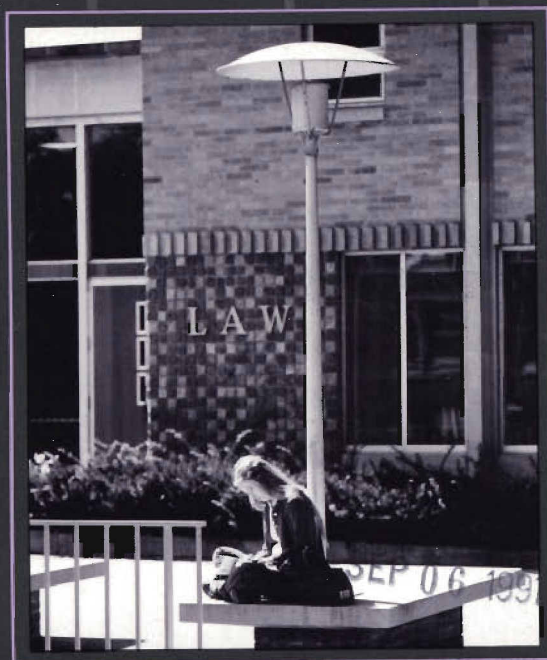


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University of Wisconsin Law School Forum

GARGOYLE



Volume XXII Number 1.

Summer 1991

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Cover photo: On a sunny summer day, Law School study space extends to the 'front porch' on Bascom Hill.

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Dean's Note

It has been a very busy spring semester and there are a number of noteworthy events to report.

Five faculty members were appointed to named professorships in recognition of their distinguished accomplishments within their fields of expertise as well as their service to both the Law School and University communities. Professor Gordon Baldwin was named the Mortimer M. Jackson Professor; Professor Peter Carstensen was named the Robert W. and Irma M. Arthur-Bascom Professor; Professor James E. Jones, Jr., was named the Nathan P. Feinsinger Professor; Professor Stewart Macaulay was named the Foley and Lardner-Bascom Professor; and Professor June Weisberger was named the Kathleen M. and George I. Haight-Bascom Professor.

During the weekend of April 26-27, the 48th Annual Spring Program was held for our alumni. Rod Kittelsen ('40) was the keynote speaker at the annual Benchers Dinner on Friday evening and spoke on the importance of the Benchers Fund to the Law School. At the luncheon on Saturday, George Steil ('50) and Orrin Helstad ('50) received the 1991 Distinguished Service Awards and Professor Carin Clauss was named Teacher of the Year. In addition, for the first time, there was a faculty forum before the luncheon. This year's forum was entitled "The Transformation of the Big Law Firm." The panel participants were UW Law Professor Thomas Palay, Frank Bixby ('53) and Paul Morrow ('57). The discussion was focused around a new book, "Tournament of Lawyers: The Transformation of the Big Law Firm," that was co-authored by Professor Palay and UW Law Professor Marc Galanter. Attendees received one-hour of CLE credit from the Supreme Court of Wisconsin Board of Bar Examiners. In light of the forum's success, I anticipate that similar faculty-alumni programs will become a permanent part of the weekend's events. Of course, a significant aspect of the weekend's activities involved the class reunion dinners on Saturday evening for the 10th, 25th, 40th and 50th reunion classes.

As you recall, the cover of the last issue of the *Gargoyle* featured the new look that we have given to Reality Checkpoint. During the Spring Program luncheon, Tony Varda ('76) came forward and staked a claim as one of the co-conspirators who named Reality Checkpoint. According to Tony, he and Grant Callow ('77) are responsible for naming the site. Let this serve as official notice that Tony and Grant will forever be given credit for coining the phrase unless others of you write in to challenge this claim.

During the annual meeting of the Wisconsin Law Alumni Association, the following officers were elected for 1991-92: Kirby O. Bouthilet, President; Thomas J. Drought, Vice President; and Frank J. Bixby, Chair, Board of Visitors. I look forward to working with these new



officers. I also want to take this opportunity to thank the outgoing officers, Jeffrey B. Bartell, President; and Alan R. Post, Chair, Board of Visitors, who gave a substantial amount of their time and energy for the benefit of the Association and the Law School. Their support and good counsel have been of immeasurable benefit to me during my first year as Dean.

On another note, the Law School gave an official send-off to Mary Duckwitz, our Admissions Officer, who is retiring after 37 years of service to the School. Mary has been the backbone of the admissions office and during her tenure, she has read over 45,000 applications for admission to the School. Mary has been a friend to students, staff and faculty and we will miss her very much. We wish her the very best in her retirement.

Finally, the Law School was ranked 21st overall and 19th academically in the latest *US News and World Report* survey. As you recall, last year the Law School was not on the list of the top 25 schools. Of course, there are no rating systems that can accurately and objectively measure the relative quality of law schools and, therefore, no one should treat the *US News* or any other survey as an official ranking of law schools. On the other hand, whether official or not, it is always nice to be included on anyone's list of top schools.

What the survey does point out is that the UW is a very strong law school and, assuming *arguendo* that the *US News* survey is accurate, we are in the top 12% of all law schools in the United States. However the challenge that the Law School faces is to remain in this elite category of institutions. We can successfully meet this challenge if we continue to strengthen and broaden our curriculum, attract top students and retain and attract the best and brightest faculty members. In addition, we must modernize our current physical facility so that we can remain competitive with our peer institutions. I have no doubt that if we all continue to work hard together, the UW will always be among the top law schools in the country, no matter who is doing the counting.

Dean Daniel O. Bernstine

History of the Wisconsin Criminal Jury Instructions

Associate Dean David E. Shultz

The Wisconsin Criminal Jury Instructions are the uniform jury instructions used in criminal cases throughout the State. They are produced by a committee of trial judges, advised and assisted by two members of the law faculty. The staff work and publishing is done by the Law School. This close collaboration between the Law School and the state trial judges has continued for over thirty years. Several aspects of the project make it unique among similar efforts in the country. The first is its longevity; the second its continuity; the third its orientation toward the trial judge; and the fourth, its partnership with the University of Wisconsin. Each of these is illustrated by the project's history.

I. The Early Years 1959-1962

A. The Jury Instructions Institutes of 1959

The criminal jury instructions project began as an "institute" on jury instructions. It appears that what was then called the Extension Law Department of the University of Wisconsin was cooperating with what was then called the Board of Criminal Court Judges on the presentation of institutes for trial judges in the late 1950's. An Extension Law-organized traffic court conference was scheduled for the Board's June 1959 meeting. However, early in that year the traffic court topic was postponed because of then-pending changes in the motor vehicle code. As a substitute, Circuit Judge Gerald Boileau of Wausau suggested that an institute on criminal jury instructions be held.

Judge Boileau's suggestion stemmed in part from his involvement in the drafting of the Criminal Code that took effect in 1956. The arduous development of the Criminal Code is a story in itself. It is sufficient to note here that many of the early contributors to the criminal jury instructions effort had also been important participants in the development of the Criminal Code.

In pursuing the suggestion for a jury instructions institute, Judge Boileau asked for advice from several people, including two criminal law experts with whom he had worked on the Criminal Code project, Bill Platz and Frank Remington. Bill Platz served Wisconsin

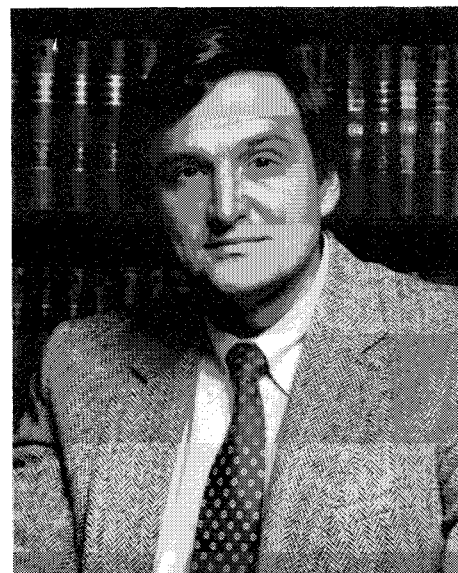
as an Assistant Attorney General for almost 40 years and was, for many of those years, the primary source of legal advice for prosecutors, police officers and judges in the state. Frank Remington was then, as he is today, a member of the law faculty at the University of Wisconsin and had supervised the staff work that developed the 1956 Criminal Code.

Frank Remington took the lead in responding to Judge Boileau's request and made specific suggestions about the format and content of the proposed jury instructions institute. In a March 6, 1959, letter to Judge Boileau, Frank Remington made some general comments about the institute that apply equally well to the project throughout its 30 years.

The proposal assumes that it is desirable for judges to take primary responsibility for the program. I think this is right because the giving of instructions is uniquely a judicial function and one about which the judiciary has the most knowledge and experience. The institute would be designed to afford the judges an opportunity to discuss their individual instruction practices and policies. The objective is to agree upon the most effective set of instructions for important offense categories. Ways and means can be worked out to record the consensus of the institute participants, and it is reasonable to assume that formulated "model instructions" can thus be made available.

Four offense categories were suggested: theft; burglary and robbery; criminal damage to property and arson; and homicide. Judge Boileau replied that under the revised criminal code it would probably be sufficient simply to read the jury the new statutes. Therefore, instructions on substantive offenses would not be very difficult to draft. Rather, he suggested looking at other topics, such as instructions on the burden of proof, entrapment, the use of confessions, credibility of witnesses, and other similar matters.

The content and format for the meeting was agreed on and an institute was scheduled for June 10 and 11, 1959. Individual judges were asked to send in copies of instructions they regularly used. Foremost among these was Judge Herbert Steffes of Milwaukee, another true scholar of the criminal law. Judge Steffes had served as an informal "instruction



David E. Shultz
Associate Dean



Frank J. Remington
Jackson Professor of Law

bank" for many years, and much of his work product can be found in the instructions today. Quite a few other judges also sent in samples that were discussed at the institute. Professors Gordon Baldwin and William Bradford Smith assisted with the development and presentation of the institute.

