

University of Wisconsin Law School Forum

GARGOYLE



Volume XXI

Number 3.

Winter 1990/91



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Cover photo: Robert Froehlke, 1990 Distinguished Service Award winner.

Dean's Note

Dean Daniel O. Bernstine

After my first few months as Dean of the Law School, I am happy to report that my only real surprise has been that there have been no real surprises. For any dean, particularly a new dean, that statement is remarkable in and of itself. We have just about completed our first semester of classes and, as you would suspect, students are getting busy in preparation for final examinations. We have also had the usual flurry of activities and programs which help to make the Law School such a vibrant place to study and work. There are a few items and accomplishments which are worthy of note.

On October 19-21, our Faculty Retreat was held at the Heidel House in Green Lake. During the Retreat, the faculty had the opportunity to exchange thoughts and views on a number of topics, including ways to foster an increased communal spirit in the Law School. In addition, there was a little time for us to get together socially without being concerned about the pressures of class preparations and other Law School activities. As a follow-up to the Retreat, there was a general consensus that we should take a comprehensive look at our curriculum over the next several months and a Task Force on Curriculum Reform will soon be established to examine our course offerings as well as to explore how we can better deliver an even higher quality education to our students.

On October 29th, the Law School had its annual visit by the Board of Visitors. The Board was briefed by faculty and administrators on several aspects of the Law School's operation, including admissions, clinical programs, placement, legal writing, serving students with special needs and the plans for a building addition. The Board also met with Chancellor Shalala to discuss their concerns and express their views about the Law School and its future. Overall, the visit was a success and we look forward to receiving the Board's final Report in a few months.

On the night before the Board visited the Law School, there was a reception and dinner for Board members and faculty where Professors Stuart Gullickson, Orrin Helstad and Bill Foster received the Wisconsin Law Alumni Association's Faculty Career Achievement Award. Congratulations to each of these recipients. They have had long and distinguished careers at the Law School and I wish each of them the very best in their retirement years.

Congratulations are also in order for our Moot Court teams. Champions of the Chicago Bar Association Moot Court Competition were Jeff Baxendale, Denise Steele and Eric Brandt. The regional champions of the National Moot Court Competition were Joan Brinkmann, David Hanson and Kris Thomas (Wisconsin team for the petitioner). The semifinal winners of the National Moot Court Competition were Sarah Calvin, Kelly Kinzel and



Dean Daniel O. Bernstine

Bryan Schneider (Wisconsin team for the respondent).

We have had a variety of speakers and conferences this semester. The Law School celebrated the 40th anniversary of the publication of J. Willard Hurst's seminal work, *The Growth of American Law*. Professor Aviam Soifer of Boston University delivered a lecture on his work. The Fourth Annual Thomas E. Fairchild lecturer was Solicitor General Kenneth W. Starr. General Starr spoke on the topic "The Court of Appeals and the Future of the Federal Judiciary." Next year's lecture will be presented by Judge Harry T. Edwards of the Court of Appeals for the District of Columbia Circuit. The Law School also hosted a very successful conference on critical race theory which attracted over 100 scholars from all over the country.

The major strength of our Law School has been its vitality as an academic institution and its commitment to remain in the forefront of legal education. As we move towards the 21st Century, I am optimistic about our curriculum reform efforts, our ability to produce even more moot court champions and our support of a variety of educational programs and conferences.

As this first semester comes to an end, I have completed about half of the over forty alumni events scheduled around Wisconsin and the country. It has been a pleasure seeing old friends and former students as well as meeting many of you for the first, but assuredly not the last, time. I look forward to next semester when we will resume these gatherings.

Finally, on behalf of all of us here at the Law School, I wish you the very best for the new year.

Froehlke Receives 1990 Distinguished Service Award

[Editor's Note: At the 47th Annual Law School Spring Program last April, Robert Froehlke ('49) received the Law School's highest alumni award. He becomes the 45th recipient since the award began in 1967.]

Presentation by Harry Franke ('49)

Earlier this year I had a call from Ed Reisner with the good news. Bob Froehlke had been selected as the recipient of the Wisconsin Law Alumni Association's Annual Distinguished Service Award. In an unusual display of bad judgment, Bob had suggested me to be the presenter. Ed closed our conversation by indicating they would send me some information about Bob which would support the selection.

A few days later I received two documents. One was the Fall edition of the *Gargoyle* which contained last year's presentation to Chief Justice Heffernan by the Honorable John Reynolds. There was a penciled note—"This will give you the idea." Much to my surprise, the opening paragraph fit like a glove.

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

Reynolds then goes on to talk about the intellectual brilliance and enthusiastic tenacity of his subject. Well, that left me to pursue another tack.

The other document concerned the 1990 Distinguished Service Award. It contained a listing of past recipients from 1967 through 1989 and what giants they were.

However, there was a simple paragraph as to the criteria for selection itemizing the ways that there could be "An outstanding contribution to the profession." While it appears that any one of the categories would suffice, to my pleasant surprise, Bob qualified in four of the five possible categories.



Harry Franke (l.) and Robert Froehlke (r.)

First, as a Practitioner. Bob was with the McDonald firm here in Madison for a couple of years and then counsel for Sentry Insurance Company in Stevens Point.

Next is Faculty Member. Bob and I both served on the faculty here for a relatively short period of time along with one Jack DeWitt.

The next category in Government Service. I doubt our Law School has had a more distinguished graduate in the military. Not only has Bob served as an Assistant Secretary of Defense and Secretary of the Army, but his picture and plaque appear in the Infantry School Hall of Fame at Fort Benning, Georgia.

Next, we have the rather difficult requirement—graduated from the University of Wisconsin Law School. Bob did that with flying colors among them being the Order of the Coif.

The next qualification is also one that I can vouch for. The recipient must be

over 65 years of age. Since I am exactly two days older than Bob, I am aware that he meets this requirement.

Our profession can be proud of Bob Froehlke who has accepted the Chairmanship of "Campaign For Wisconsin," the first major capital campaign in the history of our University (this is not limited to the Law School) with the goal of some 300 million dollars. Let me give you an example of the type of "quiet leader" this man is.

Several months ago Brent Ruppel, Chairman of Robert W. Baird & Co., and loyal Wisconsin Alum, inquired of me as to the possibility of getting Bob Froehlke to serve as Chair for "Campaign for Wisconsin." While I was somewhat skeptical to Bob's availability, I encouraged him to do so and Brent made a trip with some others to Minneapolis to meet with Bob. Subsequently, Brent reported that the trip had been a success although Bob felt that

In spite of my concerns about the profession, when asked to name my occupation in the inevitable questionnaire, I still state "attorney."

they should be seeking the services of some person with greater stature and a bigger wallet.

What follows may be of some embarrassment to Bob, but I am going to tell it anyway. A few weeks ago Brent advised me that Bob Froehlke had explained to him that before he could go out and ask other people for money, Bob felt that he should set an example. Therefore, although not a wealthy individual himself, he has made arrangements through the purchase of joint insurance policies upon his life and Nancy's for a gift of one million dollars to the University of Wisconsin.

The last item on this list—and of course it is not essential to qualify here is—"That you be deceased." Well, Bob Froehlke is very much alive, however I think it is appropriate that we do pay tribute to him here today.

Response by Robert Froehlke ('49)

I am honored and pleased to accept this award. It is a touch discouraging, however, to observe that those who know me best are the most surprised that I am this year's recipient. I confess that I, too, was surprised and a bit mystified when Cliff Thompson notified me of the award. My first reaction was that must have been some cocktail party before the vote was taken. I am not a practicing attorney, a judge or a professor. Why me?

Then I looked at the previous recipients. Joseph Davies, Nat Heffernan, Irv Charne, Carl Runge, John Reynolds and on and on. Timing is everything. It was time for a Republican—in spite of the fact that he is just a businessman!

This award has added allure because my friend of over half a century, Harry Franke, made the presentation. Our initial contact was at the first Badger Boys State in 1939. Ever since we, or at least I, have looked forward to a chuckle and camaraderie whenever Nancy and I get

together with Harry and Mary. They cause me to hope that I am judged by the friends I keep!

Affairs like this are very nostalgic. Looking back I fear that at the time I graduated my appreciation of the law school and the friends I made while there was insufficient. Today I can assure you that I am most appreciative of both. Both wear very well. I'll never forget Herbie Page, not because of his erudite presentation of Contracts and Wills, but his fantastic knowledge of baseball history and his very great appreciation of women—particularly pretty women. At that time "lecherous old man" came to mind. Today as I rapidly approach that age I look upon him much more kindly. He understood the important things in life!

Ray Brown made Constitutional Law a thrilling subject that still excites me. Howard Hall always had the best students in his class because you always got your law school average in his courses. Dick Effland was the baby of the faculty but he was an outstanding teacher and a very considerate human. And any recitation of faculty must include Willard Hurst. A mind that has few, if any equals, a teacher who could excite and motivate like few I have ever encountered.

The student body was special. Most were close enough to be called a friend—and many still are today. You could always tell in which service the student served because we all wore our military garb. As contrasted to pre-war school, law school was approached more seriously. We matured in the "big war" and school was now more of a job than the pre-war fun and games. The one major drawback was the paucity of female students. (Maybe that is why we treated school more like a job.)

Most of the law students were married. We referred to the students' spouses as wives in those days because they all were. Nancy kept a full-time job, while doing all of the chores of a housewife and didn't neglect any of the duties of a new bride! I know I am not alone in feeling that the eventual law degree is held in joint tenancy with my wife.

So far I hope my comments have fallen into the "sweetness and light" category. I still have a great respect for the profession and yet, as a businessman, I do have a non-attorney perspective. I want to share two concerns I have for our profession. Unfortunately, I do not have any answers but I do know that the most important step in coming up with

answers is to get those involved to recognize the problem.

The legal profession today does not have the respect it had when I graduated from this law school. I do not know whether this is merely a perception problem or if it is more serious. Regardless, I know that no profession can flourish and, more importantly, serve the public adequately, if it doesn't have public support. I believe the time has come for law school faculty, the bar association and each individual lawyer to make an in-depth study of the profession today. Are lawyers today more interested in money than service? More interested in self than client? Less interested in high professional standards?

My second concern is the propensity of society to become increasingly litigious. The question no longer is to sue or not to sue. It is a foregone conclusion we are going to sue. The question is who has the deepest pockets. This is not just an insurance man talking (I am no longer in the insurance business.) This is a citizen saying civility has lessened in our society when the legal profession appears to be saying the answer to every unfortunate occurrence is a lawsuit. And these lawsuits are increasingly expensive, stressful, acrimonious and dilatory.

In spite of my concerns about the profession, when asked to name my occupation in the inevitable questionnaire, I still state "attorney." True, I have been a fallen away lawyer for over 30 years. Nevertheless, I believe my law training has been a very important ingredient in any success I have had. It has taught me the importance of distinguishing the crucial facts from the minutia of a situation; applying these facts to the appropriate principles involved; concern for the individual and his inalienable rights; respect for the law, and recognition that ethical conduct is the foundation of any profession. This school has provided us a solid education and ethical foundation. For that we are in its debt.

At the risk of turning this podium into a bully pulpit, I would like to suggest that in the near future we can begin to repay that debt. As National Chairman for the upcoming University of Wisconsin Capital Fund Drive, I urge you to give your support to "Campaign Wisconsin" when it is officially announced this fall.

I conclude where I began. I am very proud of this law school and this university. That makes this award all the more meaningful. I thank you very much.

Playing the Law School Admissions Game

Timothy R. Verhoff

Want to know the secret of getting into law school? It's simple: get a 4.0, ace your LSAT, and join every worthy cause and activity that you can. True, it's not that difficult, but it is close. As more people apply to Law School and their qualifications become better, the competition at major law schools around the nation has drastically increased. Having a parent who is an alumnus of a particular law school no longer spells probable acceptance to that school.

