

University of Wisconsin Law School Forum

GARGOYLE



Volume XXI Number 4.

Spring 1991



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Cover photo: *The fabled Reality Checkpoint, now recognized in an actual law book!*

Dean's Note

The Spring semester is well underway. As a native Californian, I have always wondered why a semester that certainly begins and occasionally ends with snow and cold temperatures is called "Spring" semester. In any event, as I write this note, we are now in the midst of our January thaw and even I have some hope that there will be a Spring this year.

In the spirit of the upcoming season, we are currently undergoing a spring facelift here at the Law School. We are in the process of painting the hallways, refurbishing several of the classrooms, laying carpet and making various repairs, most of which are long overdue. An example of our new look is demonstrated in this issue of the *Gargoyle*. As many of you know, one of the most memorable landmarks in the Law School is "Reality Checkpoint," which is a cement wall at the top of a blind staircase in the Library wing. In fact, this spot has received both national and international note (see, Hayden, *Social Courts in Theory and Practice: Yugoslav Workers' Courts in Comparative Perspective*, University of Pennsylvania Press, 1990). The photograph in this issue of the *Gargoyle* shows how we have given Reality Checkpoint a new, three-dimensional look. The steps have been carpeted and the area has been made into a place where students can socialize and otherwise contemplate the meaning of this architectural feat. In addition, a banner that was designed by several undergraduate students, including Jennifer Allen, daughter of Steve Allen ('72), has been hung in the main lobby. We are also purchasing new furniture and adding some greenery to make the lobby a pleasant and welcoming site. I hope that in the future, we will be able to use our lobby for some of our social events.

Actually, our "Spring Sprucing" is but a small example of how we are working to improve the quality of life for students, faculty and staff. This facelift for the building is possible, in part, because of the support that you, our alumni, have given to the Law School over the years. On behalf of all of us who live in the building on a day-to-day basis, Thank You!

I am pleased to report that the Board of Regents recently approved \$500,000 to plan the new addition to our existing structure. The approval is now pending before the State Building Commission. I will keep you informed as to our progress.

I am also pleased to inform you that the Law School continues to be a powerhouse in the various moot court competitions this year. As I wrote in my last column, our teams won the Chicago Bar Moot Court Association Competition and we were also the regional champions as well as semifinalists in the National Moot Court Competition. I am now pleased to report that Denise Steele ('92) and Heather Sampson ('92) won the Midwest Regional



Dean Bernstine

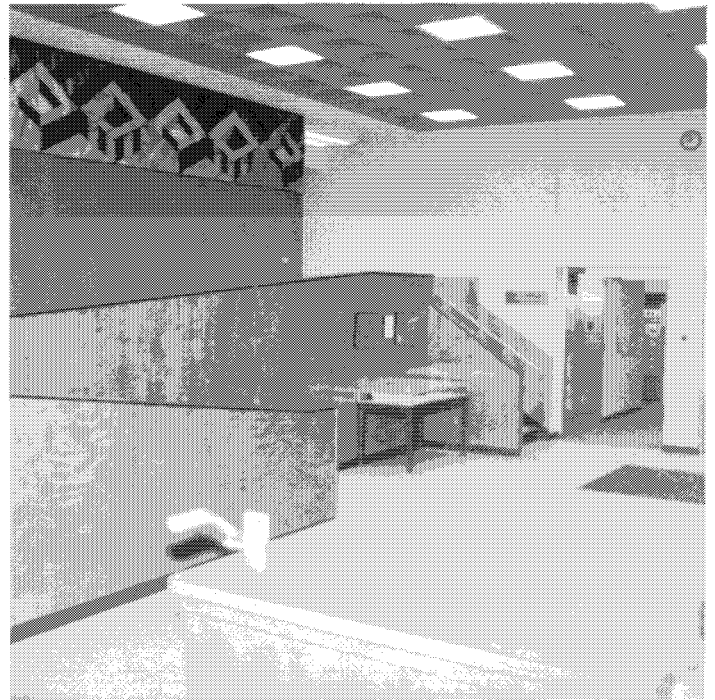


New library entrance

Frederick Douglass Moot Court Competition in Minneapolis. The finals are scheduled to be held in Los Angeles in March. In addition, Joan Aquado ('91), Denis Stearns ('92), Felix Servantez ('91) and Jack Wagler ('92) won the Midwest Regional Championship of the Philip C. Jessup International Moot Court Competition hosted this year by the Law School. The finals are scheduled to be held in Washington, D.C. in April. Moreover, in the William B. Spong, Jr. Moot Court Tournament, Beth Rahmig ('92) and Patrick Dolan ('92) were quarterfinalists and John Stoneman ('92) and Joe Mettner ('92) were also quarterfinalists and won the award for best brief.

Finally, I am continuing to amass the frequent flyer miles traveling around the country for our alumni receptions. So far, each of the gatherings have been tremendously successful. By the end of this academic year, over forty alumni events will have been held and we are already scheduling another series of events for next year. I encourage you to attend the gathering in your area because I am anxious to meet as many of you as possible. The gatherings are also an opportunity for you to make and renew acquaintances with your fellow alumni.

Nearly all of the events this year were scheduled before I was appointed as Dean and, therefore, I take no responsibility for the fact that the January through March gatherings are almost always in warm climates. While I take no responsibility for this coincidence, I have made no attempts to modify the schedule. Perhaps, by the time my travels during this semester are over, it really will be Spring.



Remodeled Main Lobby with wheelchair access ramps



Before



After

Reality Checkpoint

Shakespeare and the Supreme Court

by Professor Emeritus Robert H. Skilton

A dissenting opinion by Justice O'Connor in a 1989 United States Supreme Court decision contained a quotation from Shakespeare, and the majority opinion in the same case by Justice Blackmun referred to the quotation and expressed doubts as to its usefulness.¹ That set me to wondering: how often has Shakespeare been quoted in Supreme Court opinions?² William Ebbott and Nancy Paul of the U.W. Law Library came to my aid. Having ordered Lexis and Westlaw to make lightning scans of all United States Supreme Court opinions from the beginning on, they produced a list of instances where passages from Shakespeare had been quoted.³ Until the recent arrival of these services with their amazing technology, the task of preparing a list like this would have been overwhelming.

The list is surprisingly short—there are only 15 items.⁴ During the entire nineteenth century, Shakespeare's work is quoted in only one case—*Magone v. Heller* (1893). (In fact, it is not until 1946 that the second Shakespearean quote is encountered.) In *Magone*, the question was whether the Tariff Act's exemption from customs duty of substances "expressly used for manure" applied to an article which when imported was invoiced as "manure salts." (I trust that readers with refined tastes will bear with me.) The opinion, written by Justice Gray (who was not one to play to the gallery) considered the meaning to be attached to the word "expressly" as used in the Tariff Act:

In Webster's Dictionary, for instance, the definition of "expressly" is "in an express manner; in direct terms; with distinct purpose; particularly; as, a book written expressly for the young." And the further illustration is added from Shakespeare: "I am sent expressly to your lordship."

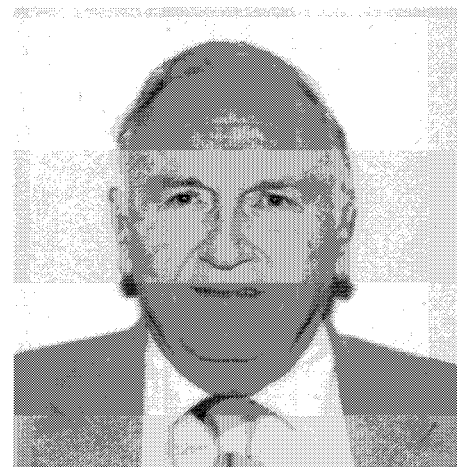
And so, your lordships and ladyships, this is the first instance of a Shakespearean quote—uncovered by Justice Gray digging into Webster's Dictionary. Extrapolating, it seems that the nineteenth century Justices were not in the habit of adorning their opinions with literary quotations.

Of the 15 items on the list, 13 are from 1976 to 1990. One gathers that a literary quotation, as from Shakespeare, has become, if not stylish, at least not cause for surprise.

While you may share my amazement at what modern technology can accomplish (of course, traditional methods of research are still of super importance—these highly specialized electronic services have fantastic recall ability but no brains) you may question what useful, non-frivolous purpose can be served by bothering with this list of Shakespeare quotes. In reply: it may be instructive to consider the possible reasons that may prompt a Justice to include a quotation from Shakespeare in a judicial opinion—since the corpus of such opinion should not be wagged by poetry. The inquiry leads to a larger topic—the uses of literary references in judicial opinions.

My concentration is upon instances of quotations from Shakespeare contained in Supreme Court opinions. If references to Shakespeare without quotations were included, the list would be somewhat, but not considerably, extended. For example, in *Goesart v. Cleary*⁵, the opinion refers to "the alewife, sprightly and ribald, in Shakespeare," (with no quotation) in connection with the question whether women (except relatives of operators) may be constitutionally prohibited from working at bars dispensing liquor. The reference fits unobtrusively into the argument. With like effect is reference, *inter alia*, to Shakespeare's *Venus and Adonis* in discussing obscenity and the First Amendment⁶, or to state that even Shakespeare "may have been motivated by the prospect of pecuniary gain" in discussing criteria for commercial free speech.⁷ But why quote from Shakespeare in a judicial opinion? That, as Shakespeare would have said, is the question.

Finally, by way of caveat: Perhaps in almost numberless instances, some phrase, originally found in Shakespeare, may have been used in judicial opinions without attribution of authorship, often because the writer is unaware that it was Shakespeare who coined it—so much has the phrase become part of the English



Robert H. Skilton
Emeritus Professor

language. I refer you to Act I of *Hamlet*—one is almost inclined to accuse Shakespeare of lack of originality in writing, considering all those time-worn familiar phrases.⁸ Such matters are beyond us here. A humbler topic is chosen: Shakespearean quotes so denominated in Supreme Court opinions.

Traditionally (legal reasoning being given to large amounts of making analogies and drawing distinctions, with healthy lip service at least to the principle of stare decisis) judicial opinions may be expected to include much citation and discussion of cases, statutes and law treatises. In this country judicial opinions, if published, are meant to be read not just by the litigants, and to stand the test of educated analysis assaying their correctness. Of fairly recent date, an occasional supplement has been added—citation of non-legal materials, such as sociological studies, for the purpose of showing that the decision in a case has sound factual underpinning and is consonant with a conceived "public policy." A court's uninvited use of such materials without giving a litigant the opportunity to challenge their authority can be controversial. Nevertheless, such citations share with the traditional citations a utilitarian purpose. But what can be the purpose of a literary quotation, as from Shakespeare, in a judicial opinion?