The Wisconsin Board of Criminal Court Judges Institute on Jury Instructions in Criminal Cases was held at Lake Lawn Lodge on June 10-11, 1959. A registration fee of \$12 was charged, which did not include meals or lodging. Correspondence in the University files indicates that despite the fee, the University was subsidizing the institute "heavily." Judge Boileau presided over the four-session institute. Each session was led by a discussion leader: Judge Herbert Steffes; Judge Donald Gleason (Green Bay); Judge Milton Meister (West Bend); and, Judge Richard Bardwell (Madison). The idea was that individual judges would lead discussions on the various topics and that comments from the floor would allow the refinement of the drafts. It appears that many believed the instructions could be finished off at this conference and made available to the judges statewide.

After the June Institute, the Extension Law Department sent out a mailing to criminal court judges that included several instructions discussed and tentatively approved at that institute. A second jury instructions institute was scheduled for the next meeting of the Board of Criminal Court Judges on February 18-19, 1960. On the agenda were some of the instructions discussed in June: insanity; prima facie evidence; intent; and, various issues relating to evidence and witness credibility. Judge Boileau again presided. Discussion leaders were Judge Bardwell, Judge Bruce Beilfuss (Neillsville), Judge Howard DuRocher (Racine) and Judge Meister.

B. The Original Criminal Jury Instructions Committee

Apparently, at that February 1960 meeting, it was generally agreed that there was a need for a regular committee to work through a full set of criminal jury instructions. The Board of Criminal Court of Judges adopted a resolution that called for the appointment of a five-member committee to collaborate with the University of Wisconsin Extension in preparing model jury instructions for criminal cases. The judges serving on the original committee were:

Hon. Gerald J. Boileau (Chairman), Hon. Herbert J. Steffes, Hon. William E. Gramling (Waukesha), Hon. Milton L. Meister, Hon. Clarence F. Whiffen (Sheboygan), Hon. Charles Larson (Port

Washington) (ex officio), Hon. Howard DuRocher (ex officio)

The nonvoting advisors were: Mr. William Platz, Prof. Frank Remington, Prof. Gordon Baldwin, Prof. William B. Smith.

Meetings of this group were held in Milwaukee in April and May. The meeting on May 21, 1960, was scheduled for 8 a.m. to 1 p.m., the early start based on the plan to "conclude our work around 1 p.m. and adjourn to Milwaukee County Stadium."

C. The 1960 Institute

The next significant step in the Committee's development was another institute, this one held June 16 & 17, 1960, at Uphoff's Dining Room, Lake Delton. The brochure announcing the institute included the following:

All judges of Courts of Record who have any jurisdiction in criminal cases are invited to attend and participate in each session, in order to develop the most appropriate jury instructions for ultimate use in future criminal cases. . . .

At the request of your Executive Committee, organization and preparation for this Institute have been undertaken (and the discussions will be led) by the Jury Instructions Committee of the Board and by Assistant Attorney General William A. Platz and Professors Frank J. Remington, Gordon B. Baldwin, William Bradford Smith, and Arnon R. Allen.

Instructions to be discussed are those which have been tentatively approved by the Jury Instructions Committee of the Board, including: Circumstantial Evidence, Expert Testimony, Statements of Co-Defendants, Credibility of Witnesses, Falsus in Uno, and Entrapment. The organization and sequence of criminal instructions will also be considered.

Each Judge in attendance will receive a mimeographed packet of instructions which have been approved by the Board or the Jury Instructions Committee. Distribution of these mimeographed instructions will be limited to those who attend the Lake Delton Institute. They will later be published and sold in a loose-leaf binder like the State Bar Fee Schedule.

The institute was again presented as a cooperative effort between the Board of Criminal Court Judges, the University of Wisconsin Law School, and the Extension Department of Law. The University dropped the \$12 registration fee that had been charged in 1959, but cautioned potential attendees that they would have to cover the cost of their lunch \$2.50, including tip.

D. Development of the Original Material

The pattern then emerged that would

continue until the first material was published in 1962. The Committee met on a regular basis and reported to the Board of Criminal Court Judges at its meetings in February and June of 1961, and February and June of 1962. The Committee's existence was continued by resolution at each of those meetings. During this important period, two changes were made in the composition of the Committee. Judge Henry Gergen from Dodge County replaced Judge Clarence Whiffen, and Attorney John Bowers began to serve as editor. Judge Gergen continues to advise the Committee today. John Bowers did yeoman service as editor until 1976 and continues to serve the Committee as an advisory member.

E. The 1962 Edition of Wis JI-Criminal

The Committee reported on its progress at the February 15, 1962, meeting of the Board of Criminal Court Judges. Publication of the first material was imminent. The Board unanimously adopted the following resolution:

RESOLVED, that the jury instructions in criminal cases, which have been prepared by the committee appointed for that purpose, are hereby approved, but without certification of said instructions' freedom from error; be it further

RESOLVED, that the said committee is hereby made a permanent committee to prepare additional instructions for use in criminal cases and to amend or correct any previously approved instructions whenever such committee deems such action to be appropriate.

The 1962 edition was published in the summer of 1962 in one volume. As chairman of the committee, Judge Boileau wrote an introduction that explained the background and objectives of the Wis JI-Criminal.

INTRODUCTION TO THE 1962 EDITION

The Wisconsin Board of Criminal Court Judges, realizing that no ready reference work was available to assist the bench and bar of the State of Wisconsin in the preparation of jury instructions in criminal cases, authorized and directed our committee, consisting of five trial judges, to study the problem and submit to the Board such suggested instructions as, in the committee's opinion, would assist judges and trial lawyers in the submission of criminal cases to juries.

Prof. Frank J. Remington, of The University of Wisconsin Law School, and Mr. William Platz, Assistant Attorney General of Wisconsin, graciously accepted our invitation to become unofficial

members of the committee and have made substantial contributions to what success we may have achieved. The University of Wisconsin Extension Law Department, under the direction of Prof. William Bradford Smith, has provided research assistants and has paid all expenses necessarily incurred in the preparation of these instructions.

The committee has met on an average of once a month for the past three years, such meetings lasting from one to three days. All members, both official and unofficial, have been most regular in their attendance at meetings. These were the committee's principal objectives:

1. To prepare instructions that would accurately and concisely state the law in a way that would be meaningful and helpful to a jury.
2. To make readily available such instructions as a trial judge would likely need in the trial of a criminal case to a jury.
3. To revise instructions that had been in general use prior to the enactment of the Criminal Code of Wisconsin, which became effective July 1, 1956, and to make such changes therein as seemed advisable as a result of such enactment; and generally, to relate the instructions to the new Criminal Code.
4. To make certain that all such instructions were in conformity with the decisions of the Wisconsin Supreme Court.

In the progress of our work the research staff presented proposed drafts. These drafts were prepared after a study of all available material. At our meetings, the committee analyzed every instruction minutely, giving thorough consideration to every word and phrase in the prepared draft and to all available authorities and precedents which seemed to be pertinent. Many instructions were corrected and rewritten many times. Finally, each instruction had the unanimous approval of the committee. Certainly, we make no claim that these instructions are free from error. We proposed to continue our work as a permanent committee, adding new instructions from time to time, and correcting previously approved instructions when errors are called to our attention. We invite suggestions from the bench and bar. We hope this work will, to



Prof. Gordon B. Baldwin

some extent at least, achieve its objectives.

Gerald J. Boileau, Chairman
Committee on Jury Instructions
Criminal

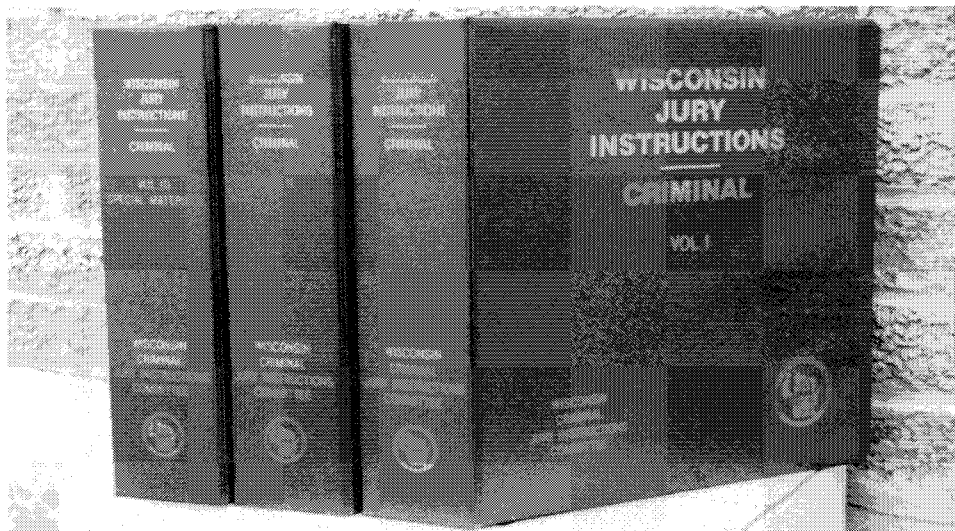
As editor, John Bowers added a preface, which included the following advice on how to use the new uniform instructions: Unlike instructions drafted for the purpose of a particular case, each instruction was, necessarily, drafted to cover the particular rule of law involved without reference to a specific fact situation. While the general instructions and the instructions on defenses and defensive matters may frequently be used without change, instructions on the substantive offenses may often have to be modified to fit the needs of the particular case. The user, therefore, should consider each instruction a model to be examined carefully before use for the purpose of determining what modifications are necessitated by the facts of the particular case. In addition, the effect of the instructions upon each other must be considered. When, for example, conspiracy or solicitation is submitted, or where separate included offenses are submitted, it may be necessary to modify the instructions.

It is suggested that the comment and the footnotes to the instructions be read fully and carefully before the instruction is used, in order that the user be informed of any conditions prerequisite to its use, alternative material for particular cases, and of other cautionary information. Words and phrases which are to be used alternatively appear in parentheses and italics. Words and phrases which are not appropriate to every case, but which should be given in some fact situations, are in brackets. Editorial directions which alert the user to alternatives or to the need to insert material or other instructions are found in brackets in the body of the instructions or in the comment.