As times have changed, so have admission procedures. According to Mary Duckwitz, a Law School Admissions staff member, "In the early 60's and before, admission procedure was much different. If an applicant had a 'C' average in college and was interested in the Law School, he was admitted." Today, things are much more complicated.

Admission decisions are now made by the Admissions Committee, composed of professors Gordon Baldwin, John Kidwell, Walter Raushenbush and June Weisberger. There are also two student members who participate in policy decisions but do not review applicant files.

Applications have a deadline of February 1, about seven months prior to the desired enrollment date. According to Gordon Baldwin, "We start looking at the applications as soon as they are complete. It is useful to apply early because at later times there is a deluge of applications that come in."

As applications arrive, they are placed into files containing the application form, a record of residence, copies of college transcripts, and a report of the applicant's LSAT score. The completed files are then turned over to the Admissions Committee that makes an initial decision to accept, reject or hold the applicant.

"When we get a file, we first look at the cover, which has the applicant's name and college. Then we use a formula to predict the applicant's first year law school grades. In-state applicants whose numbers yield a prediction that have an

84 or better are immediately accepted. Non-residents whose numbers say they will receive an 85 or better are accepted immediately. Most of our applicants have a projection of 83 and are placed on hold," said Baldwin.

There is a good reason so many applications are put on hold: today's competition is hard fought. In 1968 the Law School processed 1047 applications. By 1990 that number almost doubled to 2700 applications. For the past two decades, an average 658 applicants were admitted and 984 applicants were rejected annually. The number of applicants rejected reached an all-time high of 1957 last year.

Academic qualifications of the average applicant have also increased in the past few decades. The median college grade point average of an incoming first-year student was 2.87 in 1969. Today, the median G.P.A. has skyrocketed to 3.40. Of those applicants accepted each year, approximately half are residents and half are non-residents. Traditionally, however, only 20 to 30 percent of the students who enroll each year are non-residents.

After a file is initially placed on hold, it is redistributed to another member of the Admissions Committee, and applicants are notified of their status. As soon as all applications have received an initial review, the Admissions Committee members sort through the applications placed on hold. Each member is responsible for reviewing a specific number of these applications. And there is seldom any discussion of the applications between the committee members.

"Each member has a quota," said Baldwin. "They fill that quota with a great deal of discretion. Sometimes there is a small amount of discussion between one or two members of the committee. These are usually hallway discussions or they distribute files between each other through the mailboxes. We just don't have the time [to have formal meetings] with 2700 applications to process."

Files placed on hold are reviewed for



Prof. Gordon Baldwin

both academic and non-academic factors. Several venues of an applicant's career are considered: grades, grade trends, letters of recommendation, graduate study, quality of the undergraduate institution, writing samples, community service, extra curricular activities, minority backgrounds, parents who are alumni, and other pertinent data.

"Extra activity is important, but it's the quality of the activity that we look for. We look at community activity, varsity athletic programs, professional experience and other non-quantifiable factors," said Baldwin.

Baldwin also noted that committee members read every letter of recommendation sent. But some letters have more influence than others. "It depends on the kind of letter. There are some letters which show that the recommender has a pretty good grip on the applicant's ability," he said.

Although the Law School does not conduct personal interviews with applicants, it does require each person to submit a personal statement on their applica-

UW Law School—Ten Year Admission Summary

	1990	1989	1988	1987	1986	1985	1984	1983	1982	1981
Total number of applications received:	2675	2482	1983	1448	1385	1407	1506	1838	1926	1735
Acceptances:	656	573	706	702	674	667	624	590	570	587
Total first year law students who registered:	287	284	318	685	286	285	286	284	284	302
Resident:	212	216	215	200	223	222	232	229	238	231
Non-Resident:	75	68	103	85	63	63	54	55	46	71
Number of women in the first year class:	137	126	131	120	131	129	123	118	121	126
Number of students who enrolled part-time:	20	17	12	16	18	24	17	26	29	16
Number of newly admitted transfer students enrolled:	5	10	8	11	16	23	19	20	13	15
Median GPA:	3.40	3.44	3.36	3.35	3.33	3.31	3.35	3.36	3.40	3.43
Median LSAT:	40	38	37	37	37	37	38	38	667	659

tion form. Two types stand out in Baldwin's mind. The unusual and the poorly written statements. "Personal statements that are ungrammatical and have serious spelling or proofreading mistakes can hurt a candidate," he said. "I suppose the mistake that amuses me the most is the letter that concludes, '... and therefore I hope very much that The University of Chicago will accept me for Law School.' We get a lot of those," Baldwin added.

For applicants who think that having a parent who graduated from of the Law School guarantees their admission, think again. Although it does carry some weight, it is only one of many factors considered. "There is no question that it is a relevant factor. We always consider if the applicant has a Wisconsin connection. It makes you look twice or three times before turning someone down, but again it's one of the non-quantifiable aspects."

Having connections to the Law School is particularly important for out-of-state applicants. "Most of the non-residents are applying to 5-6 other law schools. It's useful to have something in a file indicat-

ing a serious interest in Wisconsin," Baldwin admitted.

Even alumni who contribute heavily to the Law School may find that their children are not accepted. "When I look at an application, I am blind. Sometimes I don't know if the applicant is male or female. Besides, I don't know who contributes a lot of money. That information is not available to me. You can't buy your way in," Baldwin commented.

Another trend is the number of minority and women that are applying and being admitted. This is largely a result of the Legal Education Opportunities program that gives special admission consideration to those applicants who come from traditionally disadvantaged backgrounds. These applications are processed first by the Legal Education Opportunities Committee and then by the Admissions Committee.

The number of L.E.O. applicants has grown from 24 in 1968 to 189 in 1990. The number of students accepted has also grown from 20 in 1969 to 60 this year. In the fall of 1990, 46 percent of the accepted applicants enrolled. Female enrollment is also on the rise. The num-

ber of women at the law school has grown from 22 in 1969 to 137 this year. "The next class will be about 50 percent men and 50 percent women," said Baldwin.

Baldwin acknowledges that the although the admission procedure is efficient, it isn't perfect. "We need more staff members," he said. "We are processing twice as many applicants as there were three years ago. But we do have Mary Duckwitz and Marilyn Johnson, and they are as competent as any staff in the country."

Baldwin has simple advice for people who want to secure admission to the Law School. "Get good grades in college and do well on your tests. This is a hard school to get into. We disappoint more people than we please," Baldwin commented.

Don't despair. It's not impossible to get into law school in this competitive day and age. "If you have the money, you can go somewhere. Some Law School will take you, but not a school as good or as selective as Wisconsin," Baldwin said.

Law School Admissions in Perspective

Prof. Walter B. Raushenbush

I was a Harvard College senior when I applied for admission to the autumn 1950 entering class at the University of Wisconsin Law School. I figured my college grades were good enough for admission, and I was glad that Wisconsin did not require the threatening, very new Law School Admission Test (LSAT) which had recently become a prerequisite for application to Harvard and quite a few other leading law schools. Little did I know Wisconsin then required only that the applicant be breathing and have passed three years of college—and that either requirement might be waived!

In 1958, when I had the good fortune to join the Wisconsin Law Faculty, not much had changed. We still didn't require the LSAT, despite its increasing acceptance in legal education. Our stated requirements were a 2.5 undergraduate grade point average (GPA) if the applicant had a college degree, 2.75 if only three years of college. We waived those requirements fairly often, but only after counselling the applicant about potential troubles ahead. And indeed, as many alumni remember, in those days roughly a third of those who began law school did not graduate—most due to academic failure.

In 1959, the Law School began to require the LSAT of all applicants. However, we did not then build the LSAT into our admission standards, which remained unchanged until the fall of 1964, when 300 new law students poured through our "open door." Such a crowd was unexpected, was really more than we could handle, and forced a new look at our admissions policies. By that time, too, several years of experience told us that the LSAT was predictive enough of first-year academic performance by our students that we needed to take LSAT scores into account.

A faculty committee on which I served developed a flexible admissions policy of admitting the best qualified to the extent our capacity allowed—considering undergraduate GPA, LSAT, and other factors. This policy, changed in relatively few respects, has continued to

serve us well. Its current operation is described in an accompanying article.

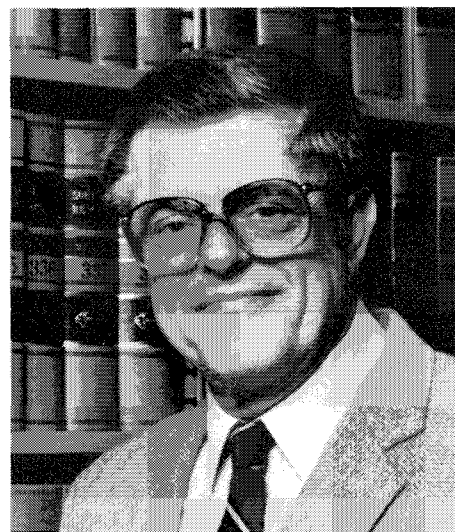
The most noteworthy adjustments to the admissions policy adopted in 1964 have been: (1) Addition in the late 1960's of affirmative action recruitment and admission of minority applicants; (2) at the height of the 1970's application explosion (see below), limitation of non-residents to approximately 20% of the entering class; (3) in the 1970's, development of a carefully articulated group of factors in addition to LSAT and GPA which the Admissions Committee will consider and which are set forth in the Law School

Bulletin; and (4) in the modest slump in applications in the mid-1980's, raising the non-resident limit to approximately 30% of the entering class.

Another decision with policy implications was dictated by events. Just as the unexpected 300 first-years descended on us in 1964, we were involved in the largest construction project in the Law School's modern history. The old red-sandstone-veneer Law building was demolished, and the existing classroom-office complex was constructed to join the already existing two wings of the library. The new construction was based on the assumption, seemingly valid when the planning was done, that the future Wisconsin Law School would have 650 to 700 students. As most alumni know, since 1964 our building has never (except for summer school!) held so few.

Admissions policy is obviously implicated. Theoretically, the school could have cut back sharply on admissions to produce the size of student body for which the building was designed. We did not. By the early 1970's, our law student body size became relatively stable at approximately 900 students, roughly a third larger than optimum in terms of physical capacity. Nine hundred students was, and continues, far beyond optimum in terms of faculty size and various other resources. Plans for an architecturally ingenious major remodeling and expansion give us hope, but are not my subject here.

What is relevant is the way in which



Prof. Walter B. Raushenbush

demand for legal education, by a larger number of highly qualified applicants than we could possibly enroll, has led the school over the past quarter-century to stretch mightily to seat far more law students than would have been ideal. My rough estimate is that we have enrolled an average of 65 more students a year than our physical and other resources reasonably suggested. The total is approximately 1600 men and (increasingly) women, approximately 1200 of them Wisconsin residents who were afforded an opportunity at this law school because of our stretch. Our action helped make viable and meaningful, too, our affirmative action admissions policy for minority applicants. Alumni may differ over whether this continuing decision to stretch capacity was wise. Combined with the post-World War II inadequacy of the old red building, it has meant that few alumni alive today remember their law school as anything but overcrowded. For my part, I hate seeing an eager and highly qualified applicant turned away. I'm proud, for the faculty and the staff and myself, that we have done our best to provide opportunity to as many as we could during a time when so many of the



Admission office staff: Marilyn Johnson (l.) and Mary Duckwitz (r.)

best and brightest have wanted to join the legal profession, and to train for it at Wisconsin.