Utilitarian Purposes

Browning-Ferris v. Kelco Disposal was concerned with the question whether the "excessive fines" clause of the Eighth Amendment to the Constitution of the United States ("Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted") applied to punitive damages assessed by a jury in a civil suit in favor of a private party. It was held that it did not; the clause applied to criminal cases, and not to civil suits, except perhaps suits in which the government is the plaintiff and receives the benefit of the award. (Whether the due process clauses of the Fifth and Fourteenth Amendments have bearing on punitive damages procedures and awards is a separate question.)⁹

In quest of the meaning to be attached to the word "fines" as used in the late eighteenth century, *Browning-Ferris* evoked opinions from the Justices that were remarkable explorations into English legal history. Was the word when used in the Eighth Amendment intended to apply only to criminal cases?

The majority of the Court concluded that the word "fines" was so limited. Dissenting in a many-step opinion, Justice O'Connor was of a contrary view. The Eighth Amendment was derived verbatim from the English Bill of Rights of 1689. That English law, she contended, applied to punitive damages in civil suits as well as fines in criminal cases. Historically, the argument ran, punitive damages in civil suits were a form of "amercement," and the word "fines" as a generic term included "amercements." The words were used interchangeably. In witness thereof, the opinion quoted from the speech of Prince Escalus in Shakespeare's *Romeo and Juliet* (1597):

I have an interest in your hate's
proceeding,
My blood for your rude brawls doth lie
a-bleeding;
But I'll amerce you with so strong
a fine,
That you shall all repent the loss
of mine.

As used in the opinion, this quotation from Shakespeare is not intended merely for adornment. (Even devoted admirers of Shakespeare should concede that the quoted lines are not Shakespeare at his best.) Rather, the quotation is intended to contribute to ascertainment of the meaning of a word found in the Constitution. That is a utilitarian purpose.

This kind of questing into the meaning of words in a bygone age is not without its perils. Justice Marshall made that point in his dissenting opinion in *United States v. Watson*. *Watson* involved the



question of the constitutionality of an arrest without a warrant for a felony not committed in the presence of the arresting officer. Upholding the arrest, the majority decided that the Fourth Amendment ("... no warrants shall issue, but upon probable cause . . .") accepts "the ancient common law rule that a peace officer was permitted to arrest without a warrant . . . for a felony not committed in his presence if there was reasonable ground for making the arrest."

Justice Marshall dissented:

To apply this rule blindly today, however, makes as much sense as attempting to interpret Hamlet's admonition to Ophelia, "Get thee to a nunnery, go,"⁸ without understanding the meaning of Hamlet's words in the context of the age.⁹ For the fact is that a felony at common law and a felony today bear only slight resemblance, with the result that the relevance of the common-law rule of arrest to the modern interpretation of our Constitution is minimal.

Footnote 8 above cites "W. Shakespeare, *Hamlet*, Act III, Sc. I, line 142." Footnote 9 above states "Nunnery was Elizabethan slang for house of prostitution. 7 *Oxford English Dictionary*, 264 (1933)." Checking my own copy of O E D, I see that it quotes this passage from *Hamlet* as illustrating the primary meaning of the word nunnery—a kind of religious institution—rather than citing it as an example of Elizabethan slang. But perhaps this proves Justice Marshall's basic point—who can say?

A second, somewhat different, use of a quotation from Shakespeare is to show that time-honored standards and principles of moral conduct support a certain interpretation or application of law, as, for example, a Constitutional provision.

This use is in keeping with a view that law and great literature have a symbiotic relationship; that great works of literature can contribute to the quest for justice.¹⁰ Justice Scalia's opinion in *Coy v. Iowa* may serve as illustration. The question was whether the confrontation clause of the Sixth Amendment ("In all criminal prosecutions, the accused shall enjoy the right . . . to be confronted with the witnesses against him") could be interpreted, in a prosecution for alleged child abuse, to permit the complaining witnesses to testify at trial behind a screen that prevented face-to-face eye contact with the accused. Justice Scalia, speaking for the majority, held that the Iowa procedure was unconstitutional.¹¹ The opinion quoted from Shakespeare, with *Richard II* saying:

Then call them to our presence—face to face, and frowning brow to brow, ourselves will hear the accuser and the accused freely speak . . .

The Shakespearean quote shared honors with a quotation from remarks by President Eisenhower, also expressing the thought that adversaries in a dispute should face each other and settle their dispute man-to-man or woman-to-woman. To explain, in the words of Justice Scalia, "We have cited the latter two merely to illustrate the meaning of 'confrontation' and both the antiquity and currency of the human feeling that a criminal trial is not just unless one can confront his accusers."

As the above demonstrates, sometimes quotations from literature, for example from Shakespeare, are intended to contribute directly to the argument in a judicial opinion. On the other hand, sometimes quotations from Shakespeare seem to have no more serious purpose than to adorn an opinion with memorable words that can hardly fail to impress the reader—the writer is quoting Shakespeare! I leave each reader to judge for himself or herself (should I, to be up to the minute, instead say "for themselves?") whether a particular quote in a judicial opinion helps in some way or other.

"As Shakespeare Said—"

When lines from one of Shakespeare's plays are quoted, should it matter what character of a play utters the words, and what is the scene in which the words are spoken? Quoting some fine sounding words from Shakespeare, or from some other great author, to embellish a point, without giving recognition to the context, is perhaps not improper. A diamond is still a diamond, no matter what the set-

ting. But to introduce a quotation with words like "as Shakespeare said" may be misleading. Richard III (in the play of that name) and Iago (in *Othello*) speak some eloquently malevolent lines that surely Shakespeare did not subscribe to in his personal credo. Even so, out-of-context quotes are frequent enough. If one is looking for great out-of-context quotes, there's Bartlett's Familiar Quotations.

Three examples of quotes out of context may suffice. In *Levy v. State of Louisiana*, it was held (with three Justices dissenting) that a statute giving legitimate, but not illegitimate, children of a deceased parent the right to sue for wrongful death unconstitutionally discriminated against an illegitimate child dependent on the deceased parent for support. In writing the majority opinion, Justice Douglas footnotes these lines of Edmund in *King Lear*:

We can say with Shakespeare, "Why bastard, wherefore base? When my dimensions are as well compact, my mind as generous, and my shape as true, as honest madam's issue? Why brand they us as base? with baseness? Bastardy? base, base?"

Justice Harlan, writing the dissenting opinion, was not overwhelmed. The state had discretion in drawing lines in a case like this, he asserted.

He may even, like Shakespeare's Edmund, have spent his life contriving treachery against his family. Supposing that the Bard had any views on the law of legitimacy, they might more easily be discerned from Edmund's character than from the words he utters in defense of the only thing he cares for, himself.

Here's another example of quoting words out of context: in *Tison v. Arizona*, a divided Court upheld Arizona's felony-murder statute (whose provisions were more drastic than the statutes of most states) and held that "a major participation in the felony committed, combined with reckless indifference to human life" will entitle a state to impose the death penalty. Justice Brennan wrote a dissenting opinion. He noted that the actual murderers of a family who had been kidnapped in events ensuing after a prison breakout had died before capture; that the two defendants sentenced to death were the sons of one of the actual murderers (They helped engineer the jail-break, actively participated in the kidnapping but had not fired the death-dealing guns.) In Justice Brennan's view, notions of retributive justice, "deeply rooted in our consciousness," may have motivated the state to seek the death penalty against the sons, "although punish-



ment that conforms more closely to such retributive instincts than to the Eighth Amendment is tragically anachronistic in a society governed by our Constitution." A footnote tells us

The prophets warned Israel that theirs was "a jealous God, visiting the iniquity of the fathers upon their children unto the third and fourth generation of them that hate [Him]" Exodus 20:5 (King James Version).

Justice Brennan accumulates citations by quoting from Horace, and citing Ibsen's *Ghosts*. However, he may unintentionally have detracted from the impact of the footnote by further referencing "W. Shakespeare, *The Merchant of Venice*, Act III, scene 5, line 1 ('Yes, truly, for look you, the sins of the father are to be laid upon the children.' " These are the words of a jokester (Launcelot) teasing Jessica, spoken in a scene intended to be amusing.

Finally, there is *Milkovich v. Lorain Journal Co.*, a defamation suit brought by a high school coach against a newspaper publisher, in which Chief Justice Rehnquist observed:

Since the latter half of the 16th century, the common law has afforded a cause of action for damage to a person's reputation by the publication of false and defamatory statements. See, L. Eldredge, *Law of Defamation* 5 (1978).

In Shakespeare's *Othello*, Iago says,

"Good name in man and woman, dear my lord,
Is the immediate jewel of their souls.
Who steals my purse steals trash.
'Tis something, nothing;
'Twas mine, 'tis his, and has been slave to thousands;
But he that filches from me my good name
Robs me of that which not enriches him,
and makes me poor indeed. Act III, scene 3."

This, from Iago, who from the outset had malevolently plotted revenge because Othello had preferred Cassio over him in military honors. Now, in one of Shakespeare's greatest scenes, Iago is planting the poison of suspicion in Othello's mind that the fair Desdemona, Othello's wife, is having an affair with Cassio. But no! He should say no more to Othello. Let no shadow be cast upon the good name of Desdemona, for, you see,

Good name in man and woman, dear my lord
Is the immediate jewel of their souls.

The devilry of Iago! And yet, coming from such scheming, to serve his own purposes, is the truth, and a memorable quotation. A diamond is still a diamond, no matter what the setting.

Some quotations are, to paraphrase, their own excuse for being. In *Johnson v. Transportation Agency*, Justice Scalia, in dissenting from the Court's decision that an affirmative action statute applicable to road dispatchers was constitutional and constitutionally applied, observed:

The majority emphasizes, as though it is meaningful, that 'No persons are automatically excluded from consideration; all are able to have their qualifications weighed against those of other applicants.' One is reminded of the exchange from Shakespeare's *King Henry the Fourth, Part I*: 'Glendower: I can call Spirits from the vasty deep. 'Hotspur: Why, so can I, or so can any man. But will they come when you do call for them?' Act III, Scene I, lines 53-55.

When Justice Stevens quotes from Shakespeare, his references are apt to be in context and in depth,—in a way, scene citations—not quotations disemboweled from the setting. For example, in *Colorado v. Connelly*, Justice Stevens in his separate opinion drew a distinction between precustodial and postcustodial involuntary statements of the accused, and explained:

... in my opinion, the use of these involuntary precustodial statements does not violate the Fifth Amendment because they are not the product of



state compulsion. Although they might well be so unreliable that they would not support a conviction, at this state of the proceeding I could not say that they have no probative value whatever. The fact that the statements were involuntary—just as the product of Lady Macbeth's nightmare was involuntary—does not mean that their use for whatever evidentiary value they may have is fundamentally unfair or a denial of due process.

A footnote is appended: "What, will these hands ne'er be clean? Here's the smell of blood still; all the perfumes of Arabia will not sweeten this little hand." W. Shakespeare, *Macbeth*, Act V, Scene I, lines 41, 47. Lady Macbeth's "eyes are open," "but their sense is shut." *id.* at line 23.