II. The Growth of the Project 1962-1979

A. Supplements to the 1962 Edition

The first material was published in 1962 in a single looseleaf binder. The first supplement expanded the work to two volumes and was published in March 1967 (though it bore a 1966 copyright). Three installments of what was referred to as the "Supplement Service" followed: "Edition A" in July 1967; "Edition B" in 1969; and, "Edition C" in 1971, which expanded the work to three volumes. Two additional supplements, published in 1974 and 1976, completed the development of the first edition.



B. Changes in Committee Membership

At the time of the publication of the 1962 material, the Committee consisted of Judges Boileau, Gramling, Steffes, Meister, and Gergen, advisors Platz and Remington, and editor John Bowers. All had been involved from the very beginning, except Judge Gergen, who replaced Judge Clarence Whiffen very early on. Likewise, John Bowers became the editor in 1961, well before the first material was published. Two important additions were made in 1965 when Judges Ervin Zastrow of Walworth County and James Levi of Portage County were appointed. Judge Zastrow served until 1976, including the last two years as chairman. Judge Levi served until 1984 and was chairman from 1976 to 1984.

The pace of publication slowed somewhat in early 1970's, reflecting in part difficulties in funding. A needed infusion of money and energy came in the early 1970's when federal funding, passed through by the Wisconsin Council on Criminal Justice, was obtained to support a substantial revision effort. The funding provided staff support (in the person of attorney Donald Bruns, a recent law graduate) and led to the publication of substantial supplements in 1974 and 1976.

The publication of these supplements coincided with the first significant changes in the Committee's membership. In the mid-1970's deaths (Judge Steffes and Bill Platz) and retirement (Judges Boileau, Meister and Gramling) created vacancies in the Committee. A number of judges were appointed to the Committee between 1974 and 1977. Their years of service were as follows:

John Buchen (Sheboygan Co.) 1974-1989*, James Seering (Sauk Co.) 1974-1989*, Edwin Dahlberg (Rock Co.) 1975-

Hugh O'Connell (Milwaukee Co.) 1976-1983, John Bartholomew (St. Croix Co.) 1976-1989*, Robert Stoltz (Washington Co.) 1977-1978, *continue to serve as emeritus members.

William Gansner, Assistant Attorney General, replaced Bill Platz as an advisory member and served from 1976 to 1979.

In 1976, the increasing demands of private law practice led John Bowers to step down as editor, though he continued to serve as an advisory member. David Schultz, then of the Extension Law Department, took over staff duties in 1976, using the title of "reporter."

C. Court Reorganization - 1978

In 1978, court reorganization took effect in Wisconsin. Among the many changes was the abolition of the Board of Criminal Court Judges, the parent body of the Criminal Jury Instructions Committee. The Committee was reconstituted as part of the Criminal and Traffic Section of the Wisconsin Judicial Conference. The reconstituted committee was to have eleven members, so three new members were appointed in 1979: Judge Ronald Keberle (Marathon Co.); Judge Robert Landry (Milwaukee Co.); and, Judge Michael Torphy (Dane Co.). Then-Judge Donald Steinmetz (Milwaukee Co.) was also appointed in 1979 but resigned in 1980 upon his election to the Wisconsin Supreme Court. Judge Fred Fink (Wood Co.) replaced Justice Steinmetz and served until 1985.

D. The 1980 Edition

In 1980, a new edition was published. In addition to a great deal of new and revised material, the 1980 edition changed the format to the more convenient, standard, 8+ x 11 inch size. Supple-

mentation continued on a more frequent basis, each one designated "Release No.

_____." With Release No. 15, in September 1986, the work expanded to four volumes. Through May 1990, 24 supplements have been published for the 1980 edition. Release No. 25 is scheduled for June 1990.

The 1980's saw the addition of more new members for the Committee. They have been the following: Patrick Madden (Milwaukee Co.) 1983, Richard Becker (Washington Co.) 1984, Fred Fleishauer (Portage Co.) 1986, Ray Gieringer (Adams Co.) 1988, Mark Gempeler (Waukesha Co.) 1988, Gregory Peterson (Eau Claire Co.) 1990

Valued advice was provided by several assistants attorney general: Edward Marion, 1979-1982; Marguerite Moeller, 1982-1983; Kirbie Knutson, 1983-1986; and, David Becker, 1986-present.

III. Characteristics of the Wisconsin Criminal Jury Instructions

This historical review of the Wisconsin Jury Instructions-Criminal illustrates several characteristics of the project that the Committee believes have added greatly to its strength and value. The most obvious of these is its longevity, now extending beyond thirty years. Without making any unwarranted or argumentative claims about being "a national model," it is clear that Wisconsin's jury instructions efforts, both the civil and the criminal, were among the first in the country. And despite the plan in 1959 and 1960 to finish the work during an institute or two, it appears that the appellate courts and the legislature will assure a steady supply of work for the future.

A second key characteristic of the project has been its continuity, in terms of both Committee membership and regularity of publications. As to Committee membership, the project was blessed at the beginning with a unique group possessing not only knowledge of the criminal law but the elusive quality of good judgment. Any stature or prestige the effort enjoys today is due to the extraordinary ability and dedication of that original group: Boileau, Steffes, Gramling, Meister, Gergen, Platz, Remington, and Bowers. Gergen, Remington, and Bowers continue to advise the project today. The others remained active members until the mid-1970's.

Continuity in terms of publication has also been a trademark of the project. Many publications on state law have come and gone since 1960, but the criminal jury instructions have maintained a regular record of supplementation and

updating. Given the scope of the undertaking, it is one that is never completed, but the general goal of keeping the material reliable and useful is constantly strived for, if not achieved.

A third characteristic of the Wisconsin project, and probably the most important of all, is its reliance upon and orientation to the trial judge. Only the trial judge members of the Committee vote and approve the instructions. This appears to be unusual if not unique among the jury instructions projects across the country. Many are bar association projects with a varied committee membership including, but not limited to, judges. Even those produced more directly by judicial organizations have non-judicial members. The non-judges serving the Wisconsin committee have an opportunity for substantial input, but it is an advisory, non-voting capacity.

The orientation of the Wisconsin project is also directed toward the trial judge. Frank Remington's statement in 1959 that "the giving of instructions is uniquely a judicial function and one about which the judiciary has the most knowledge and experience" has proved to be the informal guide for the Committee for 30 years. The point of reference used time and again when an instruction is discussed is the hypothetical judge facing a problem for the first time, perhaps shortly after being rotated to criminal cases from a civil or a family law caseload. The Committee refers to this hypothetical colleague as the judge from "Flodge County" the term being one of the Committee's coinage. It is derived from "Florence" and "Dodge" counties. "Florence" was used because it seemed to symbolize the isolated judge handling a wide variety of cases with little opportunity for consultation with colleagues. "Dodge" was used because it had become known to the Committee that the Circuit Judge there (Judge Gergen) was thorough and fair almost to a fault. If an instruction would pass muster in Dodge County, it would do so anywhere. Rather than make references to either one of these actual counties and risk offending the incumbent judges, the Committee began to employ "Flodge County" as a shortcut reminder of the Committee's focus: helping a colleague on the trial bench.

Another important aspect of the project's trial judge orientation is that the instructions are not approved by anyone other than the committee of trial judges. The historical material indicates that the original publication was "approved, but without certification of said instructions' freedom from error" by the Board of Criminal Court Judges. [Does this indi-

cate that the Board had the authority to declare its approved material free from error? That might be an attractive proposition for the trial judges, if not a popular one with the appellate courts.] At some point between 1962 and 1978, the practice of formal approval by the Board stopped. The instructions are approved by the Committee and published without additional endorsement by the Judicial Conference. The only situation where any kind of official approval occurs is when the Wisconsin Supreme Court or Court of Appeals approves a specific instruction as a correct statement of the law in deciding an appeal.

It seems that the Wisconsin system is better than one where a higher authority approves the instructions and requires their use without change. In Missouri, for example, instructions are approved from time to time by order of the state supreme court. Where an approved instruction applies, it must be given. See Missouri Supreme Court Rule 20.02(b). The certainty that such a system provides seems to be outweighed by its inflexibility. The Wisconsin system allows the trial judge to use a uniform instruction as a guide, departing from it where it does not fit the facts of the case or where the judge can improve upon the model.

The final characteristic of the Wisconsin criminal jury instructions is the partnership it represents between the state judiciary and the University of Wisconsin. One of the goals of the University is the pursuit of the "Wisconsin Idea," the idea that a public university ought to reach out to the people of the state and assist state government in serving the people. The concept is often stated as "the boundaries of the university are the boundaries of the state."

The Wisconsin Jury Instructions-Criminal is a model of attempting to implement the Wisconsin Idea. It evidences contributions made over a 30-year period by members of the faculty and staff of the University of Wisconsin Law School and University of Wisconsin-Extension. Those efforts are reflected in the product itself and also in the publication and distribution of the work, which has been the University's responsibility from the carbon paper and mimeograph material for the June 1959 institute to the computer-generated, laser-printed supplements of the 1990's. The technology has changed, but the University's pride in being able to work with and serve the trial judges and lawyers of Wisconsin has not.

Commencement Remarks—1990

The Honorable Barbara B. Crabb ('62), US District Court, Western District of Wisconsin

I consider you new graduates the most fortunate of people. You are about to enter into a compelling, challenging, difficult, rewarding life. You will face demands greater than any you ever realized would be made upon you, and you will respond more ably than you could have imagined. You will encounter seemingly insoluble problems and discover within yourselves resources and strengths you never knew you possessed.

You are entering a profession that is constantly criticized—often by its own members. As a group, lawyers are accused both of protecting the corporate structure of America and of contributing to its decline through the expansion of tort liability. Lawyers are accused of bringing too many lawsuits and of ignoring the needs of the poor for greater representation in landlord-tenant disputes or welfare rights or access to medical care. Lawyers are accused as often for protecting polluters, as for producing so much environmental legislation as to make it impossible to do business in the United States.

This ambivalence about the legal system is inherent in its adversary nature and in the consequent—and constant—reordering of rights and responsibilities. To the person whose rights are expanded, the system is superb. To the person whose rights are restricted or whose responsibilities are increased, the system is hopelessly flawed and out of control. In other words, at its best, the system cannot satisfy more than half its users.

But you're not becoming lawyers to avoid criticism. You chose the law because of its diversity, its challenge, its drama, the chance to make a contribution to society, the opportunity to take an active role in the world. You chose well.