That time of high demand seems not yet over. A review of recent fluctuations and trends, both at Wisconsin and nationwide, may be of interest. The last year when Wisconsin Law School offered admission to all applicants the Admissions Committee judged fully qualified was 1968. That was the year when graduate and professional study stopped being shelter against the Vietnam War draft, so applicant demand was significantly (but only temporarily) reduced. For 1969 and

1970, applicant numbers increased. Then in the 1970-71 admission year, law school applications across the country exploded upward. It proved to be no one-year phenomenon; application volume increased moderately for several additional years, and proved to be on a new and higher plane.

No one was sure why. The number of women applying to law school was increasing significantly, but gradually. Population figures in the relevant age groups were increasing somewhat. The number of older applicants who had graduated from college several years or

even decades earlier was clearly increasing. Members of minority groups, encouraged by the law schools, were applying in larger numbers. Taken all together, the various hypotheses explained barely half of the increases. And attention turned to how long it would last. Should law schools expand? Many did. Should new law schools be established? Quite a few, opportunistically it seemed, hurried to open. For several years, figures gathered by the ABA showed that no ABA-approved law school reported having any empty seats in its entering class. The University of Wisconsin seriously weighed establishing a second state law school in Milwaukee, but decided against it.

In the latter 1970's, applicant volume remained high, but stopped climbing. A careful study by the national Law School Admission Council indicated that volume would start tending downward by the mid-1980's, then flatten out, then start increasing again by the early 1990's. The projections were cautiously offered, were based on the best available demographic information, and were largely wrong. At many law schools, applications tended down immediately. Some schools cut entering class sizes; a few began to reduce faculty size.

At Wisconsin, applications peaked at 1266 in 1982. By 1986, the number had steadily dropped to 1385, a 28 per cent loss in four years. But since then, in Wisconsin or nationally, has there been the predicted lower plateau as we await the early 1990's increase? Hardly.

Nationally, the number of individuals who applied to at least one ABA-approved law school has increased steadily and dramatically. So has the number of applicants to Wisconsin. The figures:

Admissions Year	National	Wisconsin
1986-87	65,100	1,448
1987-88	74,900	1,938
1988-89	82,700	2,482
1989-90	88,000	2,675

Preliminary 1990-91 figures suggest that another increase of similar proportion is quite possible, though not certain.

What explains these dramatic increases, which basic demographic information did not suggest? No one is sure. The proportion of women in the national applicant population seems to have stopped increasing, leveling off at approximately 43 per cent; we do not know why it stopped short of the proportion of women in the population. At Wisconsin, from 1988-89 to 1989-90, the number of women applying dropped from 936 to 711. But those who applied

were apparently better; 306 were accepted and 137 registered, compared to 243 and 126 in 1988-89.

Are increasing numbers of people applying well after they graduate from college? Apparently so; the largest percentage increase in national applicants from 1988-89 to 1989-90 came in the 26 to 30 age group. Also, from 1988-89 to 1989-90 the increase in applications from members of minority groups significantly exceeded the overall national percentage of increase. But these phenomena are limited partial explanations. It has been seriously suggested that a significant factor is the "attractive" image of the profession portrayed by television's "L.A. Law," which may be as good an explanation as any. It is also true that more and more of today's middle-aged parents of young people in their early twenties have had substantial higher education. Such educated parents are arguably more likely to encourage and support their children in professional and graduate education.

What lies ahead? We wish we knew. It is beginning to appear that the large numbers of recent law graduates, combined with the economic downturn, is making it harder for Wisconsin law graduates to find law jobs. When this phenomenon becomes widely known, it seems likely that application volume will ease. But we are approaching the years when it has been said that population factors will increase the supply of potential applicants. At Wisconsin, it is at least clear that the number and quality of our applicants are so high that a significant downturn in volume will not much reduce the quality of our graduating classes, nor even remove the need for highly selective admissions policy and practice.

What remains is to reflect briefly over the impact of the past quarter-century of selective admissions at Wisconsin—after a century of open opportunity for legal education. I close by suggesting, from a strictly personal viewpoint, a few points worth pondering:

(1) Has the ability to select among the best and brightest been good for the legal profession? In our younger ranks, we are now unquestionably a more intellectually elite profession than we were a quarter-century ago. But does Podunk need, can

It has been seriously suggested that a significant factor is the "attractive" image of the profession portrayed by television's "L.A. Law," which may be as good an explanation as any.

it attract, can it keep, an intellectually elite general practitioner? Have we produced a partial mismatch between our graduates and the work that awaits them—a mismatch which may partially account for the observable vocational restlessness and discontentment among many lawyers?

(2) A related issue is the arguable loss of rigor in faculty expectations and grading of law students. When our admissions door was relatively open, many individuals enrolled who proved unable (or, in fewer cases, unwilling) to do satisfactory academic work in law school. The faculty knew that we were enrolling many students who were significant academic risks; we accepted the unpleasant duty of identifying unsatisfactory work, and flunking students out. As we became more selective in admitting students, we were reading fewer failing exam answers. Past failure percentages, with nearly a third flunking out, were no longer appropriate. In less than a decade we reached a failure percentage of less than five per cent. We moved on to a point where it is now almost fair to say that we regard any unsatisfactory student academic performance as more our failure than the student's. In 1961, most of the lower half of the graduating class had worked hard to survive where many classmates had failed, were pleased and proud to become lawyers, and were glad to turn their hands to what law work they could find. In 1991, fewer of the graduating class will fit that description; more will be bright people who did enough to get by nicely, are perhaps less committed to the law, and thus may be less satisfied with the law work they find to do.

(3) In the earliest years of the applica-

tion boom, as we became more selective, we had the same few minority applicants as before. Most had low college grades and low test scores—products of educational disadvantage if not discrimination. Before 1965, our non-discriminatory open-door admissions practices had resulted in acceptance of most such applicants. Some failed, as was to be expected, but some proved stronger than their "numbers," worked hard, survived, and graduated. There are impressive success stories among them. When we became more selective from 1965 on, it quickly became clear that we were screening out almost all of our few minority applicants. That phenomenon helped us see the need for affirmative action efforts in recruiting and admitting law students who were members of minority groups. That's a large topic, for another article. It is gratifying that our law student body today has at least ten times the number of minority students enrolled in 1967-68. As to minority applicants, too, we have become selective. 189 applied for 1990 admission; 60 were accepted; 28 enrolled. All who were accepted, and indeed some who were not, were fully qualified on the basis of numerical credentials. Affirmative action policies operated only as to choices made by the Admissions Committee among fully qualified applicants.

(4) In some ways, the increase in numbers of women applying and enrolling over the past quarter-century has been as dramatic as increases in minority enrollment. Women do not account for more than their share of the late 1980's upsurge in law school applicant numbers. Nor did women account for more than a modest fraction of the sharp upsurge of the early 1970's. But during the rather stable latter 1970's and the downturn of the early 1980's, the percentage and number of female applicants kept increasing. They prevented what might well otherwise have been a severe slump in demand for legal education. More important, they have given the profession access to all rather than half of our national talent pool, and have made the essentially all-male legal profession of 1965 a fading memory. That is an optimistic note on which to end this personal perspective on law school admissions.

"A Birthday Celebration"

Commemorating Martin Luther King, Jr.

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

I had been trying for over a month to think of a nontechnical theme for this talk without too much success until I asked myself this question:

Now that we have a Martin Luther King national holiday what should we do with it?

Holidays ought to be more than they have become in this country. From Christmas to Easter to President's Day, Labor Day, Thanksgiving and more, they have become a day off from work for a buying binge or a selling binge—pure commercialization.

In our relentless pursuit of "feeling good" and "having fun" we risk forgetting what we are about as a nation—as a people. Neither the American Revolution, the Civil War nor the other sacrifices we have made as a nation were about the "pursuit of happiness" as it is manifested today in our greedy preoccupation with "me ism."

Let us dedicate ourselves on Martin Luther King Day 1990 to insuring that this birthday does not become yet another exercise in trivial pursuits.

It seems to me we can do three things to insure that this holiday retains its true meaning:

1) We can remember not only Dr. King and his great dream but the civil rights struggle of which he was truly the "drum major." Lest this nation forgets its dim dark past of racism, we must revisit the scenes of that past and experience that national shame.

2) We should, each year, review the progress—or lack thereof—made over the past year in pursuit of Dr. King's dream. The dream was a dream for this nation that we should live down our sordid past of racism and repression and realize the goal of liberty and justice for all in a land unmarred by homelessness, drugs, disease, poverty and despair. Each year we should ask "How stands the nation now? Is it a better place than last year at this time?"

3) The third thing we can do is to set immediate goals for the following year. Not unlike New Year's resolutions—but I

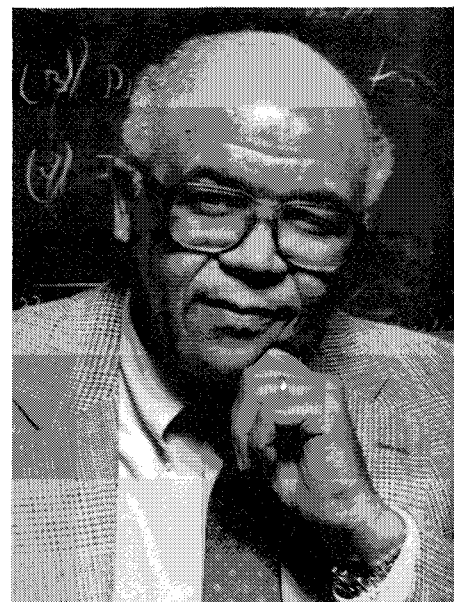
hope not to meet the same fate, namely forgotten the week after they are made—we should set ourselves goals which we intend to examine at the end of the year. Of course we could set out large idealistic objectives to pursue, but it strikes me endorsing such global objectives like "peace in the world" or "eliminating poverty," while it makes us feel good for the moment, are unrealistic of immediate achievement. Moreover, as they are long-range (how long we never seem to address) they enable us to escape any accountability. Why not adopt some immediate tasks in each community for the following year.

Almost all activities have some sort of periodic measurement, even the stock market people have a year-end review. How did we do last year compared to this year? I am suggesting that it would be a useful exercise for minority communities around the country to adopt some immediate goals for their community and each year to examine the progress made in achieving them.

I speculate that Dr. King would be extremely unhappy if all this nation did each year around the 15th of January was to listen to the videotapes of the dream speech and to view yet again snatches of "Eyes on the Prize" and other such entertainment. He was, after all, a man of action not just of words. I am sure he would approve Andy Young's move into politics and his future bid to run for the governorship of the state of Georgia.

I am sure he would celebrate with us Jesse Jackson's run for the presidency and the recent victories of David Dinkins as mayor of New York and Douglas Wilder as the governor of the state of Virginia. I suspect the Wilder election would be particularly sweet as who would have thought the first black governor since reconstruction, and the first ever elected black governor, would be of the state of Virginia the capitol of the Confederacy?

I am also sure Dr. King would find pleasing the success, although all too gradual, in the increase of black elected officials in state and local government.



Prof. James E. Jones, Jr.

He would, no doubt, celebrate with us the emergence of the political successes of other people of color, of feminists, and of the increased acceptance of individual differences in the political arena.

However I am just as sure that he would be more disturbed than pleased at the state of the nation as we enter into the 1990's. The re-emergence of virulent racism, coupled with terrorist tactics like letter bombs, is all too reminiscent of the 50's and the 60's to give us comfort. The emergence of covert racism under a colorblind coverup is perhaps the greatest current danger. Under the leadership of the Reagan Department of Justice, colorblind equality—race neutral policies—became the new theology of the right. The adoption of this jurisprudence threatens to destroy the only effective civil rights theories yet to emerge—namely, affirmative action. As the oppressive regimes of Europe come tumbling down, as the Cold War blossoms into peace and cooperation, as we enter the decade of the 90's, we as a nation seem

totally ambivalent about our future direction. As we face a future in which more and more of our population will be non-white, and more and more will be female and elderly, we seem less and less concerned about programs that insure that all of our people, rich or poor, white or nonwhite participate equitably in the largess of this nation. We seem more and more enamored with the notion that the free market will fairly address our national needs and reward the deserving. In short, we seem securely anchored (or more appropriately mired) in the ideology of the past, despite indications that that ideology is a prescription for future disaster.