And in *Walters v. National Association of Radiation Survivors*, in dissenting from the decision upholding the constitutionality of the limit of \$10 for attorney's fee in veterans benefit cases, Justice Stevens argued that this provision in effect deprived a veteran of his right to counsel, and de-emphasized the function of an attorney. Footnote 24 remarked:

That function was, however, well understood by Jack Cade and his followers, characters who are often forgotten and whose most famous line is often misunderstood. Dick's statement ("The first thing we do, let's kill all the lawyers") was spoken by a rebel, and not a friend of liberty. See W. Shakespeare, *King Henry VI*, Pt. II, Act IV, Scene 2, line 72. As a careful reading of that text will reveal, Shakespeare insightfully

realized that disposing of lawyers is a step in the direction of a totalitarian form of government.

Shakespeare's Knowledge of the Law

"The law according to William Shakespeare" has received the endorsement of the Supreme Court of the United States.

"William Shakespeare, an astute observer of English law and politics"—so wrote Justice O'Connor, in her dissenting opinion in *Browning-Ferris v. Kelco Disposal*. The majority opinion by Justice Blackmun does not disagree with this appraisal; it concedes the point, but is not convinced that Shakespeare's apparently interchangeable use of the words "fine" and "amerce-ment" should be made much of. A footnote in the majority opinion observes:

Though Shakespeare, of course,
Knew the law of his time,
He was foremost a poet
In search of a rhyme.

(At the risk of being charged with pettiness, I must say I don't take to the last line. Shakespeare was a great dramatist and a great poet, but he was only occasionally "in search of a rhyme." For the most part, the plays are either in prose or blank verse. Perhaps, to express the probable intent, the last two lines of the quatrain should read:

"He was, in this instance
in search of a rhyme."

Thus focusing on the particular passage quoted by Justice O'Connor, where Shakespeare was in a rhyming mood—"fine"—"mine"). Another way to put it would be:

Though Shakespeare, of course,
Knew the law of his time,
He was foremost a poet
In search of a rhyme.

Chief Justice Rehnquist, writing the opinion of the Court in *United States v. Apfelbaum*, joined the fashion parade in commending Shakespeare for his knowledge of the law. In a footnote, whose relationship to the text of the opinion is problematical, he cited Shakespeare for the basic principle that intent alone unaccompanied by act should not be held a crime:

As recognized by one commentator,
Shakespeare's lines here express sound
legal doctrine:

"His acts did not o'ertake his bad intent,
And must be buried but as an intent

That perish'd by the way; thoughts
are not subjects
Intent's are merely thoughts."
Measure for Measure, Act V, Scene 1.—
G. Williams,
Criminal Law, The General part (2d ed.
1961).

The assertion that "thoughts are not subjects" (of the criminal law) and that "intent's" (without accompanying act) "are merely thoughts" can be permitted to stand by itself, as a tribute to Shakespeare's perspicacity, evidence that he had sound perceptions of justice. However, in the play's context, as applied to the facts, the words are mere casuistry. These are the words of Isabella, yielding to the entreaties of her friend Mariana, and pleading with the Duke to spare the life of Angelo, who had been acting as the Duke's deputy during the Duke's absence. Angelo had sentenced Isabella's brother, Claudio, to death—a lawful, although a harsh decree—and Isabella believed that the sentence had been carried out (and so did Angelo, although it hadn't been) despite Angelo's promise to spare her brother's life if she, the chaste Isabella, would sleep with him—Angelo thought she had, but in fact she hadn't. (Is this sentence too involved?) Having accomplished his purpose (so he thought) Angelo reneged on his promise, and ordered the execution to proceed. Thus, "his act did not o'er take his bad intent." Rather,

Look, if it please you, on this man
condemn'd
As if my brother liv'd. I partly think
A due sincerity govern'd his deeds,
Till he did look on me: since it is so,
Let him not die. My brother had but
justice,
In that he did the thing for which
he died.

But Isabella did not know that the reason Angelo broke his promise to spare Claudio's life was not to let justice take its course, but rather because he feared that if Claudio was permitted to live he would become an implacable enemy. Under the circumstances, Isabella's fine words sound hollow. Angelo had been doubly guilty of gross abuse of power: "in double violation of sacred chastity, and of promise breach."

Parenthetically, reference to *Measure for Measure* brings to mind that, in his U.W. Law School address in honor of Judge Fairchild, Justice Stevens referred briefly to the relationship of law and literature, and cited by way of illustration Melville's Billy Budd and Shakespeare's *Measure for Measure*.



More recently law and literature seems to be capturing the attention of scholarly writers on legal subjects. They remind us that many of the arguments on both sides of issues of current concern, such as the value of the death penalty or the wisdom of strict and literal interpretation of unambiguous statutory language, have been cogently stated in works such as *Billy Budd* and *Measure for Measure*. Reference to literary masterpieces also demonstrates that legislators are not the only wise authors who delegate to the reader the task of filling in some of the details of a well-written story.¹²

In *Billy Budd*, a young seaman, innocent, guileless, reacts with quick outrage to a petty officer's false accusation that he has been conspiring to commit mutiny, and strikes the officer a death-causing blow with his fist. The young seaman is tried and convicted by a hasty court martial and hanged in front of the entire crew. In *Measure for Measure*, a Duke, convinced that a pattern of disobedience to law has afflicted his subjects because he had been too lenient with offenders, takes temporary leave, and entrusts his deputy with the reins of power. The Duke's expectation that Angelo will take corrective action is fulfilled "in spades." Claudio is condemned to death for having committed the offense of fornication and bastardy. There had been too much mercy; now, too much rigor.

These two works are both concerned with great themes of jurisprudence—justice and morality; mercy versus rigor; and mercy to an offender that may be lack of mercy to society as a whole. In *Billy Budd*, the implicit question is when,

if at all, harsh punishment of an individual, in disregard of circumstances crying for compassion, is justified in the interest of the general good—in the story, to warn off and dissuade potential mutineers on a warship at sea detached from the fleet. In *Measure for Measure*, again the theme is the tension between mercy and rigor in the administration of justice—thus, Angelo's harsh treatment of one culprit (Claudio) serves to set an example—to warn people to mend their ways, for society's good and their own good (excepting Claudio who is to have his head chopped off.) Now it's Angelo's turn to be judged. What shall it be? An eye for an eye? A life for a life? That's one kind of measure for measure. Or, the kind of merciful justice taught in the Sermon on the Mount, from which the title of the play, *Measure for Measure*, is taken?

And so, returning to the subject of this section, it seems there is a consensus on the Supreme Court of the United States that "Shakespeare knew the law of his time." This consensus jibes with the opinions of many other law-trained analysts who have noted that Shakespeare's plays and sonnets are sprinkled with law terms and law concepts, accurately employed.¹² There has been speculation as to the source of this knowledge—was Shakespeare a clerk in a law office in Stratford-on-Avon before setting out for London and a theatrical career? When in London, did he hobnob with law students and lawyers in the Inns of Court? Or did he absorb a lot of law by being frequently involved in litigation and real property transactions? There have been even extravagant assertions that someone other than Shakespeare—a real lawyer—wrote the plays. But let's not get carried away. To paraphrase Gertrude Stein, a genius is a genius is a genius.

Footnotes

(1) *Browning-Ferris Industries v. Kelco Disposal*, footnote 4 *infra*. Justice O'Connor concurred with parts I, III and IV of the majority opinion—agreeing that due process questions had not been properly presented and that the award of punitive damages should not be overturned as being in conflict with any federal common law. My attention was called to these Shakespearean quotes by Robert Lutz, Esq., in his segment of the presentation on Tort Damages given in Madison, WI, on October 18, 1989, under the auspices of Professional Education Systems, Inc.

(2) When I was not long into my project, William Ebbott sent me an excerpt from the *Law Library Journal* (Vol. 78, 365–370, (1986)) prepared by the Reference Desk of the Biddle Law Library, that showed I was not the first to raise the question "How many times has the Supreme Court of the United States cited

Shakespeare?" Their Lexis-Westlaw search reported "twenty-four cases that mention Shakespeare the author by name." The discussion makes interesting reading. The present discussion is more restricted in scope, being concerned primarily with instances where Shakespeare has been quoted.

(3) The Lexis and Westlaw searches used variations on the spelling of Shakespeare's name to find references to Shakespeare in the opinions. No attempt was made to search for references to Shakespeare's works absent his name because of the obvious magnitude of such a task. The references were then examined individually to determine where actual quotations were used. (Footnote by William Ebbott)

- (4) *Milkovich v. Lorain Journal Co.*, 110 S.Ct. 2695 (1990) at 2702.
Browning-Ferris Industries v. Kelco Disposal, 109 S.Ct. 2909 (1989) at 2928
Coy v. Iowa, 487 US 1012 (1988) at 1016
Basic Inc. v. Levinson, 485 US 224 (1987) at 262
Tison v. Arizona, 481 US 137 (1987) at 184
Johnson v. Transportation Agency 480 US 616 (1987) at 674
Colorado v. Connelly, 479 US 157 (1986) at 172
Walters v. National Assoc., 473 US 305 (1985) at 371
Dames & Moore v. Regan, 453 US 654 (1981) at 675
US v. Apfelbaum, 445 US 115 (1980) at 131
Brown v. Felsen, 442 US 127 (1979) at 138
Lakeside v. Oregon, 435 US 333 (1978) at 346
US v. Watson, 423 US 411 (1976) at 438
Levy v. Louisiana, 391 US 68 (1968) at 72–73
Magone v. Heller, 150 US 70 (1893) at 74

The reader should refer to this footnote at all appropriate places in the text.

(5) 335 US 464 (1964)

(6) *Hannegan v. Esquire*, 327 US 146 (1946)

(7) *Central Hudson Gas & Electric v. Public Service Comm.*, 447 US 557 () at 580

(8) An enlightening presentation of Shakespeare's contribution to our language is in "The Story of English" (McCrum, Cran, MacNeil. Viking, 1986. at 98–105).

(9) See *Pacific Mutual Life Ins. Co. v. Haslip*, US Sup. Ct. 89–1279, argued 10–3–90, decision announced 3/4/91.

(10) See, for example, Posner, *Law and Literature: A Misunderstood Relation* (1988, Harvard U. Press)

(11) For follow-up cases, see *State v. Thomas*, 150 Wis. 2d 374 (1989) and *Maryland v. Craig*, 110S.Ct. 3157 (1990).

(12) "A Judge's Use of History" by Justice John Paul Stevens, the First Thomas E. Fairchild Lecture, published as an occasional paper by the UW Law School, 1988, at pp. 4–5.

(13) To economize, let me reference only one book on the subject—Philips, *Shakespeare and the Lawyers*, Methuen, 1972; that book takes into account much that had been previously observed by others.