The law is a spacious, diverse, multifaceted profession. Its most visible players are the trial lawyers—chief actors in the drama of the courtroom and the lawyers most often portrayed in books and movies. But it has room as well for the person whose skills are in negotiating or counseling or policy making. It accommodates persons whose skills make it possible for ideas to become products or for people with ideas to form companies to put those ideas to work. It includes lawyers who teach and undertake research and expand our understanding

of the law. It includes lawyers who attack the status quo, as well as those who defend it; lawyers who spend their careers saving estates from death taxes and lawyers who devote their lives to saving persons from the death penalty; lawyers who prosecute criminals and lawyers who defend them; lawyers who initiate conflict and lawyers who resolve it; lawyers who enact laws, lawyers who enforce those laws and lawyers who test them.

The law offers a continuing intellectual challenge. Even if the law never changed, the evershifting patterns of conduct to which the law applies and the diversity of people to whom it applies would require flexibility and creativity. With an evolving body of law continually added to by legislators, administrative tribunals, and courts, the lawyer's need for education never ends. The body of rules that students master in law school is only a starting point in the solution of the problems that clients bring to practicing lawyers. The solution to one client's dilemma is only a guide and not a pattern for the solution of the next one's difficulty. The law offers the opportunity to work closely with a panorama of human types, with all the frustrations and pleasures that entails. The pleasure comes from being able to help people in difficult circumstances: when they are accused of crimes or when they are badly injured and seek damages or when they are prevented from working because of their age or sex or race.

The law is drama—and lawyers witness it for free. The fictional trials of Captain Queeg, Phineas Finn, or Billy Budd are no more exciting than the real life trials of Claus Von Buelow, General Westmoreland or Ariel Sharon—or the trials that go on daily in the courtrooms in Dane County.

The drama is not limited to the courtroom. Every day in lawyers' offices, moral dramas are played out: over custody of children, challenges to wills, fights among heirs, threats of libel, anti-trust actions, attacks on patents, takeover battles.

The law provides the opportunity to influence the way in which society works. The special training that lawyers receive equips them well for playing an active role in government and policymak-



ing, for helping to build the world they want for themselves and their children. Doing so carries on the tradition of public service that has always characterized the profession.

Those who criticize lawyers as interested only in making money overlook lawyers' pro bono public work, that is, work done for the benefit of the public. In Dane County, lawyers perform volunteer legal work for homeless shelters, for the YWCA, for the Legal Action of Wisconsin tenant rights program, for state and federal prisoners who are challenging the conditions of their confinement, and for hundreds of non-profit groups and needy individuals. Lawyers contributed hundreds of hours to the State Bar's hot line for legal help, to the state high school mock trial competition, and to educating the community about its legal rights and responsibilities. Last year, the State Bar's Lawyers' trust fund, a project conceived, carried out and administered by volunteer lawyers, contributed \$1,500,000 to programs designed to improve the profession and expand the delivery of legal services.

If I sound particularly enthusiastic about the law, it's because I've never gotten used to my own good fortune in being able to be part of this profession. It would not have been an option in differ-

ent circumstances or in different times. I am indebted to the examples set by my grandfather, my father, and my uncle, all lawyers I admired enormously. I am indebted also to my mother for her never-failing encouragement of my plans, and to my husband in more ways than I can say and in particular for the very tangible support he provided in the way of tuition payments, and to the people at the law school (high among them: Gordon Baldwin), for making it so easy to enter law school and so rewarding to stay.

When I graduated from law school in 1962, I was the only woman in my class. I remember the graduation ceremony well. It was held in this theater, with the deans and the president of the university up here on the stage. It could be held in the theater because it was the mid-year ceremony and few people bothered to attend. I'm not sure why I went. But I do remember the barely suppressed horror on the dean's face when the law school graduates were asked to stand and the lone representative of the class was a woman.

I have never regretted my choice. I think the dean became reconciled to it over time. I am continually grateful for the pure pleasure of doing the work, of having to work harder than I ever thought I could, for the opportunity to put whatever abilities and energies I have to the work I do.

In a world in which many are barred from working because of mental, emotional, or physical handicaps, or language barriers, or the lack of education or job skills, I can never take for granted the privilege of being able to work. I can never take for granted the joy of being able to work at a job that is so satisfying.

I often reread a talk given by Justice Holmes in 1900, in which he talked about the pleasure that comes from working:

"The joy of life is to put out one's power in some natural and useful or harmless way. There is no other. And the real misery is not to do this. The hell of the old world's literature is to be taxed beyond one's powers. This country has expressed in story . . . a deeper abyss, of intellectual asphyxia or vital ennui, when powers conscious of themselves are denied their chance.

The rule of joy and the law of duty seem to me all one. . . . The joy, the duty, and, I venture to add, the end of life . . . life is action, the use of one's powers. As to use them to their height is our joy and duty, so it is the one end that justifies itself."

I return again and again to this text. It confirms, more forcefully than anything else I've read, the joy that comes of working as hard as one can within the limits of one's own intelligence and energy and imagination. Yet there is an

The law provides the opportunity to influence the way in which society works.

irony to this passage. There is no indication that when Justice Holmes wrote it, he ever thought of all the people who were then "denied the chance" he found to be the very purpose of life. In 1900 few women and few blacks or any other minorities were able to attend law school, medical school or other graduate schools. In 1873, the United States Supreme Court had denied Myra Bradwell's Fourteenth Amendment challenge to Illinois' denial of her application for a license to practice law, holding that it was the paramount destiny and mission of women to fulfill the noble and benign offices of wife and mother. "This is the law of the Creator." In 1894, the court held that a Virginia statute allowing "any person" to be admitted to the bar need not include women. In 1892, Ida Wells, a black newspaper writer, was threatened with hanging by angry citizens of Memphis if she continued to write articles protesting the lynching of black men.

It was a different world in 1979. That year I was a newly-appointed federal judge. I attended the new judges' school in Washington, D.C. The highlight of the week-long session was dinner at the United States Supreme Court. We ate at large round tables in the high-ceiling, magnificently appointed dining room at the court, under portraits of the white men who had sat on the court in the 18th and 19th centuries. On my left was a newly-appointed Mexican Indian Judge; on my right, a newly-appointed Black Judge. A Black, an Indian, a Woman. What was impossible in 1900 had become manifestly possible in 1979.

I rejoice in the distance that our society has come from 1900. But I remind you of what you already know: that there remains a long way to go. As a society, we are still victims of bias and prejudice. For many the words of the author Lillian Smith in 1949 are still unheeded. She wrote then:

"I began to understand slowly at first, but more clearly as the years passed, that the warped distorted frame we have put around every [black] child from birth is around every white child also. Each is on a different side of the frame but each is pinioned there. And I knew that what cruelly shapes and cripples the personality of one is cruelly shaping and crippling the personality of the other."

Despite changes in the laws, racial prejudices and unequal opportunities still cripple our society. Too many are still denied the chance to use their talents to the fullest. Ignorance and indifference threaten to destroy the gains that have been made in social justice. The warped frame of stereotype encloses the other, whether that other be Black or Indian or physically handicapped or non-English speaking. The warped frame distorts the lives of the viewer and the viewed. Our country has not yet realized the rich rewards of a fully-realized diverse and multicultural society.

As lawyers know all too well, the passage of legislation does not ensure change. As enormous an accomplishment as the 1960's Civil Rights Act is, it is no guarantee of true equality or full opportunity. It must be guarded and nurtured and given content to make it real. This law school and this university are committed to that task. We can be grateful for their efforts while we continue to prod them to do more. We cannot delegate the problem to them. It is ours. We are all diminished so long as some are diminished.

Pope John XXIII said that the moral purpose of governments, the reason for their existence, is to promote the ability of individuals to experience their full potential. Our country is based on that premise. It is embodied in the words of lawyer Thomas Jefferson that governments are instituted to secure the inalienable rights of their people, which include life, liberty, and the pursuit of happiness.

As lawyers we are challenged to open our profession, to provide equal opportunities to all persons. As lawyers we are challenged to make the words of Thomas Jefferson and Pope John a reality within this country. As lawyers we must acknowledge how important it is to the sense of community upon which our system rests that education, work, the chance for self-fulfillment not be limited by economics, or color, or sex.

My wish is that each of you graduates will know the joy of working at tasks that call upon you to use to the utmost your senses, your minds, your faculties, every part of yourselves that makes you conscious of your being.

My hope is that you will use your talents, your abilities, the unparalleled educational opportunities you have been given at this law school, to work for the expansion of those opportunities for everyone within our constitutional community. I hope you will keep in mind the inspirational words of Vaclav Havel to the people of the United States: the salvation of this human world lies nowhere else than in the human heart, in the human power to reflect, in human meekness and in human responsibility.

Featured Alumni: Gaylord A. Nelson ('42)

Timothy R. Verhoff

Though, for a period of some four decades, I have concerned myself with environmental and resource issues, early on I realized the more I learned, the less I knew. This is so because the subject matter is all-encompassing. It includes our life sustaining resource base—the air, water, minerals, soil, forests, oceans, lakes, rivers, all others, plus economics, politics, religion, culture, and philosophy. This is a political scientific mix of incredible complexity. And though we will never know or understand more than a small bit about the endless intricacies of nature's works, we can learn and preserve a livable habitat. The overall general guiding principle can be stated in many ways. The proposition is, quite simply, that we must conduct our activities in such a way as to protect the integrity of the ecosystem and its resources which sustain life and determine its physical quality. Minimum achievable interference with natural systems must be our guide line. It is this resource base that defines the habitat and determines the limitations for survival of all species, plant and animal, within our world ecosystem.

—Senator Gaylord Nelson

Most Americans do not anticipate April 22 as much as December 25 or July 4. The occasion is not celebrated with gift exchanges or fireworks, but it is celebrated. On April 22 sights, not often seen in this country, occur. Entire communities turn out for speeches about our environment. Citizens pick up the rubbish around their neighborhood, and families plant saplings in their front yard. No, April 22 is not Arbor Day. It's Earth Day. And about twenty years ago, a young Senator from Wisconsin, Gaylord Nelson, created it.