The recent appeal to colorblind jurisprudence is a not so covert appeal to racism packaged in a race neutral facade. How we could ever expect to deal with the legacy of slavery and continued racism by strict adherence to race neutral principles escapes me. Justice Sandra Day O'Connor of the United States Supreme Court, who wrote the majority opinion in *City of Richmond v. Croson*, seems justifiably sensitive to Thurgood Marshall's criticism of the majority's view. Marshall had the following to say:

"A profound difference separates governmental actions that themselves are racist, and governmental actions that seek to remedy the effects of prior racism or to prevent neutral governmental activity from perpetuating the effects of such racism. . . . Racial classifications drawn on the presumption that one race is inferior to another or because they put the weight of the government behind racial hatred and separatism warrant the strictest judicial scrutiny because of the very irrelevance of these rationales. . . . By contrast, racial classifications drawn for the purpose of remedying the effects of discrimination that itself was race-based have a highly pertinent basis: the tragic and indelible fact that discrimination against blacks and other racial minorities in this nation has pervaded our nation's history and continues to scar our society. . . . In concluding that remedial classifications warrant no different standards of review under the Constitution than the most brutal and repugnant forms of state-sponsored racism, a majority of this Court signals that it regards racial discrimination as largely a phenomenon of the past, and that government bodies need no longer preoccupy themselves with rectifying racial injustice." (109 S. Ct. at 752.)

Justice O'Connor, and her colleagues who constitute a majority of the court now, seem to have forgotten the truism that the grossest form of inequality is to

We cannot, however, content ourselves with complaints about the unfairness of the court's ruling nor should we wring our hands in despair. We must be about doing what we can wherever we are in our effort to help this nation "One Day Soon" realize Dr. Martin Luther King's dream.

treat people who are differently situated as if they were equals. They seem to have forgotten a fundamental teaching from the very first substantive case to reach the Supreme Court under Title VII, *Griggs v. Duke Power*, in which the conservative Chief Justice Burger wrote that "Congress has now provided that tests or criteria for employment or promotion may not provide equality of opportunity merely in the sense of the fabled offer of milk to the stork and the fox. On the contrary Congress has now required that the posture and condition of the job seeker be taken into account. It has provided that the vessel in which the milk is proffered be one all seekers can use." (*Griggs v. Duke Power Co.*, 401 U.S. 424.)

It is worth repeating the Aesop fable from which the reference in the court case came: "A fox one day invited a stork to dinner, and being disposed to divert himself at the expense of his guests, provided nothing for the entertainment but some thin soup in a shallow dish. This the fox lapped up very readily while the stork, unable to gain a mouthful with her long narrow bill, was as hungry at the end of dinner as at the beginning. The fox meanwhile professed his regret at seeing his guest eat so sparingly. The stork said little but begged that the fox would do her the honor of returning her visit. Accordingly he agreed to dine with her on the following day. He arrived true to his appointment and the dinner was ordered forthwith. But when it was served up he found to his dismay that it was contained in a long narrow-necked vessel, down which the stork readily thrust her long neck and bill, while the fox was obliged to content himself with licking the neck of the jar."

The Supreme Court's latest insistence that minority set-aside programs must meet the strict scrutiny test just as programs based on race classification

designed to hurt or restrict minority participation were examined over the last 50 years is an insistence on the equality of the fox and the stork.

We cannot, however, content ourselves with complaints about the unfairness of the court's ruling nor should we wring our hands in despair. We must be about doing what we can wherever we are in our effort to help this nation "One Day Soon" realize Dr. Martin Luther King's dream.

First, in Madison we can become and remain politically active. Such progress as was made in the last decade came in the political successes of black, brown and females in federal, state and local elections. Our long-range hope lies in electing enlightened government which unlike our most recent national administration will be persuaded by facts and guided by humane concerns for those who are not rich. We should support candidates at the local level who share our concerns.

Second, we must start to police (monitor) events at the local level. Take jobs for example. It was recently announced that Wisconsin Physician Services (WPS) got a multimillion dollar contract with the federal government to provide health care in this region for military personnel. Unless the feds have changed the rules since I was conversant with them, affirmative action is required and a pre-award review of such contracts should have occurred. WPS reputedly will have 500 new jobs and a chance at four more years of government contract. A coalition in Wisconsin of the Urban League, the NAACP and any other associations—minority or non-minority—should establish a cooperative effort to monitor activities such as this upcoming contract. I heard this over a public radio news broadcast early one morning. If they've got the information you should be able to get it.

Recently, our sports news has been dominated by the Changing of the Guard at the UW Athletic Department. A new Athletic Director and a new Coach is heralded as initiating a new era.

The minority community, and friends, should inquire as to the intentions, no better yet, actions taken to insure increased sensitivity to minority concerns in athletes.

At one time the UW had the most integrated athletic staff in the Big Ten. No longer is that the case—and I have seen no reference to racist concerns in this new initiative.

The University community has never, in my 20 years around here, given affirm-

ative action in athletics a high priority—except in lip services. A Madison community initiative to monitor progress or lack thereof would seem a fitting objective for the 1990's.

There are other issues which could be addressed: What is the status of civil rights enforcement in Madison? Is the staffing of the Equal Opportunity Commission adequate? What's the case load? How good is the system in insuring fairness? I understand that untrained law students frequently are the only representation that plaintiffs who appear before the Commission have. Should we be pushing to change the system such that an appointed official, a trained lawyer, represents the plaintiffs before those organizations?

How is the state equal rights division fairing? Has it become too political? How is its staffing? What about the representation of plaintiffs before the hearing officers in that agency? We have public defenders for criminal matters, shouldn't we have a public lawyer for civil rights?

What about minority hiring in state government? How is affirmative action faring here at home?

What about the minority set-aside programs both affecting the city, state, county and other? What about a status report and declarations of intent from our elected officials? We would then know what to do with our votes and our money and other support efforts. Where officials do not take the right position on matters of interest to the Madison Minority Coalition we could act accordingly.

Finally, on the private front, why don't we check out the employment profile of every entity in Madison with 100 or more employees. Or maybe you would want to start with a larger number, take the largest ones first, identify those who employ no minorities and pay them a visit. If no progress is made by a time certain put up a publicity picket line and advise the public about the record of the employer.

I don't mean to exempt government employment from these publicity, free

Finally, today more than ever before Martin Luther King's voice and his leadership are missed in the world at large and particularly in this country. We seem to suffer a collective crisis of conscience, of lost virtues, which threaten to engulf us in selfish pursuit of more and more materials—a pursuit of greed as we ignore the needs of others.

speech exercises, including the University of Wisconsin. Maybe you should identify those departments that have no blacks, females or other targeted groups and give them a day of attention from such a coalition.

Next year this time when you ask yourselves, how stands the nation now; or rather what progress if any has occurred in my community, we could begin to answer that question. We tried last year such and such and achieved the following blank, blank, blank.

We failed on these and therefore next year's goals are blank, blank, blank.

Talk about a thousand points of light. I bet if every Urban League chapter and NAACP chapter, LULAC, Puerto Rican Association, etc., I bet if those coalitions across the country adopted similar tactics, we could see considerable change in the right direction by the year 2000. We might just have a female president by then, a nonwhite one.

How are these extraordinary things likely to come about and who is going to achieve them in the Madison community? Well you can be the Madison Coalition for a Diverse Society (MCFADS).

To establish such a diversified endeavor, however, the first thing you would have to do would be to learn a few basics:

1. You become a leader by providing leadership and leadership is by example.

2. You must learn to disagree with each other without destroying each other. There is no requirement for uniformity of view on all issues in order for people or organizations to cooperate on those in which they are in agreement. However, before you can persuade others to agree with your position, you must be able to agree on priorities amongst yourselves.

3. Destruction often comes with a bang but creation is an incremental process.

Finally, today more than ever before Martin Luther King's voice and his leadership are missed in the world at large and particularly in this country. We seem to suffer a collective crisis of conscience, of lost virtues, which threaten to engulf us in selfish pursuit of more and more materials—a pursuit of greed as we ignore the needs of others. In the past two decades America has done so little with so much to achieve a "kinder and gentler nation." What we seem to have elevated to a fine art is one-liners and slogans that masquerade as programs. We seem to have "the sound bite" system not only of campaigning for public office but of governing. We must return to the era of institution building and coalition building. It seems to me a good place to start is right here at home. I hope next year this time someone will remember to say: "Hey neighbor, how stands the nation now?" What progress have we made in Madison, Wisconsin since Martin Luther King Day 1990? What should be our priority targets for the year 1991? Who knows, if we set ourselves discreet tasks and evaluate our progress on a year-by-year basis we may surprise ourselves at what we can accomplish. In this way, we won't be waiting for the dream to appear, we will be working to make it come true.

Lawyers as Librarians: Combining Careers

*S. Blair Kauffman, Law Librarian and Professor of Law
and Cheryl A. O'Connor, Outreach Librarian*

Not all law school graduates follow traditional career paths. One interesting alternative combines two professions—law and information science—and builds upon the public service tradition encouraged at the UW Law School. For attorneys who truly enjoy the challenge of research and the scholarly aspects of teaching and writing, law librarianship provides a stimulating career option.

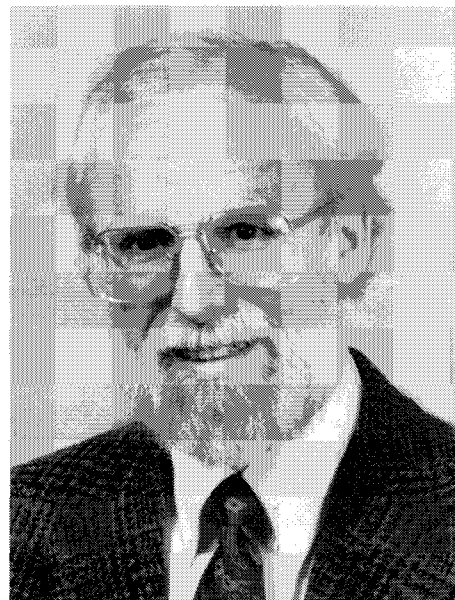
Many Wisconsin Law School alumni will recall Professor Emeritus Maurice Leon, who is a UW Law School graduate and served as Director of the Law Library from 1969 to 1982. Over the years the UW Law School has produced a number of distinguished members of the law library profession. The following profiles briefly encapsulate the careers of several UW Law School graduates who are making substantial contributions to the field of law librarianship and legal research.

Eileen H. Searls, J.D. 1950, M.A. Library Science 1951, is Law Librarian and Professor of Law at St. Louis University. Eileen knew she wanted to be a lawyer in second grade but after working in a library during her junior year of high school, she discovered librarianship was also intriguing. Inspired by Professor Miles O. Price, Professor of Law and Librarian at Columbia University, Eileen decided to pursue a dual career. The UW Law Library was the first employer to benefit from Eileen's talents; she was hired by Verna Baertschy, former Law Library Director, to organize the government documents collection. Eileen eventually found her niche at St. Louis University and has served as the Law Librarian there since 1952. Of her work Eileen says, "How many things law librarians have to know just to serve the public. Computers have not made things easier . . . only more to know so you can be efficient." That need to be "efficient" prompted Eileen to establish cooperative library ventures, such as the Mid-America Consortium of Law School Libraries, which is recognized nationally for its innovative cooperative ventures using cutting-edge technologies to share

legal information. Eileen is also looked upon as a mentor by law librarians across the country.