Taxes, Ann Landers, and the Law School

Susan S. Katcher ('90)

"Basic tax, as everyone knows, is the only genuinely funny subject in law school. It is an appreciation of human greed four morning hours each week."¹ This tongue-in-cheek quip made by a distinguished professor of taxation may occasionally apply to the hypotheticals and tax cases in a law school class; however, tax problems in "real life" are anything but amusing. Last year, as the deadline for tax returns drew near, the anguish that tax problems can cause was brought to the attention of advice columnist Ann Landers with the following letter:

Dear Ann: I am writing about a personal and confidential matter that has bothered me for years. I'm becoming frightened and don't know what to do.

My husband and I have not paid any federal income tax since we have been married, which is going on seven years. We are struggling to pay our bills and can't afford to hire a tax attorney. Could you check your resources and see what would happen if we contact the Internal Revenue Service? We know the amount will be staggering, but we desperately want to get this matter cleared up, so we can sleep at night.

Can you help?—Worried in Madison, Wis.

This letter appeared in the Wisconsin State Journal on Thursday, March 1, 1990 (2C:3), and one of its readers was another "Ann," Anne Irish, wife of Charles Irish, professor of many tax-related courses, including the infamous Tax I. Anne brought the letter to her husband's attention and suggested that perhaps the Law School could offer assistance.

Later that morning, Professor Irish assigned his research assistant the novel task of reaching the office of Ann Landers and finding out the identity of "Worried in Madison, Wis." Direct contact by phone with Ann Landers' office was made, but the desperate letter writer was truly anonymous, even to Ann Landers. No name was on the letter or envelope; in fact, the only reason the letter had been attributed to Madison, Wisconsin was because that was the city of the postmark. The research assistant called back

Genie Campbell of the State Journal, who had originally advised calling the Chicago Tribune to try to locate Ann Landers.

Genie had said that if Ann Landers could not locate the letter writer, the State Journal would try. And that explains the small sidebar item four days later:

Legal aid offered to "Worried" who didn't pay taxes

Help is being extended by the UW-Madison Law School to the woman who is frightened because she and her husband haven't paid federal income taxes in almost seven years. She asked Ann Landers . . . for advice. . . .

Faculty members in the law school will represent this couple without charge. If you are that couple, please contact Genie Campbell, features editor of The State Journal . . . She will refer you to the right people. Confidentiality is guaranteed.

Meanwhile, still on March 1, 1990, Professor Irish let the students in his Tax II (Taxation of Corporations) class know that he was offering a one-credit directed research project to any interested students willing to help the letter writer. Three second-year students signed on to the project: Val Bailey-Rihn, John Fricke, and Kevin Whitmore. These were joined by third-year law student, Walt Skipper. In addition to the basics of Tax I, the students brought outside experience to the problem. Both Val and Walt were certified public accountants, and Kevin had worked in an IRS regional office for several years before law school. Thus, with this capable student group and the research assistant, and with Professor Irish as a resource for trouble spots, the Law School was ready to offer pro bono assistance.

The identity of the letter writer remained an unknown for only a short while. Response quickly followed the State Journal's sidebar offer of help. Genie Campbell got many responses: "You wouldn't believe how many!" She ultimately referred two to the Law School; one was the person who actually wrote to Ann Landers; the other, a family

whose story was so sad that Genie hoped the Law School would be able to aid them.

And that is indeed what happened. Through a sequence of separate meetings with the families beginning in late March, 1990, and continuing through August, 1990, interspersed by individual research, calculations, and filling out forms by the students, the Law School was able to assist both families.

For the family who originally wrote to Ann Landers, the Law School helped them complete federal and state tax returns for 1989, at which point they then were able to deal with their outstanding tax years. The Law School dropped out of the picture after this family contacted the Service's Regional Office and arranged an on-going payback schedule with the IRS.

As for the non-Ann Landers family, filing federal and state tax returns for the current tax year resulted in tax refunds. They also received money from previous years because their tax withheld exceeded the tax that had been due. This was a pleasant outcome for people who initially had been terribly concerned that the IRS might take their car because of the taxes they thought they owed.

With the combined help of The Wisconsin State Journal and Genie Campbell and the second- and third-year law students, the Law School was able to help two distraught families; for the students, the experience brought together the theory of the classroom with the actuality of the outside world. Paying taxes has unpleasant associations; however, not filing tax returns, as the students quickly came to realize, can be truly agonizing. It is not always the case, of course, but for these particular families, fortunately, there were relatively pleasant resolutions of their tax situations.

Susan Katcher (J.D., UW '90) is Assistant Director of the East Asian Legal Studies Center at the Law School. She was research assistant for Professor Charles Irish during 1989-1990.

1. Ginsburg, "Teaching Tax Law After Tax Reform," 65 Washington L.Rev. 595 (1990).

UW Law School Board of Visitors Report 1990

Alan R. Post, Chairperson

Frank L. Bixby, Vice-Chairperson

Introduction

In general, the Board of Visitors found the Law School community in impressively good shape, although in a substantial need of a first class facility to serve a first class law school. A review with the Law School administration, Law faculty and Law students convinces the Board of Visitors that a substantial remodeling and enlargement of the Law School facilities is necessary. Constructed in 1964 and modestly enlarged in 1979, the Law School was never intended to serve today's 900 students, but rather was intended to serve only 650 or so.

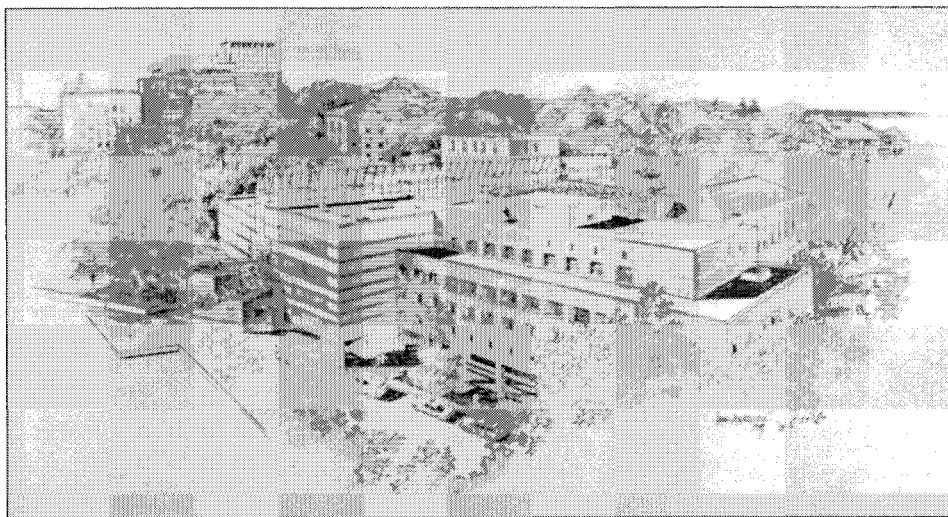
A plan is in the conceptual stages to enclose the courtyard and the central corridor as a primary means of gaining additional space not only to accommodate all of the teaching functions but to bring into the building functions that have been conducted elsewhere, such as some of the clinical programs. We understand the University is moving slowly and deliberately in considering these plans, and that the Law School is making progress in securing the necessary authorizations from the University of Wisconsin system and ultimately from the Legislature.

The Directors of the Wisconsin Law Alumni Association and the Board of Visitors stand ready to assist the Law School in this endeavor. As soon as the necessary preliminary authorizations are obtained, it is our expectation that the University of Wisconsin Foundation will incorporate a portion of this \$13 million building project in its projected \$350 million capital campaign intended to benefit the entire University of Wisconsin-Madison.

The following items were brought to the attention of the Board of Visitors.

Building Plans

Professor Kidwell briefed the Board of Visitors on the details of the building renovation. The Law School decided not to attempt to build another building at a different site but rather to make the best of its present site on Bascom Hill. A new



Artist's conception of Law Building addition from Chadbourne Hall side.

building might cost \$25-30 million and be located far from the central part of the campus. Principal objectives are to make the present building more accessible, more usable, and more capable of holding all of the programs assigned to the Law School, including a further enlargement of the library.

The principal means of accomplishing this end would be to enclose the courtyard, build two basement levels below the present courtyard, and to enclose the central outside walkway that now exists north and south through the courtyard. This would provide the Law School with an additional 11,000 square feet for a cost of approximately \$13 million.

In addition to more teaching space, space will be assigned to the clinical space that is currently obtained in outside buildings, additional space for the library, and additional space for Continuing Legal Education functions. This rebuilding project will bring the Law School to a point where it can accommodate its present student body. It is not meant to increase the size of the student body or faculty.

The immediate objective is to obtain

some \$500,000 of planning money in this biennium in order to meet a target occupancy date in 1994.

The Board of Visitors favors this project and is planning to make its views known to the various lawyer-members of the University of Wisconsin Board of Regents, among others.

Admissions

Professors Walter Raushenbush and Gordon Baldwin reviewed the current status of admissions to the Law School. 1968 was the last year that Wisconsin Law School was able to accept for admission all qualified individuals. The present number of applications is twice the number received as late as five years ago. Currently, 1,800 applications are received from non-residents and some 800 from residents of Wisconsin for 285 first-year class slots.

The standards are the same for residents and non-residents. For the current entering class the present median grade point average is 3.23 and the LSAT median is 36. There is an effort to bring diversity to the members of the first year

class. Approximately 60% of the criteria are weighted toward the grade point average and the LSAT, with the other 40% devoted to other factors, for diversity.

Clinics

1. Legal Assistance to Institutionalized Persons

Professor Walter Dickey described the current Legal Assistance to Institutionalized Persons (LAIP) which grew out of the Law School's earlier work with institutionalized persons. There is a program of placing 24 students in District Attorneys' offices as a clinical opportunity. There are also eight in State Public Defenders' offices. A program being considered is a reconciliation project under which offenders and victims will be counseled. Two of the judicial members of the Board of Visitors expressed the view that the LAIP program has been very helpful to the trial courts.

2. Legal Defense Project

Krista Ralston described the Legal Defense Project (LDP) which targets indigents for legal advice. Students are furnished under the Wisconsin Supreme Court licensing procedures to clients for the purpose of handling misdemeanors and other such matters. Ms. Ralston also teaches a trial advocacy class. She would like to expand the LDP to include juvenile matters and felonies. There are considerable funding limits. The State Public Defender provides funding for approximately 1,000 cases per year which is supplemented by the Law School.

There are currently 20 students in the program and many others have been turned away. The student demand for this program will clearly justify an expansion, but the funding is not there. In an ideal world, the present staff would be supervising 15 or 16 students instead of 20. Supervisors are currently working about 50 hours per week. This program differs from that of the LAP in that students are continuously supervised by members of the Law School staff. Under the LAP, students are supervised by the Public Defender or the District Attorney's offices.