Born in Clear Lake, Wisconsin, Nelson was the son of country doctor, Anton Nelson. He attended San Jose State College and studied economics and anthropology. After receiving his B.A. in 1939, Nelson decided to attend law school, a goal he had as a young boy. He graduated from the University of Wisconsin Law School in 1942 and enlisted in the army, serving as a First Lieutenant during World War II.

Returning to the United States in 1946, Nelson decided to enter the political

arena. "Our family was always active in politics," Nelson said. "My mother was on the executive board of the La Follette Progressive Party. I was raised in politics and interested in it from the time I was in grade school. When I got out of the Army, I ran for the Assembly as a La Follette supporter but lost."

But Nelson was not discouraged. He came to Madison, joining the Beggs & Lawton law firm, and immediately became active in politics around Dane County. "In 1948 all the young progressives in the Progressive Party took over the Democratic Party. I ran for State Senate in 1948 and won. Then, I became Chairman of the State Democratic Party in 1949," Nelson noted.

In 1958 Nelson ran for Governor. "I had been in the Senate for ten years. I decided that I was either going to start practicing law full-time or keep going with politics. I ran for governor, expecting that I would be defeated, but I won," Nelson said. He was re-elected in 1960, and decided to run for the United States Senate in 1962.

Remembered as a champion of the environment and father of Earth Day, Nelson began crusading for the environment while still in the State Senate. "The environment wasn't much of a political issue back in those days. I made some environmental proposals while I was in the legislature. I initiated the Outdoor Recreation Acquisition Program. We purchased one million acres of recreation and wildlife areas," he said.

Switching positions from Governor to Senator challenged Nelson. "When you are the governor, you are the chief executive officer in charge of the executive branch. You are also the chief legislator because you propose the budget and all other kinds of things," Nelson maintained.

"But in the U.S. Senate, you are strictly a legislator. As governor you can make proposals and make sure the legislature considers them, whether they pass them or not. Whereas, when you are in the U.S. Senate, you have two houses of Congress, 535 people to work with, so it's a different position. There are things you can't do as a legislator, and some of the things you can do take a long time."

While in the Senate, Nelson proposed several precedent-setting bills such as the



Gaylord A. Nelson

Traffic Safety Act of 1966, which set minimum safety standards for autos and tires and called for federal research into the design of prototype safe cars.

But Nelson always kept the environment close to his heart. He managed to pass several bills which helped the environment: Operation Mainstream and Green Thumb, which employs the elderly in conservation projects; The Apostle Islands National Lakeshore Act, which preserves part of the Lake Superior shoreline and 21 Apostle Islands within the national park system; The Saint Croix Wild and Scenic Riverway, which allowed the Saint Croix River to become part of the National Wild and Scenic River System; The National Environmental Education Act; and he authored legislation to preserve the 2,000

The pathetic dearth of political leadership, not the lack of scientific or technical knowledge, is the single most important stumbling block to progress. Scientific data is quite useless without imaginative, dedicated political leadership.

mile Appalachian Trail.

Nelson also introduced the first legislation in Congress to mandate fuel efficiency standards in automobiles, control strip mining, ban the use of DDT, ban the use of agent orange, and ban the use of phosphates in detergents.

Along with these achievements, he created Earth Day. "In 1962 when I was Governor of Wisconsin, I made a special trip to Washington to meet with Bob Kennedy to suggest that he persuade President Kennedy to do a nationwide environmental tour. My hope was that a presidential tour would move this issue into the national political arena," he recalled.

"Again in 1963, I discussed the tour idea with Bob Kennedy. Finally, the President decided to make the conservation tour and requested I send him some ideas. For many reasons, the tour did not achieve what I had hoped: forcing the

issue into the political arena. During the next seven years I spoke in some 37 states on the environment and continued to search for some ideas that would make it a national issue."

"Finally," he continued, "the idea for a national environmental celebration occurred to me while on a conservation speaking tour in July, 1969. As I was flying to Berkeley for a conservation conference, I read an article about the anti-war teach-ins that Vietnam protesters were using as a public education tool. Suddenly, it occurred to me. Why not set aside a day for a nationwide teach-in on the environment? When I returned to Washington in early August, I created a non-profit organization to manage Earth Day, drew up Earth Day plans, selected a board of directors and raised the funds to get started. Once the event was announced in Seattle, there was a remarkable grass roots response that grew into an enormous celebration involving some 20 million people on April 22."

How does Nelson feel about Earth Day now, almost two decades after it was conceived? "It's rewarding to know that it is a mainstream issue. It got the attention of the politicians. Now we can start dealing more effectively with environmental issues."

Nelson even had an opportunity to run for vice-president, but when George McGovern asked him, Nelson declined. "He called me from the Convention and asked if I would be interested in running for vice-president. I was never interested in that position. I'd rather be a U.S. Senator than vice-president."

In 1980, Nelson was upended in the Senate race by Bob Kasten. Never bitter, Nelson maintains that his loss was actually a great stroke of luck. "After the election was over, Bill Turnage asked me to join the Wilderness Society. Even if I had been elected, I wouldn't have run for reelection in 1986. Now, I have a wonderful job doing full time work on environmental matters. We specialize in national parks, national forests, wildlife refuges. I wouldn't want to go back to the U.S. Senate. I enjoyed it, but 32 years in public office is long enough."

Nelson believes that the environment has improved in some areas. But overall, it is still on a decline. "Generally speaking," said Nelson, "most people would

say that exponential population growth is the most serious problem that the world faces. We are now at 5 billion, and in 40 years there will be 10 billion people.

There is also a lack of an environmental ethic in our culture. These are the two greatest problems, but there are also major problems with air pollution, water pollution, ocean pollution, hazardous waste dumps, pesticides, herbicides, soil erosion, deforestation, and the list goes on."

In the face of this dire situation, Nelson has a plan. "First, we must begin a carefully designed economic-environmental program with the objective of creating an environmentally sustainable economy. That is to say, an economy that is not fueled by consuming our capital. Second we must nurture a 'conservation generation,' imbued in heart and mind with a strong conservation ethic. And the third ingredient is leadership—far sighted and bold leadership," he contended.

Nelson says that we can change the environmental situation, but without political leadership, it may be impossible. "The pathetic dearth of political leadership, not the lack of scientific or technical knowledge, is the single most important stumbling block to progress. Scientific data is quite useless without imaginative, dedicated political leadership. The public recognizes how serious the problem is, and they are prepared to do something. However, if the President does not say we have got to start major conservation today, we are headed into disaster," Nelson maintained.

According to Nelson, The United States and the Soviet Union should mutually reduce military expenditures by 50 percent in the next ten years and another 50 percent in the following decade. He believes that half of the annual savings should be allocated to efforts to save the environment. "This is not unilateral disarmament. It is not idealism run amok," he said. "It's hard-nosed realism. How much longer are we and the Soviet Union going to waste a total of \$600 billion a year on weapon systems that put us both in greater jeopardy, while degrading and destroying the very resource base that sustains us? The Cold War is over. It is time to stop the arms race and begin the race to save the planet."

Featured Alumni: Ann Walsh Bradley ('76)

Timothy R. Verhoff

She is a Renaissance woman of law. During her career, Ann Walsh Bradley has explored several areas of the legal profession. In her own practice, she toiled in the courts, fighting for her clients' justice. Now, as a Circuit Judge for Marathon County, she is deciding justice for others.

After growing up in Richland Center, Wisconsin, Bradley chose to attend Webster College in St. Louis, Missouri. She pursued degrees in both English and religion. And while in college, she spent a semester studying in Jerusalem. "It had an impact on my life," said Bradley, "It gave me an excellent opportunity to explore another culture." In 1972, she graduated and moved to Eau Claire, where she began teaching.

"After I finished college, I taught both English and religion. I taught English at an alternative high school in Eau Claire. Then I taught a sophomore religion class at Aquinas High School in LaCrosse."

While living in Eau Claire, Bradley worked on John Lindsey's 1972 presidential campaign. "I ran a campaign office during the election. I put in long hours and received little pay. With great enthusiasm, I backed a candidate who went nowhere."

Bradley soon decided to attend law school. "I wasn't sure what I really wanted to do, but I knew that a law degree would give me credentials that could open up some avenues of opportunity," she said.

Following her graduation from the Law School in 1976, she worked with Wausau Insurance Company. "I was with them for three years. I primarily worked on personal injury and compensation cases. I liked my job, but I wanted a different challenge. I wanted to open my own law office."

In June, 1979, her wish came true, and she started private practice. "When I opened the doors, I didn't know if I was going to be sitting there reading the newspaper all day or not. It got busy right away, and after the first year, I even had to add another lawyer," Bradley said.

The firm continued to grow, but Bradley decided that it was again time to explore other legal avenues. She left the firm in 1985, when she was appointed Circuit Judge for Marathon County. "As an attorney in a private practice, I

worked primarily in litigation. I was very much involved in the adversary process. The idea is to represent your client as well as you can, and the other side will present the best case they can. The result in the end will be justice," Bradley commented. "I was interested in trying to experience the true meaning of justice from a different perspective than the adversary perspective. I wanted to approach the law as a judge trying to serve justice rather than acting as an adversary searching for a victory," confessed Bradley.

Although she enjoys her work as a judge, Bradley admits that she misses her private practice. "I'm doing what I set out to do, but I do miss that surge of excitement that you get when the jury comes back with the verdict. The income is also substantially less than what I was making in private practice. But other than these two minor aspects, there is no comparison. I can honestly say I love my job."

As a woman on the bench, Bradley is often pegged as a feminist. But she disagrees. "I am interested in administering justice no matter if it is for men or women. I believe that women should have justice, but I'm not going to go out and burn bridges or start riots," she said.

However, she does maintain that there is a lot of discrimination against women in the profession. "It's not so much that female attorneys have a harder time winning cases. Hard work, clients and facts win cases. The discrimination comes not from the jury box, but from within the structure of our system. Look at how many women are partners in large firms, or look at the average wage of a male attorney compared to that of a female attorney."