Roy Mersky, J.D. 1952, M.A. Library Science 1953, has been a member of the University of Texas at Austin School of Law faculty and the director of its law library since 1965. He is the co-author of *Fundamentals of Legal Research*, the classic book used to teach legal bibliography, and he has written numerous other books and articles in the areas of law, legal history and library science. He continues to teach legal research and writing and is recognized internationally as an expert on matters pertaining to law library administration and design. "Graduates" of Roy's informal program in law librarianship at the University of Texas have gone on to be directors at some of the nation's leading academic law libraries, including those at Harvard and Stanford. He recently assisted the University of Wisconsin Law School in planning the effective use of law library space.

Jacquelyn Jurkins, J.D. 1952, M.A. Library Science 1960, is Director and Law Librarian at Multnomah County Law Library in Portland, Oregon. She has held this position since 1964. While still in law school, Jackie learned the joys of legal research instruction by teaching junior classmate Roy Mersky the techniques of Shepardizing, but her career in librarianship did not come until a few years later. Upon graduating from law school, Jackie practiced at a firm specializing in domestic relations, until she finally realized this was not her forte. Having enjoyed research work with Professor Page during her law school days (and perhaps remembering the joys of instructing Roy), Jackie enrolled in the law librarianship program at the University of Washington, and then worked as a law librarian in both the academic and public sectors. Her current job affords the opportunity for lots of research, and she claims to have "the best of both worlds" working as a lawyer for attorneys and judges. Jackie's contribution to law librarianship was recognized by her



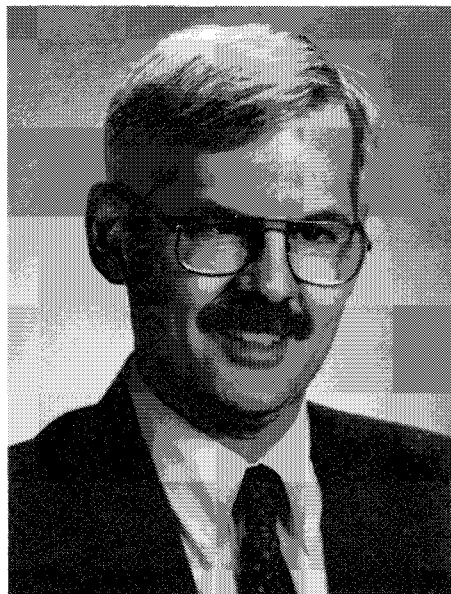
Richard Danner



Betty Karweick



Roy Mersky



Charles Wolfe

colleagues in 1984 when she was elected president of the American Association of Law Libraries.

Charles Wolfe, J.D. 1972, M.A. Library Science 1973, worked part-time at the UW Law School during his second year of law school. His involvement with a project on adult new readers convinced him to obtain dual degrees. Since 1975 Charles has been employed at the Michigan State Law Library, where he now serves as the Director. Over the years, however, his position evolved from being a "traditional" law library director to becoming a specialist in library law. In addition to managing the law library, Charles addresses the legal questions from the staff and trustees of public libraries. Librarians' legal dilemmas range from intellectual freedom issues to "latch-key" children. Charles also monitors library legislation in Michigan and conducts workshops on issues relating to library law.

Richard A. Danner, J.D. 1979, M.A. Library Science 1975, started his professional career as the environmental law librarian at the UW Law Library. Upon graduating from law school he went to Duke University School of Law and now serves as Director of the Library and Professor of Legal Research. With an extensive list of publications on his resume, Dick is remembered in Wisconsin as the author of *Legal Research in Wisconsin*. This book, published in 1980, is notable because it was the first manual of its kind for the state. Dick also serves as editor for the *Law Library Journal* and recently completed his term as the president of the American Association of Law Libraries.

Paul Birch, J.D. 1982, M.A. Library Science 1982, is the Associate Director for Public Services at the University of Richmond Law Library. From 1976 to 1979 Paul was a UW Law Library staff member, responsible for procuring research material for the faculty. The enjoyable contact Paul had with the law school faculty and staff motivated him to pursue both law and library degrees. Paul states that law librarianship is "a good

career choice" for service oriented professionals, plus a way to avoid some of the "headaches" of legal practice (i.e. billing and courting clients).

Betty Karweick (formerly known as Betty Hertel), J.D. 1985, M.L.S. 1976, began her career as a librarian at the Milwaukee law firm of Michael, Best & Friedrich. After six years at the firm, Betty felt she "needed to know more about the law to be a better reference source" so she entered law school. Betty then practiced law for three years, specializing in real estate and municipal finance but found private practice somewhat isolating. Law librarianship lured her again and after spending two years as a Reference Librarian at Duke University School of Law, Betty now works at the William Mitchell College of Law in St. Paul, Minnesota, concentrating on their innovative legal research program. Why is the combination of lawyer and librarian satisfying to her? "... teaching is terrific and it provides the contact with people that I enjoy."

Other recent UW graduates who are pursuing careers in law librarianship include: David Rudman, J.D. 1986, M.A. Library Science, 1977, Reference Librarian at Gallagher Law Library, University of Washington-Seattle; and Gail Fruchtmann, J.D. 1987, M.A. Library Science 1988, Public Services Librarian at Cornell University Law Library.

As the Law School's important role in the field of law librarianship has become more evident the ties between the Law School and the School of Library and Information Studies (SLIS) have been strengthened. SLIS now offers a series of specialized courses in law librarianship, taught by Law Library Director, Professor Blair Kauffman, and library science students interested in careers as law librarians are offered work opportunities in the UW Law Library. Law Librarianship should continue to be an exciting career option into the next century, and the UW Law School is prepared to continue providing the profession with leaders.

Featured Alumni: Lloyd A. Barbee ('55)

Timothy R. Verhoff

As a young boy, Lloyd Barbee was used to having doors slammed in his face. "We don't serve your kind," and "come back through the back door" were words that he heard too often. And one night, Barbee decided to take a stand.

He and his cousin had gone to a diner to get a bite to eat. But the white owner refused to serve them until they left the diner and came back through the back door where the kitchen help came in. They ordered two bowls of chile, but Barbee refused to pay. In the face of such discrimination, he had to get involved. "They were going to arrest us for causing trouble," Barbee recalled.

So they got the District Attorney to bring a case against the diner for discrimination. "I was so concerned about it because the judge who was going to hear the case visited my cousin and indicated that he really didn't want to hear it. He suggested that we drop the matter if the guy apologized to us. That was instant motivation for me to be more vigilant about what was happening in Wisconsin. It was like Memphis all over again."

But Barbee wouldn't be intimidated. He pushed for a trial, and in the end, the judge found that there had been discrimination. It was the sting of discrimination like this that forced Lloyd A. Barbee to become involved in politics.

After serving with the United States Navy from 1943-1946, Barbee decided to enroll in Le Moyne College. He graduated in 1949 with a degree in Social Science and decided to attend Law School. "My father wanted me to become a physician, so I was really surprised that I ended up having an interest in law. I didn't know any lawyers in Memphis, except one whose house my father used to paint. I remember he had a lot of books. I think it was the largest private library that I ever saw as a kid. That made an impression on me."

Following graduation, Barbee worked as an apprentice for the Madison law firm of Riley, Riley & Pierce from 1955-1957. But he left his job to join the Industrial Commission, currently DILHR. He stayed there for five years, serving as a

law examiner for the disputed unemployment compensation cases.

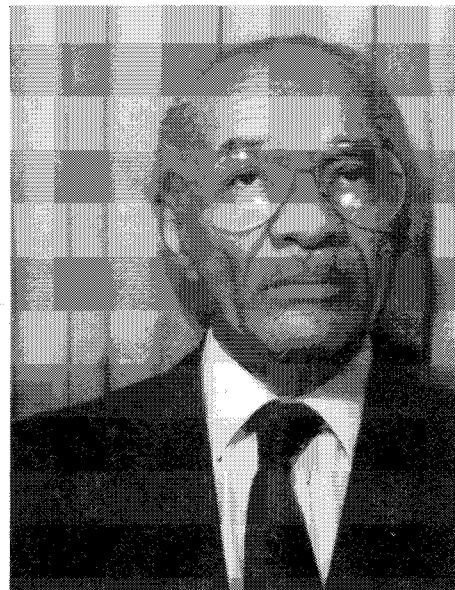
While working for the Industrial Commission, Barbee served on the Governor's Commission on Civil Rights. "In 1959 I went on leave from the Industrial Commission to work for the Governor's Commission. I worked as a legal consultant. It was one of the most interesting jobs that I ever had in government. I conducted the investigation of discrimination in public accommodations and resorts, mostly in Northern Wisconsin and a few in Lake Geneva."

In 1962 Barbee stopped working for the Industrial Commission. He moved to Milwaukee where he set up a private practice. His three children joined him in 1966.

Barbee, who had been active in the Civil Rights cause since he joined the NAACP at the age of nine, decided to run for election to the Wisconsin Assembly. "It was a difficult decision to make. I felt that because of my own self-image, I was better at working as a member of Civil Rights pressure groups or as an activist. Some of my friends were urging me to run, others were not. At the time I was involved in a big battle with the school board, trying to convince them voluntarily do some things that would lead to racial integration of the schools. I had to bring a federal law suit to get the board to desegregate the school system," he said.

"My friends that didn't want me to run were afraid that I would end up like most of the black leadership in Milwaukee which weakened under public scrutiny. They didn't really finish tasks that they had undertaken. By that time, however, I was divorced, and I had little interest in the Milwaukee social life. I thought it would be easy for me to become a politician. Besides, Isaac Coggs persuaded me that I could be more effective as a politician with a public mandate," Barbee recalled.

"My interest in politics came because I saw some things that needed to be changed in our country. Our government was so racist, especially growing up in a



Lloyd A. Barbee

place like Memphis. I was willing to do the work that needed to be done for the various aspects of the Civil Rights cause and in the government. I didn't want to be one of those fly-by-night people that so often get involved in reform. I also didn't want to be one of those people who think that they have accomplished something instantly. They take a rest after winning a big battle, only to lose the war. I wanted to really do something, not just get up and make a speech and then sit down and vote. I really wanted to be effective."

Once elected to office, Barbee was very effective. Barbee helped to make great strides in Wisconsin for the Civil Rights cause. He was instrumental in remedying the problem of desegregation in the Milwaukee Schools System. He introduced the current Fair Housing Law, helped get citizens registered to vote on election day, paved the way for court reform, and the list goes on.

Although it was difficult for blacks to win elections when Barbee ran for office, he managed to defeat the incumbent can-

"The thing I liked best about the State Legislature was that I really could address issues in the form of bills. Some of these issues weren't even within the jurisdiction of the legislature. I could introduce resolutions, for example, concerning the way England deals with Ireland."

didate, Frank Dionesopolos. "It was a challenge for me to run back then. My problem with campaigning, in general, was that I have a modest streak in me. I don't like self-aggrandizement. I remember when Jesse Jackson used to give the 'I am Somebody' speech. I called it the 'how great I am' syndrome. I didn't even like the Martin Luther King, Jr., 'I've Gone to the Mountain Top' speech. It was how he wanted people to talk about him when he died. I don't like that. When you are running for office, you go out and say, 'vote for me; I'll be a great legislator.' I didn't mind it after I had been elected and had a record. My record gave me something to talk about other than myself."