3. Center for Public Representation
CPR is a public interest law firm which accepts interns from the Law School. Louise Trubek described the work of her office as targeted to the needs of the elderly, people with AIDS, women, and



administrative agency matters. It is an independent non-profit organization receiving its own funds. It is seeking financial assistance from law firms, corporations, and other charitable organizations.

There are 15-20 students in this program. There has been some movement nationally toward requiring some public interest work as a mandatory pro-bono item in law school requirements. Ms. Trubek endorses such a program for Wisconsin.

Students with Special Needs

Trey Duffy, Director of the McBurney Disability Resource Center, described the population of students with special needs at the University of Wisconsin-Madison. There are some 900 students out of over 40,000 who are self-identified as persons with disabilities. By category, the largest category is 185 with learning disabilities, 90 with diabetes, 81 with arthritis, 70 with mental illness, 60 with visual impairments, and 50 with hearing impairments.

The current Madison Plan is designed to create additional diversity for the UW-Madison campus.

State of Wisconsin figures show some 9% of persons with disabilities in high school, while there are barely 2% at the UW-Madison. There should be increased outreach to persons with disabilities to bridge the gap between the number of

persons with disabilities served in high school and those presently served at the UW-Madison.

There is presently a budget proposal to increase services to students with disabilities by \$1½ million over two years for the entire UW system, including 36 extension centers. This has not yet been adopted.

Mr. Duffy also has pending on the Chancellor's desk a proposal to more effectively implement current UW system policy on the UW-Madison campus. The effort is to adopt as rules existing policy and to provide a Vice Chancellor to apply the rules. There is a need, first, to specifically lodge the authority to provide the necessary accommodations with the various departments with the advice and assistance of the McBurney Resource Center, and then to resolve any deadlocks that might occur. There needs to be a Vice Chancellor for student affairs with clear oversight responsibilities over the needs of persons with disabilities.

There also needs to be some work through the Placement Office, to make the needs and abilities of students with disabilities known to employers.

The campus lacks an accessible transit system. A new federal law, the Americans With Disabilities Act, will begin to require changes in this respect. The McBurney Center is engaging in self-help by attempting to raise its own funds to better provide direct services to students with disabilities.

Legal Writing Program

There has been an increase in funding from \$5,000-\$20,000 for teaching legal research during the fall semester. This has resulted in less emphasis on teaching assistants and has greatly improved the program.

The Writing Tutorial program has also had a significant increase in funding since last year. Last year, two part-time teachers were funded at a level of 75% of one full-time position. Now, the teachers are sharing the equivalent of 100% of one full-time position.

One notable challenge for the entire Legal Writing staff is that the student body is drawn from a wide array of disciplines, some of whom have taught writing styles and techniques entirely different from styles and techniques useful in legal writing.

There is a course in Advanced Legal Writing, the demand of which greatly exceeds the capacity of the course. About 50 students want to take it, but only 28 are allowed to do so.

Library

Blair Kauffman reported that the library is in fairly good shape with respect to space and additional holdings, but still desperately needs additional support staff. The Law School library budget has increased from \$900,000 to \$1.4 million over the past several years, but Wisconsin is still second from the last among peer institutions. Both LEXIS and Westlaw are now a required part of the curriculum for the first year legal writing and research course.

Placement

There has been a 10% decrease in on-campus interviews this year from last year's peak, according to Assistant Dean and Placement Director Edward J. Reisner. This reflects a softening of the legal marketplace for lawyers. The Placement Office is participating in group interviews in the Washington, D.C. area and for patent lawyers in Chicago. This is a more economic means of arranging for productive interviews for law students.

There is also an effort to develop a mentor program with current members of the Wisconsin Bar "adopting" individual law students. The Placement Office intends to obtain videos to assist students with more effective interviewing techniques.

It is expected that the Placement Office will be remodeled within the next year, using some of the \$35,000 in fees obtained from employers interviewing in the current facilities.

The current median starting salary for a Wisconsin law graduate is \$41,000.

The legal market is such that employers often focus on only the top students from each law school class. The Board of Visitors recommends additional services for the rest of our students. We support Dean Bernstine's efforts to secure more resources for the Office of Career Services. While funds generated by on-campus interview fees have already been applied to such things as regional interview consortia and alternative career materials, more time should be made available to assist students with such things as career planning and interviewing skills. This assistance could even take the form of required classes. Students who are not at the top of their class make up the majority of our alumni. We must upgrade our efforts to assist them so that they will remain supportive of our School.

Faculty Self-Study and Curriculum

Associate Dean Jerry Thain reported that the faculty and staff had met in a retreat in February 1990 on the Futures Report. The faculty separately met in a retreat in October to consider the same report. The self-study process is required for the accreditation of the Law School scheduled for 1992. Concerns of the faculty include the following: (1) lecturer-taught courses, instead of full-time faculty; (2) the grading system; (3) the sense of community; (4) skills versus content courses; and (5) ability of the faculty and Dean to judge the character and fitness of new graduates for admission to the Wisconsin Bar under the Diploma Privilege.

Legal Education and Opportunities Program

Created in 1968, the Legal Education Opportunities (LEO) Program has successfully assisted over three hundred minority students graduated from the UW Law School. The goals of the LEO program continue to be the same as in





1968: 1) to increase the number of attorneys from minority groups under-represented in the legal profession, and 2) to increase the number of minority lawyers with competent legal skills in Wisconsin who can serve the state's minority populations.

During the 1990-91 school year, the LEO program serves eighty-six students including: 15 Native Americans, 22 Latinos, and 48 African Americans. Five of the LEO students receive services through the Mcburney Disability Resource Center.

The LEO program is successfully preparing minority students for diverse legal careers. The LEO Class of 2989 graduates included: assistant public defender (2), associate in private law firm (4), federal judicial clerkship (2), legal aid attorney (1), assistant district attorney (1), Environmental Protection Agency attorney (1), and Justice Department Civil Rights Division attorney (1).

The Board of Visitors applauds the LEO program and encourages its continued service to the School, the profession, minorities, women, and persons with disabilities.

Student Views

Only a handful of students joined the Board of Visitors at a luncheon at the Wisconsin Union. The focus of their concerns was primarily on the quality of the legal writing program, and to a lesser

extent, on the absence of greater numbers of business law and environmental courses.

Dean's Report

Dean Bernstine reported that the renovation of the building is moving forward. The Dean strongly supports the renovation and urges the Board of Visitors to assist the Law School and Madison campus administration in the effort to secure a more up-to-date facility. Faculty salaries continue to remain low, and future new as well as "catch-up" pay increases continue to be a priority. The Placement Office will soon be renovated with some of the fees generated from employer interviewers. The alumni and placement function should be separated and more staff supplied to enable Wisconsin law graduates to compete more effectively in the declining legal marketplace.

There are currently 49 faculty members, with 10-15 on leave at any one time. There is a 1992 American Bar Association/Association of American Law Schools re-accreditation visit scheduled. The proposed rebuilding is an essential part of compliance with accreditation standards. Dean Bernstine plans to redo the Law School catalogue to properly market the Law School to the best students, and to promote its strong programs. The Law School's Legal Education Opportunities program for minorities and other disadvantaged groups includes 10%

of the Law School population, which is better than the UW-Madison campus as a whole.

A prominent news magazine has ranked the UW Law School 20th academically. The Dean projects three new faculty members for 1991, and is in the market to attract law professors for business and environmental law.

Any capital campaign should focus on: (1) the building plans; (2) faculty development; (3) student research; (4) loan forgiveness for those opting for public interest careers; and (5) library enhancement.

The Board of Visitors was extremely impressed with Dean Bernstine's take-charge attitude and the progress he has made in the first 100 days in office. We enthusiastically and without reservation support his deanship.

Meeting with the Chancellor

Chancellor Donna Shalala visited with the Board of Visitors and impressed the group with the sincerity of her concerns for the Law School and its needs, particularly the need for a renovated building. There will be an accreditation review in 1992, which will involve an outside review of the building and the quality of the Law School's physical facilities as well. It is essential that the current facility be upgraded.

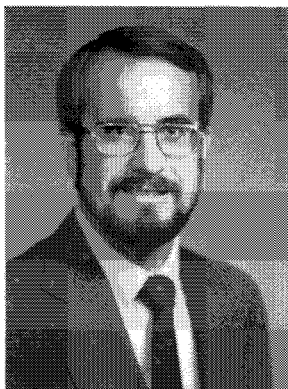
Chancellor Shalala described the current financial picture for the school and indicated that a further student fee increase may be needed to bring the Wisconsin Law School student more into line with its' peer Big-Ten schools.

Assessment and Conclusion

Despite the obvious need for a renovated building, it is the impression of the Board of Visitors that the Law School is operating effectively in fulfilling its mission to educate and train good lawyers. It is operating remarkably efficiently with its current level of resources. We believe that a major priority at this point is to obtain state approval of the plans to rebuild and renovate the existing building to better accommodate what is a first class Law School. There are a number of other areas that could use enhanced funding such as legal writing and placement, which will enable the Law School to more effectively market the quality of its students.

Wisconsin Law Alumni Association

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Milwaukee, WI



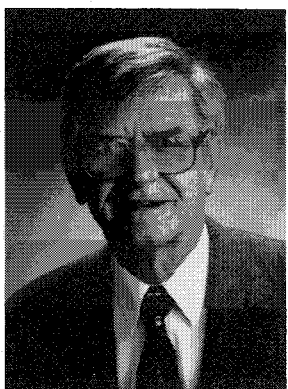
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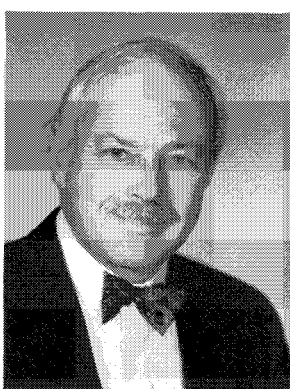
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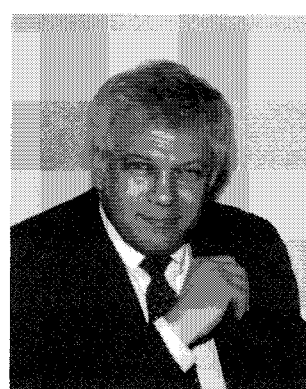
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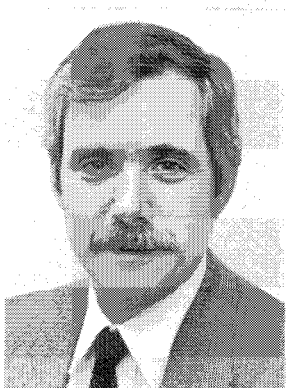
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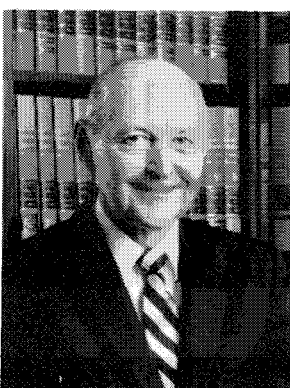
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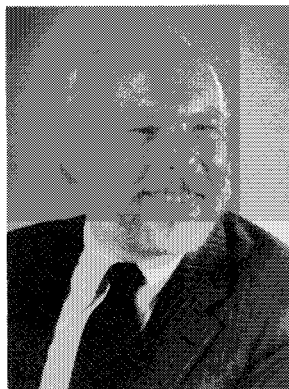
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Not Pictured:
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William J. French, Milwaukee, WI
Sharren B. Rose, Green Bay, WI