In addition to putting in long hours at the courthouse, Bradley also cares for her rather large family. She and her husband, attorney Mark Bradley, who graduated from UW Law School in 1977, have four children ages nine, seven, and two that are five years old. The youngest child is an adopted Korean boy. "We went in to adopt a child, and we didn't want to adopt a white child because the waiting list for healthy white children is so long. We put our names on the hard-to-place-children list which is usually made up of minorities or handicapped children. All



Ann Walsh Bradley

of our kids are really great," she said.

Bradley gives her husband a lot of credit for keeping things running. "I can juggle my home, family, and work because I have a wonderful husband who does more than just help out around the house. He is very supportive. We love each other and are very important parts of each other's lives."

When she does find free time, Bradley spends it with her family. "Our family does quite a bit of biking. We especially like to go on long distance rides. We also enjoy downhill skiing, and once a year we take a family vacation."

Bradley plans to run for re-election in 1992. But until then, she'll continue to ladle out justice. "I don't sit back and analyze how I'm doing my work every ten minutes. Instead, I look at it as a larger picture, and I think I'm doing a good job."

Legal Defense Fund Clinical Program

Assistant Dean Joan Rundle

The NAACP Legal Defense and Education Fund, Inc. (LDF) is a public interest law firm specializing in civil rights litigation. It is headquartered in New York City with small offices located in Washington, D.C., and Los Angeles. Established in 1940, the original Director Counsel of the Fund was Justice Thurgood Marshall. He was succeeded by Jack Greenberg, who served for 30 years. The current Director Counsel is Julius L. Chambers who, like his predecessors, is one of the most outstanding lawyers in the United States. A group of about 20 full time attorneys specializes in five general areas of civil rights litigation: school integration, voting rights, employment discrimination, housing discrimination and death penalty appeals. LDF is generally considered to be the premier public interest law firm in the United States.

In the fall of 1985, the Legal Defense Fund established a special advisory committee of law professors, one objective of which was to assist the Fund in providing a more diverse group of student interns in the LDF summer program, which tended to disproportionately attract students from private east coast schools. Professor James E. Jones, Jr., a member of that committee, presented a proposal to our law school faculty to institute an LDF summer internship clinical program for Wisconsin students. Approved by both the Clinical Programs Committee and the faculty, this new clinical was launched in the summer of 1986. With the guidance and supervision of Professor Jones, this program has become a unique and valuable addition to our clinical offerings.

At Wisconsin, two interns are selected each spring, by application to Professor Jones. All students who have completed their first year program are eligible to apply. The students earn five credits for their ten week internship and receive a stipend to cover some of their tuition and living expenses in New York City.

At the conclusion of the summer program, students submit a written report on their internship, usually with great detail about cases worked on, briefs, memoranda, motions drafted, preparations for evidentiary hearings, fact finding, and other hands-on learning experiences. Professor Jones shared these reports with me. One of the reports, writ-

ten by a summer intern in 1987, articulates all those facets of the program that make this a truly unique experience. It also reveals the personal qualities of a gifted intern. It talks about her "love of a sense of a legal community;" of having to "steep yourself in the law of the major cases;" of how "it is riveting to learn how to put together a case and to watch someone else write a major brief and follow along, watching the argument change, doing my small tasks." She wrote about what we call law in action; "the mystery of using a case is to know how to find different situations similar . . . until you follow development of one area of the law, this is just a rule that the professor tries to teach."

The intern praised her mentors, describing LDF as "a national repository of substantive and procedural legal expertise . . . possibly no group of attorneys argues more often before the Supreme Court." She wrote: "They believe that they can get the court to agree that when objective hiring criteria like experience requirements and arrest records are not related to job performance, these criteria must be stopped. And then they do it. They believe they can force the Austin, Texas school district to correct their hostile administration of school integration. And then they do it. They believe they can take the City of Jackson, Tennessee to court and prove the subtle effects on voter turnout and elections results to minority candidates of a single district-at-large city voting system with run-off elections, and they will do that too." "It is easy to believe you chose the right field to pour your sweat into and count your gray hairs toward when you've worked with some of the brightest stars in the legal world you'd hope to meet." In a sense, this article is written in memory of that student intern, Kimberly Kinast, who graduated in the class of 1989, and whose young life and promising career ended abruptly when her car was struck by a drunk driver.

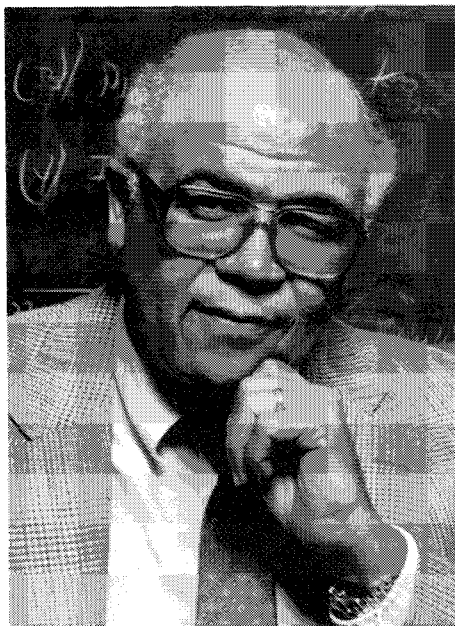
One of the hopes of the LDF internship program is that graduates will take their increased expertise, awareness and sensitivity to the interests represented by the Fund to wherever they go to practice law. There are nine other "alums" of the LDF clinical. Debra Schwartz and Kenneth Munson were the first two interns



Asst. Dean Joan Rundle

in the summer of 1986. Following graduation in 1988, they both went back to Milwaukee to work for the Milwaukee District Attorney's Office. Keith Borders, a 1989 grad, is currently an Honor Program Attorney with the Civil Rights Division of the Department of Justice. His internship in 1987 provided him the opportunity to work with the LDF staff on the Oklahoma City school desegregation case. Luis Velez, summer '88, and 1990 grad, is with Lord & Day in New York City, and Bryce Tolfree, also a '90 grad is working for Clark & Klein in Detroit.

Four of the LDF "alums" are current law students and they contributed a summary of their experiences for this article. Carol Birnhak graduated in May, 1991, and received both the J.D. degree and a Masters in Industrial Relations. Her bachelor's degree is from Cornell, Class of '87. She is a native of Brooklyn, N.Y., and her first career was as a member of the New York City Ballet Company. Carol wrote about her internship: "The LDF internship ranks among the best experiences of my law school career. I had the opportunity to work on cases involving employment discrimination, school desegregation and voting rights. The LDF staff lawyers created a unique learning environment for the interns. They went



Prof. James E. Jones, Jr.

out of their way to provide feedback on assignments, something rare in other work contexts. Furthermore, they allowed me to work on a variety of issues. For example, my personal interest is in labor and employment law. Nonetheless, I was able to work on a voting rights case, a subject I knew little about. Once up to speed, I was able to more effectively write memoranda on the subject.

Another valuable component of the internship is the brown bag lunch series. Each Wednesday afternoon representatives from a variety of public interest groups spoke to interns, including speakers from the National Organization for Women LDF, LAMBDA LDF, and the Asian American LDF.

During the summer of '89 the Supreme Court issued several opinions which spelled disaster for the civil rights community. In response to those events, LDF held a strategy planning conference. This conference was the highlight of my summer. Members of the civil rights community from across the nation came to the LDF offices for two days of meetings. They presented their views on the Supreme Court decisions and discussed strategies for future litigation. A double treat for the two Wisconsin interns was having Professor Jones as a conference participant. Imagine our pride in seeing how well respected Professor Jones is in the national civil rights community. I cannot say enough about my summer at LDF. I learned a lot, met wonderful people, and broadened my legal horizons."

Debra Green also graduated in May. She is a native of Missouri, holds a BS in

Journalism from the University of Missouri-Columbia, and was a free-lance journalist and writer for *Washingtonian* magazine before entering law school. She is the Managing Editor of the *Wisconsin Law Review* and interned in the summer of '89. She found her internship to be one of the highlights of her law school experience. "And what an experience it was; working for attorneys who were among those who helped shape civil rights law, meeting talented law students from all over the country, and perhaps most important, realizing that I did possess the skills to become a lawyer. In fact, I think giving students self-confidence about their legal skills is one of the things LDF does best. The program is intense. Students come in and are assigned projects in some aspect of civil rights or criminal law. The projects initially can seem monumental, particularly to those who aren't sure their work can pass muster when reviewed by attorneys who regularly practice before the federal courts.

I was certainly a case in point. I lacked self-confidence about my legal skills before coming to LDF. That's not surprising, particularly since the first year law school experience seems to strip the ego. A mere two weeks after school ended, I was in New York. My first project at LDF concerned interpreting a particular employment law issue after the Supreme Court's *Patterson v. McLean* decision. And frankly, I was terrified about it. "What do I know about employment law?" I thought worriedly, trying to smile pleasantly as the project coordinator told me about the project. I'd just passed my first year in law school; I didn't think I knew much about contracts and torts, much less an area of law I'd never studied. But, as a matter of pride more than anything else, I hunkered down in LDF's law library and began to read about section 1981, the statute at issue in *Patterson*. A week later I handed in my first 'professional' memo. Lo and behold, when I met with the supervising attorney on the project, she told me (1) the memo gave her the information she needed, (2) it was well-written, and (3) she thought I showed real promise as a lawyer. "Me?" I thought excitedly. I smiled, this time with genuine joy. She could have given me no greater gift.

That gift of increased confidence in my legal abilities remains with me today. And what's more, I firmly believe that with hard work, I can become the type of skillful lawyer that I so admired at LDF. I will always be grateful to LDF (and to Professor Jones) for giving me a summer I will always remember."

Joseph Flood was an intern in the summer, '90, and will be a third year stu-

dent next year. From Janesville, he graduated from the University of Wisconsin-Eau Claire in 1989 and was active in student government. Prior to entering law school he spent some time in El Salvador and also worked in a treatment center for emotionally disturbed children. Joe stated: "Law students interested and committed to public interest and social justice will be challenged and rewarded for taking a summer to experience Civil Rights, LDF style. As a law student aspiring to be a civil rights attorney, my summer at LDF presented me with a challenge and a wonderful opportunity. The work was difficult, and I was expected to be prepared to jump in head-first from the word go. Although expectations can be hard to meet, they are rewarding if you dedicate yourself to hard work and competency. I worked hard and have reaped the benefits from that work; understanding, self-confidence and a greater appreciation of attorneys in the public sector.