In order to reach the people during his campaign, Barbee would go door to door and discuss issues with the voters. He recalled sitting with voters, drinking coffee and lemonade. "I got to know people at a level where they felt comfortable and would tell me their problems. Once I was elected, that was the basis of a lot of my legislation. I could really see what was happening to them first hand."

One drawback to campaigning, Barbee recalled, was that he would go around in a suit. In the hot summer sun, this was a big problem. "I would always perspire, and when I would go into some houses, they would have fancy furniture that had plastic covers on it to protect it. I would sit, perspire and stick to the plastic, drinking coffee by the quart."

In 1972 and again in 1976, Barbee was chosen to be a delegate to the Democratic National Convention. "I had gone to a lot of NAACP conventions, but the Democratic Convention was much larger. There was more happening on the floor. The first one was so exciting to be at, but the 1976 Convention was much better organized. I liked the way Carter's people ran things, although some of them were old-line Southerners. I was a bit skeptical of him at first because of my experience in Southern communities."

While serving in the Legislature, Barbee took the opportunity to focus on state, national, and international issues. "The thing I liked best about the State Legislature was that I really could address issues in the form of bills. Some of these issues weren't even within the jurisdiction of the legislature. I could introduce resolutions, for example, concerning the way England deals with Ireland."

Barbee quietly left the State Assembly in 1977 after fulfilling his term. "When I left the legislature, I didn't tell the members of the Assembly or the press. I simply didn't file papers for re-election. A guy from the press called me to see if there was a mistake, and I told him that I was leaving and supporting Marcia Coggs. I won't say that I got tired of electoral politics, but I felt that I could do more as a private attorney and elect good people to the government," he said.

Although he enjoyed politics, Barbee does not regret leaving it. "I only intended to stay ten years, and I stayed twelve. I had to work with both Democrats and Republicans, so I wasn't a truly partisan person. A lot of the Democrats were racist people, and I had no illusions of what they were. Some Republicans were decent and reliable. During my day, we had some people who, if the truth were known about them, wouldn't have been re-elected. They would have been prosecuted. I left because I would never want to work at anything until I burned myself out. There are these Jesus Christ—Mahatma Gandhi—type people in history that whatever they work for, kills them. I don't flatter myself like that. Besides, the democratic party is not the

kind of party to which I want to be a slave."

Barbee continued recounting his reasons for leaving the Assembly saying, "Some of the legislators I admired compromised and voted against their conscience. I didn't want that to happen to me. I could no longer be part of the Legislature because it would be hard for me to be part of a group that wasn't serious about changes. I'd just be drinking coffee, patting them on the back and talking about the good old days which weren't that good to me."

Currently, Barbee works as a solo practitioner in Milwaukee. Although he is no longer involved in politics, he is still involved in the Civil Rights cause. "I am a member of the Wisconsin Minority Lawyer Association. I helped move it from a cocktail drinking and bragging organization to one that works on continuing education. Although I don't have much money, I contribute to organizations that I feel are going in the right direction. I work solo now. I am really more comfortable that way because I don't have to compromise. I can express my views, even if some people think they are extreme. I'm not accountable to anyone else but myself."

Barbee plans to move to New York where he will work as an adjunct professor at Sing Sing Prison teaching a course called Social Problems and Political Solutions. "I think that my mind is much more toward the things that are being done in the East rather than the Midwest. I want to go to New York City because people there are big enough to think and talk about how to solve problems, rather than just complain about them. I do know that they have the same problems out there, so I'm not just running away from problems. I am expanding my base," he said.

"I'm proud of much of what I have done in Wisconsin. I put a seed in the Legislature for people who came behind me to work on. Some of these people have been more successful at some of the things than I was. I closed a lot of gaps. I feel that I started something, but there is still a lot of room for improvement."

Featured Alumni: Jeffrey Paul Brown ('79)

Timothy R. Verhoff

Wall Street. . . . chaos breaks out within the firms everyday; it is a frenzy of investing, trading and dealing like nowhere else, and Jeff Brown thrives in the atmosphere. Brown, a member of the University of Wisconsin Law School's class of 1979, has been on the business side of the investment banking business since 1982. "I have a great job at a fabulous firm. I'm blessed to work with a very talented group of people."

Jeff Brown graduated from Brookfield East High School in 1973 and entered the University of Wisconsin-Milwaukee. He graduated in 1975 with a BA in English after participating in a program that allowed him to earn his degree in 21 months. He entered the law school following his undergraduate studies and decided to go to UCLA to pursue his MBA ". . . while I was still in law school. My father encouraged me to go to both law school and business school. I was interested in both litigation and finance, so the combination sounded great."

After receiving his MBA, Brown journeyed to New York where he began working as an investment banker. He received a varied investment banking experience: mergers & acquisitions, project finance, restructurings and public offerings. In 1985, Brown joined the Fixed Income Division of Morgan Stanley & Co. Incorporated, the major operating subsidiary of Morgan Stanley Group. "In my work on public offerings, I found I really enjoyed working with institutional sales people and with traders. I had some business school classmates at Morgan Stanley who encouraged me to come over."

Arriving at Morgan Stanley, Brown joined the corporate bond trading desk. Shortly, he and a business school classmate became the founding members of a Special Situations Group, which was given a charter to purchase as principal and trade unusual series of cash flows. "We did a lot of oddball things," Brown admits. "We even made a market in antitrust settlements." In these transactions, Morgan Stanley gave liquidity to businesses and law firms which were owed a



Jeffrey P. Brown

series of future payments arising out of antitrust litigation settlements. "In effect, we gave the smaller company, the winner of the settlement and a weaker credit than the defendant. We also gave liquidity, that is, the ability to realize cash today, for law firms which were getting their fee under the same type of arrangement."

In his present assignment with Morgan Stanley, Brown is Product Manager in New York for Morgan Stanley's Swap Group. The Swap Group is a key business at the firm and is a truly global business. The primary product is the interest rate swap, a contract between two parties to exchange a stream of cash flows under an agreed set of terms. The arrangements can be highly customized and can involve different currencies. The

business area also includes a number of options related products.

"My role really has two parts. First, I represent the product area both internally at the firm and externally to clients of the firm. Second, I apply the product in specific situations to add value by solving client problems." Currently, Brown is working on a series of custom option strategies to assist clients in managing interest rate risk. In other areas, he is working with Morgan Stanley's Public Finances Department to help achieve lower borrowing costs for municipalities, and with outside counsel and governmental agencies on what he termed "product development."

Brown is also an important part of legal compliance activities at Morgan Stanley. As one of the Fixed Income Divi-

If you look at what I really do, the law school was a great education. A big part of my job is advocacy, that is trying to get somebody to do something. But before I get to the advocacy part, a big part is thinking through a situation that could be pretty complicated.

sion's New York Stock Exchange-licensed Series 16 Supervisory Analysts, Brown examines and approves disseminations to clients.

How has his law school education contributed to his career? An adamant Brown says, "If you look at what I really do, the law school was a great education. A big part of my job is advocacy, that is trying to get somebody to do something. But before I get to the advocacy part, a big part is thinking through a situation that could be pretty complicated. Listening to a client's problems, and then coming up with a solid, creative solution and getting it done, is really what it's all about. And the law is a great education, because it's all about processes, problems and solutions."

As demanding as a Wall Street work schedule is, Brown does have an outside life. "First comes family," Brown says. Married to a Madisonian, Brown resides in Darien, Connecticut with his wife, Toni, and his eight-year-old son and six-year-old daughter. Formerly a competitive weightlifter, Brown hasn't deserted the sporting life. "Right now I'm trying to improve my tennis game. There's definitely a lot of room for improvement." He also enjoys upland bird shooting and sporting clays. "Think of sporting clays as golf with a shotgun. It's a great combination of speed and angle, not to mention good company."

Brown believes that outside interests are an important part of life. "It's easy for the professional person to be consumed by work. From my own experi-

ence, it's important to be able to communicate with people about topics other than work. How much am I going to be able to understand about a client's problem if all I know is swaps? If you can't talk to somebody, have a conversation about anything but business, there's a problem."

One of Brown's interests, keenly displayed in his application for admission to the law school, was writing. A published poet and short story writer, Brown had written two novels and was represented by a literary agent by the time he finished undergraduate school. "Observing and writing always seemed natural reactions to me. I've always had an overactive imagination, which appears to be genetically connected since my kids display the same tendencies." In fact, Brown was weighing accepting admission into a Master of Fine Arts program rather than attending law school.

Will he return to the writing world? "I do a lot of writing now, all connected with work. Things like proposals, market commentary, product notes. . . . I just mailed back to the publisher the galleys for a chapter which will appear in a Dow-Jones book on swaps." On a pensive note, he concedes, "Yeah, I wish I had more time in each day so I could do some wordsmithing. I guess I am a little disappointed that part of me seems to have gone into hibernation. But you know, God willing, it's a long life."

As any other parent, Brown hopes only the best for his children, but when discussing his children's futures, his business mind shows through. "Right now they love Teenage Mutant Ninja Turtles. I hope they don't become turtles. I hope they follow their interests and look at their parents as a source of encouragement. I hope they have long, healthy, happy lives and have the opportunity to discover something they're good at. But I hope they're economic realists, too."

Jeff Brown has achieved great success at a relatively young age. He still has much to do before he ends his career, but he surely will be successful because of his hard work and dedication to everything he does.

Featured Alumni: Paul Morrow ('56)

Timothy R. Verhoff

Ambling from the heat of the waiting room into the chilly office, I stood before the mammoth wooden desk and extended my hand to greet Paul Morrow. He rose from behind the desk, and I was dwarfed by his hulking 6' 8" frame. This giant man, once a leader on the courts for the Badger basketball team, is now a leader in the courts. Morrow is a prominent attorney in Dodgeville, Wisconsin.

As a high school basketball player, Morrow was already a star. In 1950 he guided St. Croix Falls High School to a state championship, breaking several records along the way. "I set the scoring record for most points in the tournament. There was a whole list of records, but records don't mean anything to me. I do know we had a lot of team records."

It was basketball and academics that drew Morrow to the University of Wisconsin. He graduated from high school as the valedictorian of his class and qualified to receive a Tuition and Fees Scholarship.

While he played basketball at the UW, Morrow contends that the Big Ten was the premier league in the country. "Indiana was national champion my junior year and was runner-up my senior year. My sophomore year Illinois was runner-up to Kentucky for the national championship." Morrow started 66 straight games for the Badgers and following his senior season, he was selected to play with the United States College All-Stars. Morrow was a sixth round draft choice in the NBA, selected by Rochester. "There wasn't any money in the game back then, and I wanted to be a lawyer. I received a standard rookie contract of \$4,500. I would have had to quit law school. So I played with anyone in the Midwest who could pay me and cover my travel expenses. I played three years and put myself through law school."

Following graduation from the Law School in 1956, Morrow started a six-month office apprenticeship with Clarence H. Knudson in Dodgeville, Wisconsin. "He passed away some four to five years after I came to Dodgeville. By that time we had another attorney in the office. I've been here ever since. I didn't intend to stay in Dodgeville, but after six months I was offered, and accepted, a partnership."

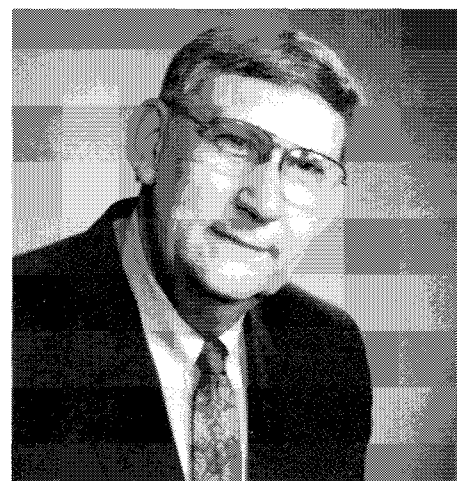
But Morrow stayed for more reasons than becoming a partner: he liked the small town life style. "I came from a small town about one-third the size of Dodgeville. I liked Dodgeville, and I didn't like what I saw in some of the metropolitan areas," he said.