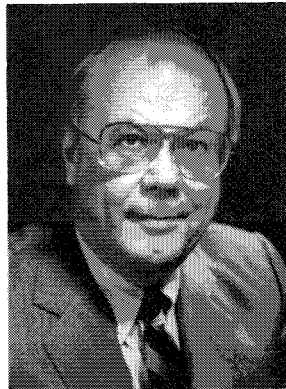
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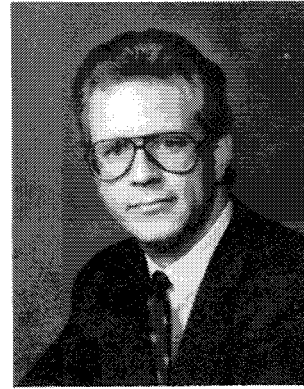
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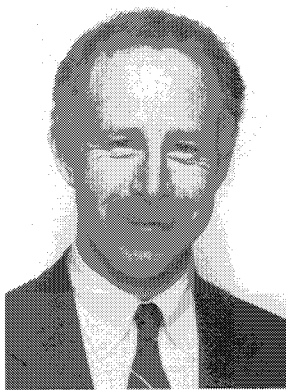
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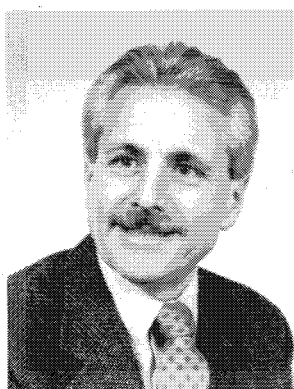
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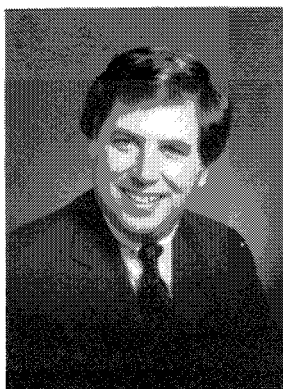
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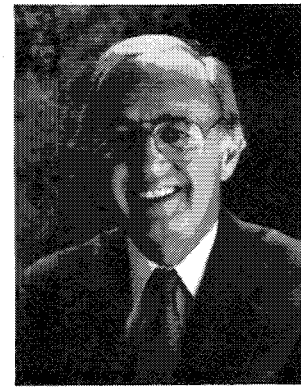
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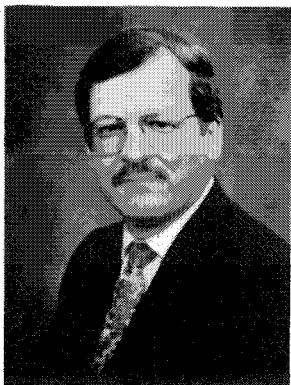
Richard McNeil
Minneapolis, MN



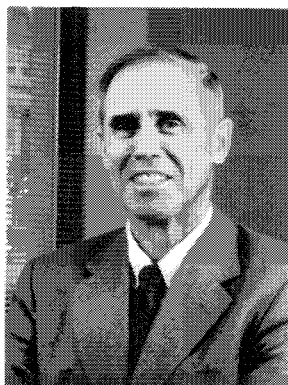
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Madison, WI



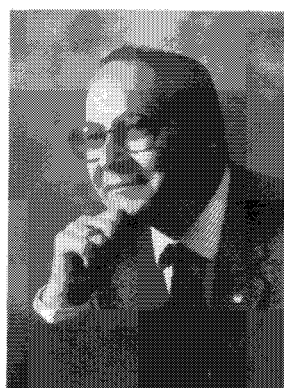
Susan R. Steingass
Madison, WI



Arnold Weiss
Washington, D.C.



Rebecca Young
Madison, WI



Andrew Zafis
San Diego, CA

Not pictured:
Lawrence Gram, Jr., Milwaukee, WI
E. Ann Kerns, Milwaukee, WI
Edmund Manydeeds, Eau Claire, WI
Mary Traver, Milwaukee, WI
Peter M. Weil, Los Angeles, CA

The Meaning of Life

John Patrick Bovich ('90)

I'm finding it hard to believe we're finished. I really do think that we're going to miss law school. Some of us more than others anyway. Before it's completely over—I thought I would walk us through the law school experience one more time.

I have divided my speech into three parts and each part will represent a year in our law school experience. In true law professor fashion, I will now give you a brief "summary of the format" and hopefully each segment of the speech will remind you of a year in law school.

The first hour of my speech will consist of a question and answer session—with a slight modification.

There will be no answers.

During the second hour, we will focus on a number of issues raised by the standard form rejection letter. For example, how come the number of extremely talented job applicants is unusually high every year? Also, how do they know my writing sample is fine—when I never gave them one?

Finally, that with which we are most familiar, the third hour. So that all of us in the room can get a good understanding of the third year of law school, the third hour of my speech will actually last a good five hours.

Actually, the speech isn't going to happen that way. Come on, I told you that I was going to do this as a law professor would, so I can't very well stick to my structure can I?

In fact, I'll only keep you a moment.

What I really wanted to talk about today is a certain philosophy or approach which I hope we all keep in mind—no matter what we do—whether or not it involves the law.

Let's make sure we keep a good balance in life.

Remember to take breaks.

It isn't a complicated philosophy, but it is much more easily said than done. I hope I can remember it. Don't get me

wrong—I'm not saying that I don't believe in hard work. I sincerely think that the law is a fantastic profession. And I also know that there is an enormous amount of work to be done for an awful lot of people and an awful lot of causes. But, if work is the only thing upon which we spend our time—we will miss out on a lot of the really good moments in life (and in the long run I think that that causes work to suffer anyway).

When I say moments, I'm speaking very generally. A good moment can be anything you want it to be. A good conversation, time spent with a friend, a good daydream—and when I say "daydream" I mean daydream! The best ones I've had have lasted the entire day, without interruption. And of course, closely related to the daydream is the old standby—the afternoon nap.

We have not had time for many of these moments during law school (O.K., at least not during the first two years). There seems to be an attitude that law school is a few years of intense work after which we'll all be able to relax. Well, that may be partially true (how is that for lawyer talk, "that may be partially true?"). However, regardless of what we go on to do, it probably will not get any easier to find time for these moments. It gets harder.

It can become second nature to see life as a series of tasks to check off on a list, or a bunch of mazes or obstacle courses where we earn grades or dollars—so that we can cash them in later.

At times it really feels that way. But I sincerely hope that we never forget to make room for the moments. Because when you get right down to it—and see life for what it really is . . .

It's just a whole bunch of moments.

And so, congratulations to us. I'm sure we will all take a good long time to enjoy the moment. And I thank you for giving me this one. Take care.

Mr. Bovich was selected by his classmates to deliver these remarks at the 1990 Law School graduation.

Featured Alumni: Charles F. Luce ('41)

Timothy R. Verhoff

When Charles Luce was a child, he used to sing *He's Got The Whole World In His Hands*. And in 1967, when he became Chairman of the Board and Chief Executive Officer of Consolidated Edison, he surely felt like he did have the whole world in his hands. Maybe he didn't have a hold of the whole world, but he was close. Charles Luce had all the electrical power in New York City in his hands.

Born in Platteville, Wisconsin, Luce attended college there for two years before he transferred to Madison. Because he was on a combined program which allowed a student to receive both a B.A. and an LL.B. in six years, Luce managed to graduate from the University of Wisconsin-Madison in 1941. He insists that was intrigued by the practice of law from an early age.

"I had an uncle who was the Judge of Walworth County, Judge Roscoe Luce, who used to describe his cases to me when I was a kid. He told me that I should grow up and go to law school because by that time, he would want to retire as a judge. Then we would go into practice together. I went to law school, not just on the basis of that conversation, but because I was interested in it. By the time I was a senior in Law School, I realized he had long since forgotten about his resignation. Instead of opening a practice together, I served as his clerk for a couple of summers," Luce joked.

Although he originally intended to return home and practice after law school, Luce received a Sterling Fellowship. So, he continued his schooling at Yale University. "Professor Willard Hurst said that he felt I should get out of the Mississippi Valley for a year because I had been born, raised and planned to practice there. He thought that I could get a scholarship to an Ivy League School. I followed his advice and applied at Harvard, Yale, and Columbia Universities. I surprisingly got Fellowship offers from all three of them," Luce commented.

"When I got the Sterling Fellowship at Yale, there was a prerequisite that I had to have a B.A. degree. I went to the Dean of Letters and Science, and he figured a major out for me called American Institutions. I don't think that anybody before or since has had one like that," he added.

After finishing his education, Luce went hitch hiking throughout America "just to see the country." He fell in love with the Pacific Northwest and planned to move there. But World War II broke out and Luce felt that "going there wouldn't be the right thing to do."

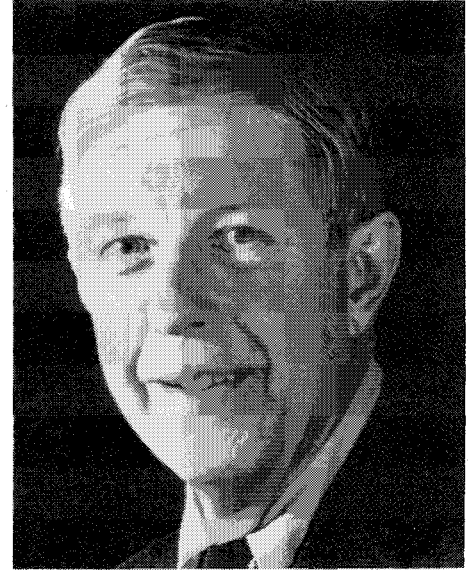
Instead, Luce attempted to enlist in the Air Force as a tailgunner, but he was not accepted because he suffered from polio. "Professor Hurst suggested that I join the Board of Economic Warfare." Listening to this suggestion, Luce joined the B.E.W. as an attorney in 1942.

Luce worked for the B.E.W. for one year, leaving in 1943 to become the law clerk to Justice Hugo Black for the Supreme Court term of 1943-1944. "It was one of the great years of my life, intellectually and in other ways," recalled Luce. As soon as he finished clerking for Justice Black, Luce pursued his dream and move to the Pacific Northwest.

He landed a job in Portland, Oregon as an attorney for the Bonneville Power Administration. However, after working two years with the Power Administration, he decided to open his own practice.

