology Department, co-ordinated a class for undergraduate students entitled "Law in Action: Contemporary Issues in Public Law" during the first semester of the 1989-90 academic year. In addition to Professors Thain and Tuerkheimer, Professor Irish, Clauss, Goldstein, Church and Herzberg of the Law School also taught a two-week segment of the course, which was well received by the students.

Professor Joseph Thome recently attended the Latin American Studies Association XV International Congress held in Miami, Florida, where he presented a paper on "Law and the Transition to Democracy in Chile."

Professor Bill Whitford will have an article published shortly in the *Indiana Law Journal* raising the question on

whether Chapter 13 of the Bankruptcy Act should be repealed. He is also a member of the State Bar's Mentor Committee and was active in planning a program at the Law School in which two separate panels discussed lawyer lifestyles. The goal was to provide law students with practical information about workday life before key vocational decisions are made.

Professor Patricia Williams gave the first of the newly established Thomas Lectures at Yale Law School. The lectureship invites to the law school minority scholars doing innovative work on the relationships among law, jurisprudence, and the minority community. Her lecture was entitled "Contract and Community: A Conversation with Polar Bears."

Visiting Professor Michael Olivas has published his book entitled "Higher Education and the Law: Cases and Materials on Colleges in Court" and an article in the *Capital University Law Review* called "A Legislative History of the Ohio Board of Regents, 1954-1963." In September he was a panelist for the AALS Workshop on "Minority Voices in Law Schools" and was scheduled to present a talk in Beijing last August although that event was cancelled.

Krista M. Ralston ('79) has been chosen as Director of the Legal Defense Project. She is returning to LDP after working with the Administrative Office of the United States Courts, in Washington, D.C., and in private practice here in Madison. **Ben Kempinen** ('76), who served as interim Director of LDP, will now take over the Prosecutor Clinical Program.

Professor Lynn Lopucki served as a member of the Debtors' and Creditors' Rights Panel on "Megabankruptcy" at the recent American Association of Law Schools meeting. He presented preliminary results of the NSF-sponsored study that he has been conducting with Professor William Whitford. Professor Whitford will present the corporate governance paper derived from this study at a faculty colloquium at the Cleveland-Marshall Law School this spring.

Clinical Instructor Meg Gaines argued a case before the Wisconsin Supreme Court concerning an indigent litigant's right to a waiver of transcript fees in a civil case where an inmate was denied visitation with his child.

Alumni Notes

John D. Winner ('49) was recently elected a Fellow of the American Bar Foundation. This election recognizes outstanding dedication to the welfare of their communities and to the highest principles of the legal profession. Winner is a partner in the Madison, WI, law firm of Winner, Wixson & Pernitz.

Richard M. Carpenter ('52) has been chosen as the new chief executive officer of S.C. Johnson & Sons, Racine, WI. Carpenter joined the company's legal department in 1952 and most recently served as executive vice president of Worldwide Innochem, a Johnson unit, since 1983.

Frank J. Vandall (LL.M., '68, and SJD, '79), a professor at Emory University School of Law in Atlanta, GA, has recently authored "Strict Liability: Legal and Economic Analysis."

Ralph Swoboda ('72), president of the Credit Union National Association, Madison, WI, has been named representative to the board of Cooperative for

American Relief Everywhere, and international relief and development organization.

Martha Van de Ven ('73) was recently appointed by Minnesota Governor Rudy Perpich to a commission charged with developing a plan to guarantee basic health care to all Minnesota residents. The committee is to make its final report to the legislature by January 1991. Van de Ven practices with Gray, Plant, Mooty, Mooty & Bennett in Minneapolis.

Ned R. Nashban ('73) has opened a Fort Lauderdale, FL, office for his firm, Howard, Solochech, Nashban & Weber, of Milwaukee, WI.

David C. Keating ('81) has become a member of Charne, Glassner, Tehan, Clancy & Taitelman, Milwaukee, WI.

William J. Toman ('82) has become a partner at Quarles & Brady in its Madison, WI, office.

Jo Marie Pasqualucci ('83), currently a lecturer at our Law School, has

accepted a tenure-track position for next year at the University of Missouri-Columbia School of Law.

David J. Zubke ('84) has become a partner of the Minneapolis, MN, law firm of Best & Flanagan. He practices in the firm's Business Law section, focusing on intellectual property law. Keith Nelsen ('89) has joined that firm as an associate.

Neena K. Scaria ('89) has joined Levin & Ginsburg, Ltd., in Chicago, IL.