One of Morrow's most vivid memories is the meeting he had with his first client. "I was with Mr. Knudson, but he didn't have an office for me. So he gave me five to ten years from now." After being diagnosed with cancer, Morrow was neither alarmed nor upset. "I wasn't frightened or panicked; I was concerned to get my legal affairs in order promptly. Other than that, I don't think I have done anything any differently from that time or since."

John Paul Morrow has already won half of the battle because he has managed to maintain a positive outlook on life. When asked if he had any plans for the future, he looked sheepishly and replied, "Yes, I have a lot of plans for the future." He found an abandoned office down the hall in an old bank building. In that office was an old desk and some old wooden chairs that were covered with layers of dust. A man came in to seek my advice in a cattle buying case. I got out my yellow pad and took his statement. When he concluded, he asked me what I thought about his chances of winning. I leaned back, stroked my chin, looked at the ceiling and tried to look as though I had some experience and was distinguished. I leaned back in the old chair and it suddenly exploded. All four legs collapsed simultaneously. I fell flat on the floor in front of my very first client. It was not an auspicious beginning to my legal career."

During the early sixties, Morrow also served as the District Attorney for Iowa County. "The District Attorney was paid a small salary and fifty dollars a month for office expenses. The county furnished nothing. It was good experience. While I was District Attorney, I handled several homicide cases. I had to keep a private practice though, or I would have starved to death."

In addition to his legal career, Morrow runs a company known as Morcor, Inc. The company owns farms, rural real estate, and his office building. It is the only dealer in Iowa County of rare coins,



Paul Morrow

and gold, silver, and platinum bullion. "We are also in the leasing business. We lease equipment, vehicles, and we have a computer that allows the company to lease out computer service." When not at the office, Morrow manages to stay busy. "I like to work on my farms. I have dozens of experiments going on in the field of soil conservation and wildlife management. Right now, we're trying to bring back the prairie grasses that were in this country when the Indians were here," he said.

"I'm a collector too. I collect big old monster automobiles that fit big guys like me, as well as wildlife artwork and antique guns. Both my wife and I are collectors of rare stamps," he continued.

But the majority of Morrow's free time in the past few years was spent working on the Bar's post-graduate legal education committee. "I probably was the longest running member of that committee. I spent twenty-one years on it. It was always my idea that we should have practice manuals in the basic areas of law."

Early in the summer of 1987, Morrow was diagnosed with an inoperable tumor on his prostate gland. "I've survived three years now, and if you live with it for five years you are considered cured. I feel great, and I'm working as hard as ever. I'm being treated with an experimental medication, and my doctor told me he expects that I will still be enjoying

Alumni Notes

James T. Haight ('51) sent us a press clipping announcing the retirement of his classmate **Ralph J. Geffen** ('51) after 20 years as the top federal magistrate in Los Angeles. He began in the first class of US magistrates, when the position was created by Congress.

W. Scott Van Alstyne, Jr. ('52) is the co-author of a new book, *The Goals and Missions of Law Schools*. In it he argues for a reconsideration of the case method of law teaching, noting that recent changes in society require imaginative reforms in our law schools.

Heiner Giese ('69) has been elected as President of the Milwaukee Bar Association Foundation.

Robert J. Smith ('74), a shareholder in the Madison office of Wickwire Gavin, P.C., recently addressed the annual convention of the Coalition of American Structural Engineers in Honolulu. His topic was "The Structural Engineer and Construction Site Safety."

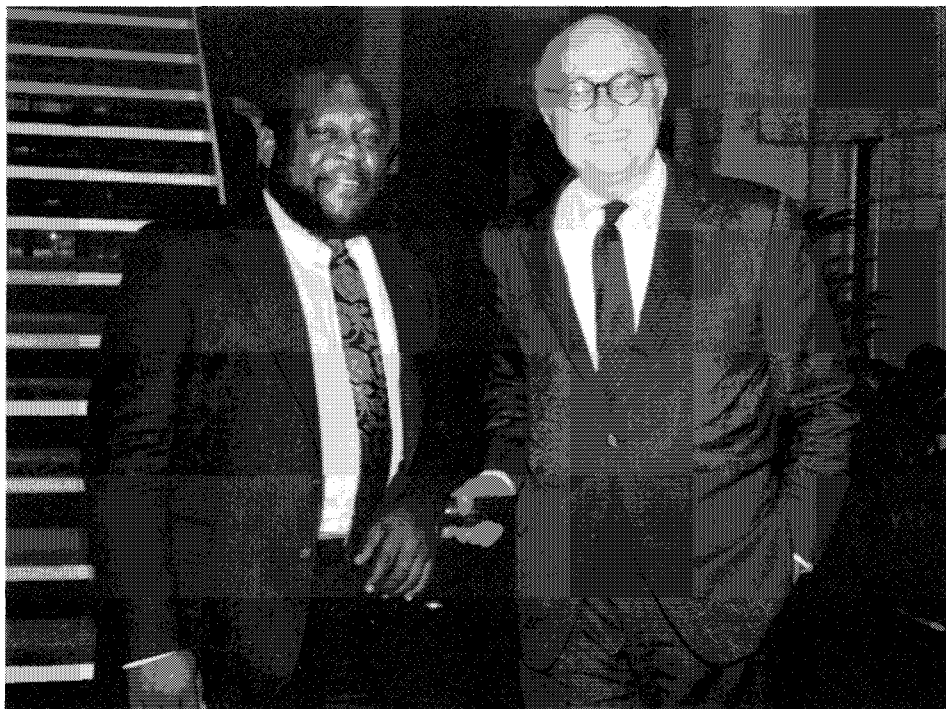
Robert E. Shumaker ('86) has associated with the Madison firm of Ross & Stevens, S.C. He had previously practiced with Foley & Lardner in Milwaukee. Mr. Shumaker is a litigator representing individuals, businesses and other organizations.

Tomislav Z. Kuzmanovic ('88), of Kluwin, Dunphy, Hinshaw, Culbertson in Milwaukee, Wisconsin, served as an election observer/translator in the Yugoslav Republic of Croatia for Lawyers for Democratic Reform. While in Yugoslavia he also met with the Croatian Human Rights Commission, the Zagreb Bar Association and other religious and governmental officials. Later he was a translator for Croatian President Tudjman in meetings with government and business officials in Washington, DC, and Ottawa, Canada.

David J. Ceci ('88) has joined the Staten Island, New York, firm of Grae & Rybicki where he does plaintiff's personal injury litigation. Ceci is a former Assistant District Attorney in Brooklyn.

Anita T. Gallucci ('89), former law clerk to Wisconsin Court of Appeals Judge Charles Dykman, has joined the Madison, Wisconsin firm of Boardman, Suhr, Curry & Field.

Kathryn Stoppello ('89) has joined the Morristown, New Jersey, firm of Riker, Danzig, Scherer, Hyland & Per-



Dean Bernstine, a 1972 graduate of Northwestern University School of Law, is pictured with Professor David S. Ruder (right) at Northwestern last fall in Chicago. Professor Ruder, a member of the Class of 1957 at the University of Wisconsin Law School, has been on the Northwestern faculty since 1961 and served as dean from 1977 to 1985. He was chairman of the U.S. Securities and Exchange Commission from 1987 to 1989 and in 1990 was named a partner at the Chicago law firm of Baker & McKenzie. He is currently teaching a course in securities at Northwestern.

retti. She had previously worked for the Center for Public Representation in Madison.

Lynn Guelzow ('89), an attorney in the Federal Trade Commission's Bureau of Competition has won the Paul Rand Dixon Award. The award recognizes both enforcement and consumer advocacy in furthering the goals of the FTC.

Patrick Schilling ('89) has been elected District Attorney in Price County, Wisconsin.

Don M. Millis ('90) has associated with the Madison firm of Ross & Stevens, S.C. From 1981 to 1990, Mr. Millis worked in the Wisconsin legislature. His practice encompasses issues confronting the cemetery industry and civil litigation.

William R. Peck ('90), former managing editor of the *Wisconsin Law Review*, has joined the Minneapolis firm of Gray, Plant, Mooty, Mooty & Bennett. He will concentrate in tax law.

By now most of his friends have heard the sad news. **Keenen L. Peck** ('88), former Editor-in-Chief of the *Wisconsin Law Review*, died suddenly of a heart attack this summer. Keenen served as a clerk for US District Judge Terence Evans in Milwaukee before joining the Staff of US Senator Herb Kohl in Washington. Judge Evans remembered, "Keenen was the most extraordinary young lawyer I ever met in my life. He was one of those people who wasn't interested in making a lot of money. He was just interested in doing good things."

Prof. Frank Tuerkeimer said, "His legal talents were superlative and eclipsed only by his brilliant personality."

Keenen was a person of enormous talent, personal integrity and a ready smile when things were going bad. With that in mind, we hope you will all remember him with a smile as well.

Faculty Notes

In October, Professor **Alta Charo** participated as a panelist at the American Fertility Society meeting in Washington, D.C., on the topic "Legal Issues in the Custody of Embryos." On November 2, she presented a paper, "Hostage Drugs: A Case History of RU486" at an International Symposium sponsored by the Graduate School of Public and International Affairs, University of Pittsburgh. Professor Charo was at the University of Iowa on November 4th, for the International Symposium on the Beginning of Human Life, as a panelist on the "New Reproductive Technologies" session. Professor Charo expanded her consulting activities westward in November, when she provided technical information to a scriptwriter for the new CBS series "WIOU" on the transportation of frozen embryos. The embryos are slated to be "kidnapped?" on an upcoming show.

Professor **Marc Galanter** was a guest speaker at the Second National Conference on Court Management in Phoenix, September 9-14, on the topic of "The Character and Mix of Disputes and Litigation." In October, he gave a talk to the faculty seminar at the University of Cincinnati Law School on "Poetic Justice: Legal Pluralism and the Jurisprudence of Punitive Damages." The following day he lectured to the Law School's Law and Society Seminar on "The Transformation of the Big Law Firm." At the October 12 session of the AALS Midwest Clinical Conference, in Madison, he spoke on "The Clinic as Laboratory," the prospects for using clinical programs as sites for research. Also in October, he spoke to a delegation of Indian and Sri Lankan judges and lawyers on a Ford Foundation study tour about recent developments in alternative dispute resolution in the U.S.

In November, **Galanter** addressed the Board of Directors at the annual meeting of the American Corporate Counsel Association in Los Angeles, on "The Next Generation of Litigation Research." He also presented a report on "Corporate Disputing in the Federal Courts" (co-authored with Professor **Joel Rogers** and Terence Dungworth) at the session of Federal Court Litigation. Also in November, Galanter was Scholar-in-Residence at Hofstra University School of Law. He presented a faculty seminar on "Corpora-

tions in Courts: Changing Patterns of Business Disputing" (co-authored with **ROGERS**), delivered a lecture on "Legalization of the Legal World in the Late Twentieth Century U.S.," and conducted several sessions responding to the work-in-progress of Hofstra faculty. November 16, Galanter gave a talk to the South Asia Seminar of the Center for International Affairs at Harvard on "The Problem of Intermediate Groups in Affirmative Action Programs: The Other Backward Classes in India."