"Even while I was in Wisconsin, I wanted to go into general practice on my own. When I got out West, I found that you had to live in a state for a year before they would let you take the bar exam. I took the Oregon bar in 1945. Then, I moved to a suburb of Portland. As soon as I passed the Washington Bar, I moved to Walla Walla and set up my practice. I loved private practice. I had all types of clients: ranchers, merchants, Indian tribes, and ordinary people. I used to get out of bed and want to get down to the office every morning."

After fifteen years in private practice, Luce left and was appointed Bonneville Power Administrator by Interior Secretary Stewart L. Udall. "When I came out West, I became good friends with Senator Henry (Scoop) Jackson. I became friends with Scoop when he came to ask people to head up his campaign for the Senate Race of 1952. Fifteen years later, he suggested that it would be helpful if I became a delegate to the Democratic National Convention. He wanted to be Jack Kennedy's vice-president. Not long after that he talked to me about becoming the Bonneville Administrator. My law



Charles Luce

practice was very good, probably the best in the county. I was hesitant to leave, but I decided to take the job. I was at Bonneville for five or six years. While there, I hoped to be appointed Federal Judge. Senator Jackson told me it would be easier to appoint me a Federal Judge from Bonneville than from a small private practice in Walla Walla. The appointment never came about though."

In 1966 President Johnson appointed Luce Undersecretary of the Interior. "I was only there about three months when three men from New York called upon me out of the blue and asked if I would become the Chairman of Consolidated Edison," Luce added.

Accompanied by his wife Helen and his children: James, Christine, Charles, and Barbara, he moved to New York to take the job with Con Ed. On August 1, 1967, Luce became the head of Con Ed.

Consolidated Edison started supplying power to New York City in 1823. It began as an outgrowth of the New York Gas Light Company and Edison Electric Illuminating Company, originally financed by a group including J.P. Morgan. And its first power plant was built under Thomas Edison's personal direction.

Realizing that electricity, not gas, was the way of the future, the Consolidated Gas Company quietly bought the voting stock until it gained the controlling interest. By 1936, the company had officially changed its name to Consolidated Edison, and supplied power to Manhattan, the Bronx, Brooklyn, Queens and Southern Westchester County. By the time Luce took over as Chief Executive Officer, Con Edison served some 9,000,000 people in New York City and had over 77,000 miles of underground cable throughout the city.

"They had a lot of public relations and environmental problems at Con Ed before I took over," Luce commented. "They decided to go outside the company and hire a new CEO. I guess he heard about my work at Bonneville. I found that the company was in terrible shape, not only from a public relations standpoint, but from a financial standpoint. They had allowed their properties to run down. They became so depreciated and obsolete, that the money needed to bring them up to standard was enormous. I really didn't know what I was getting into. However, I was there, so I toughed it out," Luce said.

Immediately, Luce began making

improvements. He modernized the generating plants and added new generating capacity. "I added more than the company had in total when I came here. We revised and quintupled our transmission capacity, connecting us with other companies," remarked Luce. He also decentralized the company by increasing minority employment from about eight percent to twenty-five percent. "Con Ed was strongly Catholic, Irish, and Italian when I joined it. I opened the company to all the ethnic, religious and racial groups that we served," he added. And 1971 Luce implemented the pioneer utility conservation program called "Save-A-Watt."

Although supplying the power to New York City may sound intimidating to some, Luce maintains that it didn't frighten him. "I don't think I was intimidated. But it was a job that I had to train for. I was constantly faced with difficulties. So, I had to get to bed at a decent hour and make sure my mind was reasonably clear and sharp all day long. It was hard. About half of the nights during the fifteen years I spent with the company, I stayed in the city in a company apartment."

Despite making great strides in improving the company, Luce suffered some setbacks, including the great blackout of 1977. "When machines are run by people, things can go wrong that you don't anticipate. In this case, there were a number of mechanical failures that happened and backup systems didn't function. We had a system, the Automatic Load Shed, that was supposed to, when the frequency of our electrical current dropped as it will when it is overloaded, automatically trip out certain sections of our service area so that the generation will balance with the load. When you have a blackout, the load on your system is greater than your generation capacity, and it just pulls the generators down. This automated system didn't work. We thought we had four or five backup systems including that one that should have prevented it, but they didn't."

Luce handed over his responsibilities as Chief Executive Officer in August 1981 and retired as Chairman of the Board on August 31, 1982. "Father-time helped me make the decision to retire. I reduced the mandatory retirement age for officers from 68 to 65 when I joined the company. And somehow, I got to be 65."

Returning to private practice, Luce opened a Portland branch office of a Seattle firm. However, he found it difficult to return to private practice. "The practice of law had changed. When I practiced law in Walla Walla, it was unethical to pursue a perspective client. When I returned I found that the prevailing custom, even in the best law firms, was to chase clients. Also, the overheads in the office were not that great when I began my practice. Twenty years later this changed too. It became so expensive: computers, Lexis, salaries, insurance, pension plans, health plans, and things like that. Not that these are bad or not needed, but the costs have risen so much that firms are driven towards these aggressive business practices. It was not as personally satisfying."

Several years after venturing back into private practice, he left. Luce was then invited to become a Special Counsel at the Metropolitan Life Insurance Company in New York City. He began that job in March 1987 and is still there. "I went out to Portland after working with Con Ed in large part because Senator Jackson hoped that I would. At that time the public power movement in the North West was in terrible shape. The Washington Public Power Supply System had issued billions of dollars worth of bonds, and they ran out of bonding capacity. Scoop thought that I should go out and try to work out compromises and solutions to clean up their financial affairs. In 1983, after I had been out there less than two years, Scoop died. That took the steam out of my interest and effectiveness in settling these cases. About that time, the head of Metropolitan Life suggested I come work for them," Luce said.

At 73, Luce truly enjoys his work at Metropolitan Life Insurance. "It's a good job because I only work when I want to, which turns out to be most of the time. I like working without grinding pressure. It's a good way to coast down."

Luce, who wrote a book about his time with Con Edison titled *Lessons Learned: Recollections of Fifteen Years as Chairman of Con Edison*, doesn't plan to retire yet. "I'll work here as long as I enjoy it, and the company thinks I'm useful. After that, I might do some more writing. I might write about my government experience. I don't know what I'll do, but I'll stay active."

Featured Alumni: Frances Ulmer ('72)

Timothy R. Verhoff

Frances Ulmer didn't like working in the big city. So, she packed up her belongings and moved to a quieter place: Alaska. Now, almost twenty years after she moved there, Ulmer has made a name for herself in Alaskan politics.

"I was working with the Federal Trade Commission in Washington, D.C., and I realized that antitrust was not what I wanted to do. Besides, it was difficult to do the recreational activities which I enjoy such as canoeing and hiking." With these sentiments, Ulmer left for Alaska.

Frances Ulmer earned a BA from the University of Wisconsin-Madison in 1969 with a degree in political science and economics. She then attended the University of Wisconsin Law School and in 1972 received her JD, after graduating in the top twenty percent of her class. Before graduating, Ulmer clerked for a summer with the Wisconsin Attorney General's Office and for a semester with Judge James Doyle. After graduation, she moved to Washington, D.C., where she landed a job with the Federal Trade Commission.

Ulmer moved to Alaska in May, 1973, when a good friend from her law school days wrote her about Alaska's beauty. "He told me about the location and beauty; Juneau is surrounded by both ocean and mountains. There was also a lot of employment opportunity because the oil boom was about to hit, and there was a great excitement about the proposed pipeline."

Once in Alaska, Ulmer began working with the Alaska Legislature, drafting bills. She then worked for Governor Jay Hammond as his legislative assistant, coordinating his administration's legislation. "My interest in politics goes back to my early days at UW. During the 1960's, you couldn't help but get involved; there were a lot of political demonstrations and discussions."

After serving on the local planning commission, she decided to run for mayor of Juneau. "After hearing people's visions on Juneau, I became convinced the next mayor should reflect those ideals. The other candidates were 'business-as-usual.' So, I decided what the heck."

She was elected mayor of Juneau on October 4, 1983.

As mayor, Ulmer focused on several issues which impacted Juneau. At the time she was elected, much of the city relied on wells because only a portion of the city was served by a community water system. "The water quality was a serious concern. We implemented an eight-year program to provide water to the community. The plan addressed growth and identified areas where there should be development and areas of low density." She also addressed a serious alcohol problem which afflicted Juneau by increasing the alcohol tax and limiting bar time.

A third goal on which Ulmer concentrated was promoting Juneau, a city that receives about 250 thousand tourists per year as a result of the cruise ship industry, as a tourist center. "We began a downtown beautification project that put all downtown power lines underground, redesigned the sidewalks, added benches, and planted flowers everywhere. We made Juneau a pedestrian friendly area for tourists."

Ulmer opted against running for a second term as Juneau's mayor. Instead, she decided to run for election to the State's House of Representatives. She is currently seeking election to her third term. She also hinted that given the right opportunity, she may one day run for governor. "I enjoy my job, especially the satisfaction when you find a problem and solve it. The only part I don't enjoy is campaigning. It is not a measurement of how good a job someone will do. There is a lot of theater involved, and misconceptions are often created."

Ulmer believes that being a woman has had little affect on her ability to be elected. "It hasn't been an issue in my race. People want to be represented by someone who can do the job regardless of gender or race. It doesn't affect you in Alaska, except perhaps in the governor's election." She also feels that Alaskan politics differs from other states' politics because, "it is a lot more personal. The entire population of Alaska is only one-half million people. You see people all



Frances Ulmer

the way along the route that know you. It's more like city government because people know each other. When you go to the grocery store people stop you and ask you about issues of their concern."

When not busy with her political office, Ulmer spends her time singing in a community choir, or hiking, fishing, kayaking, or biking throughout the splendor of the Alaskan scenery. She also spends much of her free time enjoying her family. Ulmer is married to a practicing attorney in Juneau and has two children: a son age ten and a daughter age twelve. She maintains that her family has had little trouble dealing with her political career. "It's always been there with them. They have always experienced the unique aspects of my career: long hours at the Capitol, television exposure, being criticized and applauded, and stacks of campaign signs in the basement. It's been like that since I worked for Governor Hammond."

Frances Ulmer has made her mark in Alaskan politics. Her title has changed from Mayor to State Representative. Perhaps, if all goes well, someday the nameplate on her door will read Governor Frances A. Ulmer.

Faculty Notes

Hastie Fellow **Robin Barnes** has accepted a tenure-track position at the University of Connecticut School of Law; and her most recent article, *Black Women Law Professors and Critical Self-Consciousness: a Tribute to Denise Carty-Bennia*, will be published in the *Berkeley Women's Law Journal* this spring.