Civil rights law has experienced some difficult periods, and civil rights attorneys must have a commitment to their work. The perseverance of the LDF staff is what led to victories in cases like *Brown* and *Griggs*, and it is the driving force that will allow dedicated attorneys to carry on the struggle after setbacks like *Atonio*. The commitment to civil rights demonstrated by LDF is reconfirming to a law student faced with difficult personal choices, and questioning one's values. The opportunity to work on a brief to the Supreme Court, or to help write a habeas corpus petition for a man on death row is something I may never have an opportunity to do again, but it was a matter of course during my summer at LDF. The LDF program offers law students a chance of a lifetime; I was lucky enough to take the chance and I will never be the same."

Carolyn Jarrett, a Chicago native and 1988 graduate of Northwestern University, majoring in Economics, will also be a third year law student next year. Her internship in the summer of 1990 evoked the following comments: "The internship was well organized and I learned a lot. Even though most of the interns were nervous, the atmosphere was generally informal and relaxed. I was able to choose my own projects which normally lasted three weeks, but sometimes longer. Most consisted of research on both legal and non-legal subjects. My projects focused on death penalty, school desegregation and employment discrimination. Interns were invited to staff meetings to further their learning experience, and social events included the annual picnic, brown bag lunches, theatre outings and Broadway shows."

Faculty Notes

Professor **Ann Althouse** will attend the AALS Conference on Evidence in June, in Iowa City, where she will be a panelist on "Which Rules of Evidence Really Matter, and Why?" She will be the speaker for the Conference dinner, on "Beyond King Solomon's Harlots: Women in Evidence."

Professor **R. Alta Charo** made presentations in February to the New England Fertility Society on "Legal & Ethical Limitations on Manipulation and Management of Human Embryos," to the St. John's Lutheran Church on "Proxy Wars in the Abortion Struggle," and to the Wisconsin Health Law Association on "A Political History of the Abortion Pill." She was appointed to the planning committee for the National Academy of Sciences, Institute of Medicine upcoming study of "Inclusion of Women in Health Research Trials." The study has been requested by the National Institutes of Health and the Congressional Women's Caucus.

In early March, **Charo** attended the planning meeting for the congressional Office of Technology Assessment study on population-wide cystic fibrosis carrier screening, for which she is the legal consultant. On March 7, she spoke on "Legal Responses to Perinatal Addiction" for the Perinatal Substance Abuse Workshop, organized by the Wisconsin Alcohol, Other Drugs, and Pregnancy Working Group. She spoke on a similar topic at the March 12 meeting of the Wisconsin Human Genetics Education Program. On March 12, she also spoke to the Attic Angels Society in Madison on "Out of the Hands of Professors: Personal Ethics, Bioethics and You."

Professor **James E. Jones, Jr.**, spoke at the American Society for Public Administration Conference, in Madison, February 14, on "Making Diversity Work: Tools & Techniques." On February 6, he spoke to the Workforce 2000 and Beyond Symposium, sponsored by the City of Madison and Dane County, on "If Demographics are Destiny, Is the Emerging Policy of the Federal Government on Affirmative Action on a Collision Course with the Imperatives of Workforce 2000?" Also in February, he spoke at Madison West High School on "Education and 'Success'." On February 25, Professor **Jones**, Dean **Daniel Bernstine**, and Professor **Linda Greene** were panelists on Wisconsin Public Television's "Prime Time Wisconsin" show discussing the video presentation of "The Road to Brown."

Professor **Len Kaplan** presented a paper on the topic of "intention," sponsored by the School of American Research, Santa Fe, November 4-8, 1990. The seminar, entitled "The Cultural Analysis of Intentional Explorations in Understanding of Other Minds," was attended by scholars from anthropology, philosophy, comparative literature and law.

Professor **Margo Melli** is serving on the Executive Committee of the Institute for Research on Poverty. She is also a member of the Conference Advisory Committee for a University System Conference on the Future of Women in Higher Education held in Madison, April 25-26, 1991.

Professor **Walter Raushenbush** attended the following meetings this spring: Real Property Question-drafting Committee for the Multistate Bar Exam, in Phoenix, March 14-16; Law School Admission Council Finance and Legal Affairs Committee, Salt Lake City, April 4-6; and he chaired the Law School Admission Council History Project Committee in Boston, April 19-20.

Legal Writing Tutor **Mary Bernard Ray** and California Western Law Professor **Barbara Cox** (formerly our Legal Writing Supervisor) have submitted the manuscript for their new book to West Publishing and are currently working on the accompanying teachers' manual. The book, *Beyond the Basics: A Text for Advanced Legal Writing*, will be released in June, 1991.

Following an interesting meeting in February, in Birmingham, Alabama, with all of the schools of the Southeast Conference of the NCAA, Professor **Frank Remington** and Ed Garvey will meet with all of the schools of the Atlantic Coast Conference. The objective is to implement a program which will replace the unscrupulous agents with professionally competent and responsible representatives, usually lawyers.

Professor **June Weisberger** was chair of the planning committee for the AALS Workshop for Women in Legal Education, March 21-23, in Washington, D.C. She moderated two panels at the workshop, "Who are We?" which explored the breadth of the community constituted by women in legal education, and "When the Telephone Rings: How Do We Respond to Claims of Sexual Bias?"

Professor **Vicki Schultz** was one of a handful of applicants to receive a com-

petitive grant from the Fund for Labor Relations Studies, a fund administered by Professors Ted St. Antoine, Howard Lesnick and Paul Weiler to support research in the area of labor and employment law.

The Legal Assistance to Institutionalized Persons Program represented five Mariel Cubans in the latest round of parole hearings held by the US Immigration and Naturalization Service at the federal prison at Oxford, Wisconsin. The Cubans are being held in federal custody pursuant to INS detention orders based on state convictions for which the Cubans have been discharged. The purpose of the hearings is to determine whether the Cubans can be released from federal custody pending INS disposition of their immigration status. There are presently approximately 2,000 Mariel Cubans in INS custody out of 125,000 that came to the U.S. in the 1980 boatlift. The Cubans were represented by law students **Candace Carlsen**, **Tom Woods**, **Dave Bush**, **Eric Brandt** and **Susan Frisk** under the supervision of LAIP attorneys **Dave Cook**, **Merry Ross** and **Judy Olingy**.

Tournament of Lawyers: The Transformation of the Big Law Firm, a book by Professors **Marc Galanter** and **Tom Palay**, was published on April 9, 1991 by the University of Chicago Press.

Professor **Herman Goldstein** participated in a conference on the Pros and Cons of Community Policing: A National Debate, sponsored by the Southwestern Legal Foundation at the University of Texas on March 22. In April he spoke at the International Symposium on the Future of Law Enforcement, sponsored by the F.B.I. at their academy in Quantico, Virginia. On May 9, he led a seminar on community policing at the request of New York City's Commissioner of Police, Lee Brown, for a group of community leaders, academics and top management of the New York City Police Department. On May 29th he gave the Hans Mattick Lecture at the University of Illinois in Chicago.

On April 10, Professor **Dirk Hartog** delivered the Eleventh Annual Philip A. Hart Lecture at Georgetown University Law Center, on "Meanings of Marriage: The Structure of Marital Expectations in Nineteenth Century America."

Professor **Linda Greene** was a moderator and co-organizer of the Midwestern People of Color Legal Scholarship Confer-

ence held in Minneapolis, March 22-24, at the University of Minnesota Law School. In March she also spoke at the University of California-Santa Barbara Center for Black Studies on "Race in the 21st Century—Equality Through Law?"

Professor **Steve Herzberg** reports that last fall he was a member of the trial team that successfully defended a Big Six accounting firm in the largest accounting fraud case litigated to date. In a class action, the plaintiffs sought millions of dollars in actual and punitive damages, charging that the firm aided and abetted Jim Bakker in defrauding members of his ministry; the accounting firm was exonerated on all charges. While working with the defense team, his responsibilities included the application of social science studies and field research to: developing the themes presented by the defense; selecting the jury; drafting opening statements and closing arguments; preparing for the cross examination of plaintiffs' witnesses; the selection and preparation of the defense witnesses; and the conception and development of visual exhibits. Since last fall, **Herzberg** has been a speaker and workshop leader at the National College of Advocacy in San Antonio, Texas; the Association of Trial Lawyers of America, in Cambridge, Massachusetts; the American College of Trial Lawyers in Kauai, Hawaii; the First Annual Conference of the Fully Informed Jury Association in St. Louis, Missouri; and the University of Oklahoma Law Center, in Norman, Oklahoma.

Professor **Chuck Irish** gave a series of lectures in Seoul, Korea in mid-April. These lectures, hosted by Seoul National University and the Asia Foundation, were on tax reform in a global environment and a US. perspective on the Uruguay Round of GATT. **Irish** is scheduled to meet Chancellor Shalala in Tokyo for lunch with potential Japanese donors for the Law School's East Asian Legal Studies Center.

Professors **James E. Jones, Jr.**, and **Carin Clauss** were speakers at the Southwestern Legal Foundation intensive course on employment discrimination, on March 18-20, in Dallas, Texas.

Professor **Joe Thome**, will participate on an Agrarian Reform Workshop, sponsored by the Food and Agriculture Organization of the UN, in Moscow, June 7-14. Participants will include over 200 policy makers and academics from the USSR in

preparation for their massive land redistribution program. He will deliver a paper on "Legal Issues of Land Reform in Latin America" and participate in various workshops. He announced that from February 25-May 3, the Land Tenure Center is sponsoring a Land Policy Training Program for a group of 17 persons from South Africa, Zimbabwe and Mozambique. **Thome** spoke to the group on "Problems in Implementing Land Reform" and "Legal and Constitutional Issues in Land Reform." Professor **Larry Church** spoke on Private Property and Public Policy," and Professor **Linda Greene** on "Affirmative Action Policies and Implementation."

Professor **Alan Weisbard** delivered the conference summary on "Legal and Ethical Issues Raised by the Human Genome Project" in Houston, in March, sponsored by the National Institutes of Health and presented by the Health Law & Policy Institute of the University of Houston. At the U.W. Hospital Ethics Forum in February, **Weisbard** discussed the issue of physician/dentist to patient transmission of HIV.