Professor **Linda Greene** spoke on "Reparations for African Americans" at the Congressional Black Caucus Legislative Weekend Civil Rights Forum, in September and on "The Myths of Affirmative Action," at the Ohio Governor's Conference on Affirmative Action in October. She was a speaker at the Derrick Bell Symposium at Harvard Law School in October and the organizer and moderator of panels on "Scholarly Trends and Paradigms," and "The Scholarly Agency" in October at the 1990 Minority Law Teachers Conference in Cincinnati. She spoke on "Women, Politics and Public Policy" at the Wisconsin Women and the Law Conference, November 14, in Madison. Professor Greene was the Program Chair and Moderator at the Society of American Law Teacher Awards Dinner in Washington, D.C., in January.

The Wisconsin Conference on Critical Race Theory was held from November 9-10 at the Wisconsin Center and the Memorial Union. Professor **Linda Greene** chaired the conference. Other Wisconsin plenary speakers and seminar leaders included Hastie Fellow **Robin Barnes** and Professor **Patricia Williams**.

Professor **James E. Jones, Jr.**, spoke at the Minority Law Teachers' Conference in Cincinnati, in October, on "LL.M. Programs as a Route to Teaching—The Hastie Program at Wisconsin."

Professor **Len Kaplan** spoke to the Iowa Trial Bar on "Psychological Defenses," October 5th in Iowa City.

Professor **Blair Kauffman** was the keynote speaker at the Mid-America Association of Law Libraries, October 11-13, in Lawrence, Kansas. His topic was "Libraries and Change: The Decades Ahead."

In November, Professor **Blair Kauffman** participated on the ABA/AALS site inspection team for the reaccreditation of Brigham Young University Law School. He is completing a position paper for the forthcoming White House Conference on Libraries, on the "Role of the National Research Education Network (NREN) in the Distribution of Legal Information." NREN is the computer/telecommunications network being proposed as the new backbone for the Internet, which is already being used to more efficiently access online systems like LEXIS. In January, Blair will be on an AALS panel addressing "Law School Planning and Design Issues for Providing Integrated Access to Legal Information." He will also attend an Executive Board meeting for the new AALS Section on Law Libraries and the Academic Advisory Board meeting of Oceana Publications, while attending the AALS meetings.

An article by Professor **Lynn Lopucki** and Professor **William Whitford**, "Bargaining Over Equity's Share in the Bankruptcy Reorganization of Large, Publicly Held Companies" appeared in the November 1990 issue of the *University of Pennsylvania Law Review*. The article is the first of several based on data from their National Science Foundation funded study.

At the ABA Meeting in August, Professor **Margo Melli** completed her term as Chair of the National Conference of Bar Examiners. She will remain on the Board of Managers until August, 1991, as Past-Chair. Also in August, she became the Principal Investigator on the Project on Research into the Reform of the Child Support System at the Institute for Research on Poverty. Professor Melli attended a meeting of the Executive Council of the International Society on Family Law in Brussels, Belgium in September. The main focus of the meeting was a World Conference on Parenthood planned for May, 1991 in Opatija, Yugoslavia. In October, she was a panelist at the Association for Public Policy Analysis and Management Research Conference in San Francisco on the subject, "Paternity Establishment after Welfare Reform: The Evidence About What Works."

Legal Defense Project Clinical Supervisor **Clare Nichols** reports that **John**

West, a third-year student, won an acquittal for a client following a day-long jury trial in Dane County Circuit Court, Branch 4.

Professor **Walter B. Raushenbush** attended the meeting of the Law School Admission Council Finance and Legal Affairs Committee November 15-17, and a meeting of the Law School Admission Council Board of Trustees, December 5-8.

Associate Dean **Gerald Thain** was one of the ten professors of law, business or journalism who were asked by the Commissioners of the Federal Trade Commission to participate in a colloquium at the agency's office in Washington, D.C., on November 5, addressing the proper future of the agency. **Thain's** article on the early days of the Wisconsin Court system appeared in the October issue of *The Wisconsin Lawyer*.

Associate Dean **Thain** was the Law School representative at the ABA Conference on the Role of Legal Education and Lawyer Competence, held in St. Louis, Nov. 1-3. The conference covered the law school's role in improving the quality of legal writing, adherence to ethical standards and dealing with personal and dependency problems of students and faculty that may inhibit performance in school and in the profession. One theme of the meeting was to provide greater emphasis on the classroom teaching role of law faculty.

On November 19, **Thain** filed an amicus brief on the First Amendment rights of members of regulated occupations to advertise truthfully, which, he asserted in his amicus brief, rendered unconstitutional certain California restrictions on wording that may be used on letterheads and other advertisements by non-CPA accountants. The California Supreme Court is likely to hear the case in the Spring of 1991. **Thain's** article "What's in a Name (on a Letterhead)—The Possible Impact on Public Accountants of a Supreme Court Decision" has been accepted for publication in the January 1991 issue of the *National Public Accountant*.

At the American Association of Law School's annual meeting in Washington, D.C., in early January, **Thain** was on the program for the Committee on Professional Development, speaking on in-house faculty mechanisms to enhance the intellectual life of the Law School,

with special emphasis on the Wisconsin experience.

Professor **June Weisberger** conducted a Marital Property Workshop at the Wisconsin Women and the Law Conference in Madison on November 14. The keynote presenter for the conference was **Judith Lichtman**, President of the Women's Legal Defense Fund (U.W. Law School, class of '65).

Professor **Gordon Baldwin** spent a week in November in Yugoslavia as part of a team of six lawyers assigned to observe the first free elections in the Republic of Bosnia-Herzegovina. He observed nineteen different polling places in villages and cities near the Serbian border, and reports that the Communists were engulfed by voters favoring Serbian, Croatian and Moslem nationalist parties. The elections he saw appeared generally fair, although the physical arrangements at the polling places were often inefficient and confused.

Hastie Fellow **Robin Barnes'** most recent article, "Academic Freedom: Rights and Responsibility to Arrest Targeted Racial Vilification on University Campuses," has been accepted for publication in the *Wayne Law Review*. Robin also presented a draft of her thesis entitled: "Restricting Access of Klan and Nazi Groups to Public Forums," at the Annual Meeting of the National Conference of Black Lawyers, in New Orleans, Louisiana.

Congratulations to Professor **Richard Bilder**, who has been elected to the American Law Institute.

On November 14, Professor **Stewart Macaulay** made a presentation to Professors Minow, Glendon and Rakoff's seminar on Law & Society at Harvard Law School. Macaulay talked about private governments and their place in legal theory. He illustrated his points by drawing on the almost sixty year's war between the major oil companies and the retail gasoline dealers. While the dealers have won many battles before courts and legislatures, the oil companies have remained firmly in control of the private government of gasoline distribution. Participants in the seminar debated the questions which Macaulay raised, but a few were unhappy about being reminded what Roscoe Pound, over seventy years ago, called "the limits of effective legal action."

Professors **Tom Palay** and **Marc Galanter** were Academic Visitors at the Department of Law of the London School of Economics while they were in London to interview lawyers on the growth of large law firms there. On December 4, they gave a presentation to the Department's staff on "The Transformation of Large Law Firms in the U.S." En route, on November 20, they talked on this subject at the Brown Bag Lunch at the University of Minnesota Law School.

Assistant Dean **Edward Reisner** co-chaired a session on "Working with State Bar Associations" at the National Association for Law Placement's Midwest Regional Meeting in January.

Assistant Dean **Joan Rundle**, and Associate Professor Mariamne Whatley (Education) are the co-Chairs of the University Student Conduct Policy Committee for 1990-91.

Professors **Arlen Christenson**, **Larry Church**, **Carin Clauss**, **Herman Goldstein**, **Gerald Thain** and **Frank Tuerkheimer** will again offer a "Law in Action" course for upper-level undergraduate students in the spring semester. This course, offered through the Sociology Department, was arranged by Professors Jack Ladinsky (Sociology), **Thain**, and **Tuerkheimer**, and is performed as a public service by those involved as part of the Law School's role in assisting the undergraduate education enterprise.

In October, Professor **Alan Weisbard** addressed a conference on "Matters of Life and Death" sponsored by Meriter Hospital and the Wisconsin Ethics Committee Network. On November 28, he met with supervising attorneys and students at the Legal Assistance for Institutionalized Persons Clinical Program to discuss issues of decision-making capacity and legal, medical and psychological approaches to competency determinations. He appeared on Wisconsin Public Radio on December 4-5 to discuss the recent criminal indictment of Dr. Jack Kevorkian and the legal and ethical issues raised by assisted suicide. Weisbard spoke at the Madison conference, sponsored by the Center for Public representation on December 6, on "Medical Decision Making: Theory and Practice." His subject was "Planning for Future Health Care Decisions: A National Perspective."

Editor's Note

Under my other hat as director of the Career Services Office my head is spinning. Since about 1981 our School, and the legal marketplace in general, has experienced an unbroken period of growth. Sure, there have been and will continue to be employers who have failed or students who searched long and hard without success, but generally the market has been as strong as any observer had seen.

In the space of a few short months, however, all indicators reversed and a tight market is upon us. Students who left for summer clerkships safe in the knowledge that, if they did a good job, a permanent offer would be forthcoming returned this fall without the expected offer. Fewer firms visited on campus and some that did canceled third-year interviews. Even some governmental employers have shown signs that fewer jobs will be available for the Class of 1991. And, if you read the statistics in the article on admissions in this issue, you will note that the Class of 1991 is our largest in years.

Of course this means that everyone, students, staff and faculty, will have to work harder so that our graduates will be gainfully employed. The Board of Visitors noted concern in their Visit here in October. Dean Bernstine reported to them that he considered placement efforts a priority and pledged to seek both physical and fiscal assistance. Employers who have interviewed here have themselves helped by payment of the newly enacted "on-campus interview fee," a change for interviews here. These fees will help acquire video and computer equipment for the placement process, purchase reference materials for alternative careers and assist in remodeling our interview rooms, reference library and staff offices.

While on the subject of remodeling, good news: At their December meeting the Board of Regents of the University of Wisconsin forwarded to the State Building Commission a multi-million dollar system-wide request that includes \$550,000 for architectural work on the long-awaited Law School addition. While there is still a lot of work to be done before construction equipment arrives, we have renewed hope that our serious



Mystery Picture

space shortage may soon be alleviated.

I cannot resist one short weather note: On Monday, 3 December 1990, for the first time in fifteen years at the Law School, I did not make it to work. Madison was buried by a record 17+ inches of snow with 30 mph winds. Over six inches had fallen by 6 am, and by noon classes were dismissed. But the University did not close! A few hardy souls (probably those living close to campus) were able to keep offices open. All of which reminded me of a Herbie Page story. I quote from notes left by Frank Ross, Sr. Mr. Ross graduated from Harvard Law School in 1922 and was a part-time faculty member here in the 1930's and 1940's:

Page was a stickler for attendance. One day in 1936 there was a blizzard so severe that the President of the University suspended all classes. But Page trudged down to the Law School anyway, and, after marking all the students absent, lectured to an empty hall. Later he complained to the President that no disciplinary action had been taken against the absent students. The Presi-

dent replied, not to Page's satisfaction, that the students were excused by his order.

The mystery picture in the last issue showed two male students seated alongside Brownie the Gargoyle, in front of the Law building. Many thanks to Diane Kliebard ('86), Jim Daly ('74), Dave Hancock ('74), Harvey Held ('74) and John Sagan ('83) for writing. They all agree that the person on the right is Lee Atterbury ('74), although Dave says that he looks different now. Perhaps because he just became a proud father, according to Diane. Jim was certain he recognized the jacket as the one that Lee wore every day of his time in Law School. Jim also believes that the person on the left may be Steve Felsenthal ('74). Harvey Held remembers taking the picture. He had been hired by then-editor Ruth Doyle as the *Gargoyle* photographer during his second and third years.

In this issue our mystery picture shows Prof. Sam Mermin presumably presenting awards to a group of students—for appellate advocacy? Who and when.