With sadness, the Law School reports the death of **Kimberly A. Kinast** ('89) in a car accident last December. Kimberley had joined the law practice with her father, Frank Kinast ('47) and Christopher Kinast ('82). Her many friends and classmates join her family in mourning her loss. As Dean Thompson told the family, "She achieved wonderfully in the time she had. That she did not have more time is one of those mysteries I cannot solve."

RACE AND LEGAL THEORY CONFERENCE: Madison, Wisconsin 12-17 July 1989

A diverse group of legal scholars of color came together for five days to discuss works-in-progress on race and legal theory. The Conference was the first meeting of legal scholars of color focusing on the development of publishable papers critical of American race law.

Pictured: Front (left to right): Robert Suggs, Arizona State University; Paulette Caldwell, New York University; Anita Allen, Georgetown; Taunya Banks, Maryland; Kimberle Crenshaw, UCLA (former UW Hastie Fellow); Kendall Thomas, Columbia; and Richard Delgado, Wisconsin.

Back: Neal Gotando, Western State; Stephanie Phillips, Buffalo (former UW Hastie Fellow); Isabel Gunning, UCLA; Robin Barnes, UW Hastie Fellow; Trina Grillo, San Francisco; Kevin Brown, Indiana; Angela Harris, UC-Berkeley; Elizabeth Patterson, Georgetown; Linda Greene, Wisconsin; Phil Nash, CUNY; Mari Matsuda, Hawaii; Derrick Bell, Harvard.

Not pictured: Patricia Williams, Wisconsin; Harlan Dalton, Yale; and Benita Ramsey, a UW graduate student in Afro-American Studies.



Editor's Note

If you chanced into the Law School's lobby this winter you might have guessed that we either had funded the major remodeling we are trying for or someone had decided to tear down the building perhaps prematurely. The truth lies in neither explanation: for many years the Law School and the University had been trying to make the building more accessible to persons in wheelchairs. Several years ago a wheelchair lift was installed in the lobby to provide access to Room 225, although this lift itself had become inadequate. One major remaining barrier was the five steps from the lobby to the Admissions Office area. After numerous and expensive options were considered and discarded, an elegantly simple solution to both problems presented itself: build a pair of ramps in the lobby, one connecting the Admissions Office level to the Room 225 level and a second connecting Room 225 to the Lobby. At this writing, the project is 90% complete, and already usable. We are pleased with the result and particularly with the added access it provides.

Speaking of our major building project, the presentation to the Campus Planning Committee went well. Our need for more space, made more critical by the impending destruction of the Clinical Building on University Avenue, is not disputed. Nor is the exciting solution proposed by the University design team. Our problem is that there are many deserving projects on this campus and around the system. Our project will be evaluated by Chancellor Shalala and ranked with other Madison-campus projects, then by the Board of Regents along with projects from other campus, before finally being considered by the State Building Commission.

As we travel to various alumni events around the country we are carrying copies of an architectural-artists rendering of our project. The most dramatic ele-

ment is a three-story glass "spine," a new major corridor which would integrate the now separate elements of the building. I hope that you have a chance to see these large prints and that you too will find them intriguing. While small reproductions have less impact, as we get farther along in the building process, we also plan to print these renderings in these pages.

On Saturday, 3 February 1990, the Law School held a one-day Retreat as part of our self-study process. In that one short day we managed to solve every problem in legal education today! Well, maybe we only made the first few steps toward a plan for maintaining and even improving the outstanding reputation this Law School enjoys. Some of the topics discussed included: Do we need to worry about rankings, and what is being ranked anyway; how does our curriculum relate to the world our graduates enter; and can we remain unpretentious yet serious about scholarship.

It is too early to report on the readership survey distributed in the last issue.

Returns are still welcomed and will be shared with the Gargoyle Committee of the Wisconsin Law Alumni Association. It is apparent, however, that you particularly like the Alumni Notes and the Mystery Picture. In order to have Alumni Notes to print, however, we have to rely on you to report on yourselves and your friends. All submissions are welcomed.

The mystery picture in the last issue was no mystery to Jack Kaiser ('76), Pamela Baker ('76) and Peter Christianson ('77). Jack was sitting in the foreground, Pam in the middle of the back row, and Peter, I assume, was watching from the audience. Those identified in the photo included: Kevin Kennedy ('77), Katherine Lingle ('77), Susan Steingass ('76), Lisa Gammeltoft ('76) and Professors John Kidwell, Joe Thome, Fredericka Paff and Mark Tushnet (who has his daughter on his lap).

The picture here should be equally easy. It comes from the same era and features a number of students at the Awards Convocation. Who are those smiling, well-scrubbed, soon-to-be graduates?



Mystery Picture