Ralph Cagle, Director of the General Practice course has been appointed by State Bar President John Decker to serve on a special committee to study the issue of Practice Specialization and the advertising of fields of specialty and to formulate recommendations to the Supreme Court. The issue of specialization has taken on new importance by the decision of the U.S. Supreme Court in *Peel v. Illinois Disciplinary Commission*. Mr. Cagle also spoke at the mid-winter meeting of the Wisconsin State Bar on the topic of "Avoiding Legal Malpractice."

Bill Calhoun, supervising attorney in the Legal Assistance to Inmates Program, has taken a position on the faculty of the School for International Training. He will be stationed at the Federal University of Ceara in Fortaleza, Brazil. He has worked extensively in the international arena, particularly in Brazil.

Professor Carin Clauss was a speaker for the Administrative Law section meeting at the AALS on the topic "Civil Rights and Administrative Law: What Makes Agencies Effective?"

Professor Martha Fineman spoke to the Family and Juvenile Law Section on "Freedom of Contract Between Spouses," at the AALS meeting in January. She was also a speaker on the Native American Rights panel.

Professor Ted Finman, the U.W.-Madison Faculty Representative to the National Collegiate Athletic Association, represented the University at the NCAA Annual Convention in Nashville, in January.

In January, **Professor Linda Greene** became Chair-Elect of the American Association of Law Schools' Section on Minority Groups, and was appointed to the Executive Committee of the AALS Section on Civil Procedure. She was Chair and Moderator of the January 5th Society of American Law Teachers Awards Dinner, in Washington D.C., where the SALT awards were given to Dean Marilyn Yarbrough of the University of Tennessee, and posthumously to Denise Carty-Bennia.

On January 21, **Professor James E. Jones, Jr.** received the Reverend Dr. Martin Luther King, Jr., Humanitarian Award by the City of Madison, for "outstanding and significant contribution in the spirit of brotherhood, sisterhood and harmony toward making our city an ideal place in which to live."

Professor Stewart Macaulay, and his wife, Attorney Jackie Macaulay, participated in the Black Law Student Association's tour of Dakar, Senegal, January 4-12. Highlights included a morning with the President of Senegal's Supreme Court, a moving visit and lecture at Goree Island, the port from which most slaves left for the Americas, and a tour of rural areas and villages. Dakar's street and market place traders are well-known, if not infamous. ("My American father, I give you good price!") Dakar approximates Richard Posner's ideal; one cannot avoid the free market in full flight. Indeed, Macaulay proposed a new negotiation course for the law school or a continuing legal education course for the bar. Each student or lawyer would be sent to Dakar with \$100 and would have to negotiate her or his way home through a series of transactions.

The tour was organized by Joseph Jackson, Law III, and included a number of law students from Wisconsin, Illinois, and law alumni. Some of the tour members were students Colleen Hicks, April Madison, Andrea Najem, R.J. Ramsey, and lecturer Lauren Brown-Perry.

Professor James MacDonald has been selected as a recipient of the 1991 Wisconsin Idea Award in Natural Resource Policy. He was selected for the award by members of the University, previous awardees, and representatives of state government, in recognition of "those from both the university and state government who have worked to make the Wisconsin Idea a reality rather than a slogan."

At the recent regional meeting of the National Association for Law Placement, **Dean Daniel Bernstine** presented the keynote address on creating and maintaining diversity, and **Assistant Dean Edward Reisner** lead a roundtable discussion on working with bar associations.

Professor Dave Schultz spoke at the graduation ceremony for the 1990 Madison Police Department Recruit Academy in December. He received a plaque "in recognition and appreciation for long-

standing commitment to legal training for the recruit officers of the Madison Police Department." The 1990 recruit class was the ninth class since 1979 that has received more than 100 hours of classroom instruction from Schultz as part of the law school's continuing education and outreach program.

Clinical Professor Louise Trubek is the Chair-Elect of the Poverty Law Section of the AALS. She was program chair for the section meeting on "Race and Poverty" at the January AALS meeting. The Center for Public Representation is sponsoring a national AIDS and the Law Conference on March 13 at the Wisconsin State Historical Society. Speakers will be Katherine Franke, Executive Director, National Lawyers Guild; Taunya Banks, University of Maryland Law School; Alexa Freeman, National Prison Project, ACLU; and Norman Fost, University of Wisconsin Medical School. All faculty are welcome to attend and should contact Clinical Assistant Professor **Nina Camic** at the Center.

Professor Alan Weisbard brought the year to a close with a New Year's Eve appearance on the Mac-Neil Lehrer News Show on PBS, discussing the legacy of the Nancy Cruzan case for the law of death and dying. He discussed similar topics with Tom Clark on Wisconsin Public Radio on December 28. Weisbard also appeared on a four-part PBS special on "Autonomy in Medical Decisionmaking: The Right to Decide," broadcast in January in the New York metropolitan area. In November, Weisbard discussed Jewish perspectives on bioethical issues at Madison's Temple Beth-El.

Professor Patricia Williams chaired the AALS section on Jurisprudence at the national meeting in January.

Alumni Notes

W. Patrick Donlin ('61), head of the Knights of Columbus legal department, has been elected president of the National Fraternal Congress of America at the organization's annual meeting.

Paul Cherner ('68), a partner at Sachnoff & Weaver in Chicago, Illinois, has been named Chairman of the Regional Board of B'nai B'rith Hillel Foundations.

Michael H. Simpson ('75) and Jeffrey P. Clark ('79), partners at the Milwaukee firm Reinhart, Boerner, Van Deuren, Norris & Rieselbach, recently spoke on the Comprehensive Environmental Compensation Response and Liability Act and related Superfund issues at the Environmental Law Section of the Milwaukee Bar Association.

Kenneth E. McNeil ('81), of the Houston firm Susman Godfrey, reports that he recently concluded two cases, one resulting in a \$110 million verdict and the other with a \$30 million verdict. Both cases involved the 1985 Royal Dutch Shell cash-out merger.

Amanda J. Kaiser ('84) has become a partner of Boardman, Suhr, Curry & Field in Madison, Wisconsin.

Michael L. Morgan ('84) has been named executive director of the Milwaukee Fire and Police Commission. A former UW football player, Mr. Morgan played for the Chicago Bears before entering Law School.

Carol Jedynak Kracht ('85) has been promoted to Assistant General Counsel and Assistant Secretary in the Law Department of Northwestern Mutual Life Insurance Co. in Milwaukee. Northwestern is the nation's 10th largest life insurance firm.

Stephen K. Postema ('85) has joined the Detroit firm of Bodman, Longley & Dahling. Postema, a former clerk to District Judge James Doyle, has specialized in civil litigation, commercial and employment law.

James R. Baudhuin ('90) has joined the Dallas, Texas, office of Vial, Hamilton, Koch & Knox. He will practice in the insurance defense area.

Gordon Sinykin ('33) passed away January 25, 1990. Mr. Sinykin won the 1981 Distinguished Service Award from the Law School as well as numerous other honors and awards. The Wisconsin State Journal paid tribute to Mr. Sinykin

in an editorial which read, in part: "Those who knew Sinykin best, however, were most impressed with his acute sense of ethics. 'He practiced law above the highest standard,' recalled one colleague. Earl Munson, a La Follette Sinykin partner, described Sinykin as a 'lawyer's lawyer,' who was trusted and respected by those inside the profession."

On a personal level, I knew Gordon for almost 20 years, since I was fresh out of law school. From our first meeting Gordon was a friend and a role model. He never failed to ask after my family and to inquire "how are things" at the Law School. I will miss Gordon, as will his family, colleagues and many other friends.

Upcoming Law School and Alumni Events

1991

March 25	Alumni Reception	Denver, CO
March 26	Alumni Reception	New York, NY
April 8	General Practice Dinner	Wisconsin Rapids, WI
April 9	General Practice Lunch	Rice Lake, WI
April 9	General Practice Dinner	Superior, WI
April 10	General Practice Luncheon	Rhineland, WI
April 10	General Practice Dinner	Wausau, WI
April 26-27	48th Annual Spring Program	Madison, WI
May 14	ALI/Alumni Reception	San Francisco, CA
June 20	Open House, State Bar	Green Bay, WI
July 8	Alumni event	Detroit, MI
July 9	Alumni event	Cleveland, OH
August 12	ABA/Alumni Reception	Atlanta, GA
September 11	Alumni Reception	Milwaukee, WI
September 12	Alumni Reception	Washington, DC
September 25	Alumni Reception	Madison, WI
October 9	Alumni Luncheon	St. Louis, MO
October 10	Alumni Reception	Chicago, IL
October 18	Fairchild Lecture	Madison, WI
October 26	Homecoming	Madison, WI
October 27-28	Visitation Program	Madison, WI
November 5	General Practice Dinner	Madison, WI
November 6	General Practice Dinner	Baraboo, WI
November 19	Alumni Reception	Portland, OR
November 21	Alumni Reception	Seattle, WA

Editor's Note

Our January thaw has arrived, even though it waited until February. Patches of green have reappeared through the snow cover that arrived in early December. Spring-like temperatures have replaced -30 windchills and everyone seems ready for winter to end.

On January 16th, as war broke out in the Gulf, several of our graduates were there as members of the allied military forces. One December 1990 graduate, Guy Courchaine, was able to arrange an early admission to the Wisconsin bar in order to report to his unit in Saudi Arabia. Several other students have reported to us that their reserve units are on alert status and the University is adjusting its rules regarding completion of course work and payment of fees to help soldier-students. Our thoughts are with all our troops, particularly those who might sip their coffee from a Gargoyle cup or have a Gargoyle pin somewhere on their uniform.

Elsewhere in this issue we are printing at least a tentative list of upcoming alumni events. During Dean Bernstine's first year we made a special effort to have him visit every concentration of our alumni. Racking up the frequent flyer (and frequent driver) miles, Dan will have made more than 40 events around the country by the end of the year. What he found was a vast reserve of interest in the School and a willingness to help. We have plans to do more than 30 events

during 1991-92. If we are coming to your town, and if you would like to help perhaps by hosting a reception, give me a call. Many of you have already given this kind of help and it is most appreciated.

Also in this issue is the first notice of this year's Spring Program, the 48th Annual. Reunion events are planned for the classes of 1941, 1951, 1966, 1976 and 1981. More details will be mailed to these classes, and a general mailing to all alumni will go out in March. One of the highlights of the Program for alumni generally is the presentation of this year's Distinguished Service Awards.

You may have noticed that one Tim Verhoff has done some of the writing in recent issues of the Gargoyle. Tim is a junior in Journalism on campus, or at least he was on campus. This semester Tim is in London on a junior semester abroad program. Filling in is another J-School student, Liz Adams. Tim and Liz have been most helpful, particularly with our alumni-profile series.

As I write, the last issue (Vol. 21, No. 3) has not yet been printed so there are no identifications of its mystery picture. You'll have to wait until the next issue, but then I should have two pictures to explain.

This mystery picture should be easy. It is recent, from the last 4 years, and clearly shows six students listening to a visitor. Who are these folks?



Mystery Picture