Professor **Richard Bilder** was a delegate to an international conference on the Peaceful Settlement of Disputes in Malta earlier this year. His article on "International Third Party Dispute Settlement," from the *Denver Journal of International Law and Policy* (1989) was the basis of US government deliberations before the meeting.

Professor **Dirk Hartog** served as the Philip Hart Lecturer at Georgetown University Law Center in April. His main speech was on the "Meanings of Marriage: The Structure of Marital Expectations in Nineteenth-Century America."

Emeritus Professor **J. Willard Hurst** was publicly commended by the American Society for Legal History at its October 1990 meeting. The following greeting was read to the gathering: "The publication of *The Growth of American Law: The Law Makers in 1950* was a landmark in the development of American legal history. It has endured the test of time. On the occasion of its 40th anniversary, the Officers, Directors, and members of the [Society] extend their warmest congratulations to the author of this remarkable book, **James Willard Hurst**, for this and countless other contributions to the field of American legal history, and for the inspiration which his work, his personal-

ity, and his deep humanity have given to so many in the world of legal and historical scholarship."

The Board of Regents have approved the following Law faculty for named chairs or professorships: **Gordon Baldwin**, Moritmer M. Jackson Chair; **Peter Carstensen**, Robert W. and Irma M. Arthur-Bascom Professor; **Stewart Macauley**, Foley and Lardner-Bascom Professor; **June Weisberger**, Kathleen M. Haight-Bascom Professor; and **James Jones**, Nathan P. Feinsinger Chair in Labor Law. Prof. **Jones** also received a 1990-91 Hilldale Award for "major achievements in teaching, research and public service."

Three New Professors Join the Faculty

In the recent faculty recruiting season, the Law School proved very successful in hiring three talented new professors who will add greatly to the vitality of the School. While we will do features on each of the three as they begin teaching next year, we wanted to let you know something about who is coming and what their qualifications are.

Richard A. Monette is not a stranger to our School. During the 1990-91 school year, Monette has been studying toward his LL.M degree in the Hastie Fellowship Program. His thesis is "The New Court and Indian Tribal Sovereignty: Democracy, Federalism, and Irony." Monette is apparently the first reservation-raised Native American to become a tenure-track member of a law faculty.

A 1988 graduate of the University of Oregon Law School, Monette also holds a masters degree in English from the University of North Dakota and a BS in English from Mayville State College. Before coming to our Law School, he was Deputy Minority Counsel for the US Senate Select Committee on Indian Affairs and Staff Counsel for Chairman Daniel Inouye. Monette was Articles Editor for the *Oregon Law Review*.

Beverly Moran comes to Wisconsin from the University of Cincinnati College of Law, where she has taught federal income tax of individuals, trusts and estates and partnerships and agency. In 1990 she received the Goldman Award for Teaching Excellence from a student committee.

A 1981 graduate of the University of Pennsylvania School of Law, Moran was the Research and Writing Editor of the *Black Law Journal* as well as an Arthur Littleton Fellow (Legal Writing Instructor). The fellowship was awarded for academic excellence and superior writing ability. Her undergraduate degree is from Vassar College in statistics.

After serving as a student law clerk to Judge Leon Higginbotham, Jr., Moran was an associate in a New York City firm specializing in servicing publicly-held banks, utilities and other corporate clients. She served as General Counsel for the Industrial and Commercial Incentive Board, responsible for granting \$200 million of real estate tax exemptions to New York City commercial and industrial properties and as Executive Director of the New York City Business Relocation Assistance Corporation.

Jane Schachter, a 1984 Harvard Law School cum laude graduate, has been practicing law in Boston with Hill & Barlow. She has done civil litigation before state and federal courts and administrative agencies. From 1987-89 she was an Assistant Attorney General for the State of Massachusetts with an emphasis on administrative and constitutional law.

Schachter graduated with highest distinction and highest honors in history from the University of Michigan where she wrote a Senior Honors Thesis, "Attica: Historical and Social Perspectives on Prison Protest." Following graduation from law school she was a law clerk to US District Court Judge Raymond Pettine in Providence, Rhode Island.

Upcoming Law School and Alumni Events

1991

August 12	ABA/Alumni Reception	Atlanta, GA
August 13	Alumni Reception	Detroit, MI
August 14	Alumni Reception	Cleveland, OH
September 11	Alumni Reception	Milwaukee, WI
September 12	Alumni Reception	Washington, DC
September 25	Alumni Reception	Madison, WI
September 30	Alumni Reception	San Diego, CA
October 1	Alumni Reception	Orange Co., CA
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 12	General Practice Dinner	Madison, WI
November 19	Alumni Reception	Portland, OR
November 21	Alumni Reception	Seattle, WA

1992

January 16a	Alumni Breakfast	San Antonio, TX
January 8	Alumni Luncheon	Houston, TX
January 17	WLAA Board Meeting	Milwaukee, WI
January 29	Alumni Reception	Dallas, TX
February 17	Alumni Reception	San Francisco, CA
February 19	Alumni Reception	Los Angeles, CA
March 25	Alumni Reception	Phoenix, AZ
April 7	Alumni Reception	New York, NY
April 8	Alumni Reception	Philadelphia, PA
April 16	General Practice Dinner	Milwaukee, WI
April 24-25	49th Annual Spring Program	Madison, WI
May 11	Alumni Reception	Minneapolis, MN
May 13	Alumni Reception	Washington, DC

Alumni Notes

Leonard L. Loeb ('52) has been selected as a Life Fellow of the American Bar Foundation. The Fellows is an honorary organization of practicing attorneys, judges and law teachers whose professional, public and private careers have demonstrated outstanding dedication to the welfare of their communities and to the highest principles of the legal profession.

James L. Katz ('61) was recently appointed a Director of The Highland Park Illinois Hospital, Groveland, Illinois. **Katz** is the Chairman and President of Ever Ready Thermometer Co. and a member of the Board of Directors of the Deerfield State Bank and several other companies.

US District Court Judge **Barbara Crabb** ('62), the first woman judge in the Seventh Circuit, received a Distinguished Alumni Award from the Wisconsin Alumni Association during its Alumni Weekend. The award recognizes outstanding professional achievement and service to the community and the University.

Winnebago Co. Circuit Judge **William H. Carver** ('65) has been appointed by Governor **Tommy Thompson** ('66) to the Wisconsin Sentencing Commission. Judge **Carver** is a member of the Wisconsin Criminal Jury Instruction Committee, chairperson of the Wisconsin Traffic and Bail Bond Committee, and President of the Wisconsin Trial Judges Association.

Alan R. Post ('72), staff attorney for Kansas Gas and Electric Co., Wichita, Kansas, and past-chairman of the Law School's Board of Visitors has received the 1991 McBurney Center Outstanding Alumni Award. The award recognizes a significant contribution to the educational advancement of students with disabilities by excelling professionally and providing a positive role model. WLAA President Jeffrey Bartell referred to Alan and the award by citing Alan's role as the conscience of WLAA with respect to students with special needs.

Paul R. Truebenbach ('73), Deputy Chief Litigation Counsel for Chevron Corporation in San Francisco, was a speaker and panelist on Relationships between In-House and Outside Counsel at a recent ABA National Institute on Corporate Litigation.

Robert J. Smith ('74), a shareholder in the Madison office of Washington, DC

based Wickwire Gavin, P.C., has been named to the Construction Disputes Committee of the Center for Public Resources, a New York City based organization devoted to developing alternatives to litigation.

Leon Z. Heller ('74) has joined International Mill Service, Inc., as Vice President and General Counsel. **Mr. Heller** had previously been with Sonnenschein Carlin Nath and Rosenthal in Chicago and the Fidelity Bank in Philadelphia. IMS provides slag processing and metal recovery services to 50 steel mills in North America.

Charles S. Blumenfield ('74), Municipal Judge for the Village of Bayside, Wisconsin, has been elected President of the Wisconsin Municipal Judges Association. **Mr. Blumenfield** practices with the Milwaukee law firm of Shneidman, Myers, Dowling & Blumenfield and is on the Board of Directors of the Wisconsin Academy of Trial Lawyers.

Randolph Stone ('75) has been hired by the University of Chicago Law School to become a professor and director of the School's Mandel Legal Aid Clinic. **Stone** had been the Cook County Public Defender. He becomes the first black professor at Chicago since the 1950's. He has lectured at Chicago and taught at Harvard University and IIT Chicago-Kent College of Law.

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

Michael J.T. McMillen ('76) has joined the New York City firm of White & Case. He practices corporate law with particular emphasis in the areas of project financing and corporate financing. **McMillen** previously practiced at Debevoise & Plimpton and Mudge Rose Guthrie Alexander & Ferdon.

Timothy Lavin ('76) has been promoted to Managing Claim Attorney by American Family Insurance at its Kansas City office. He joined the Company in 1988 and was a senior claims attorney prior to his promotion.

Paul Twomey ('77), practicing law in Exeter, New Hampshire, was recently in the national spotlight as one of Pamela

Smart's attorneys in the sensational accomplice-to-murder trial. **Twomey** had been with the State Public Defender Office from 1979-86 before going into private practice.

Foley & Lardner has elected the following alumni to partnerships: **Michael B. Van Sicklen** ('78), a litigation attorney in the Madison office; **Maureen A. McGinnity** ('82), a litigation attorney in the Milwaukee office; **David W. Reinecke** ('82), an estate planner in the Madison office; **Christian G. Steinmetz** ('82), a corporate attorney in the Milwaukee office; and **Patrick M. Zabrowski** ('83), a real estate lawyer in the Milwaukee office.

John Wagner ('80) has left the Sacramento, California, firm of Diepenbrock, Wulff, Plant & Hannegan to join the Maryknoll Lay Mission Program in Peru. **Wagner** reports that a trip to Peru changed his life, "I came into direct contact with the poverty of the Third World. I also came into contact with people who were doing very meaningful things to help the people." He expects to stay at least three and a half years.

Jason McDonell ('82) has become a partner in the San Francisco office of Pillsbury, Madison & Sutro. **McDonell** is a litigator.

Patti Goldman ('83) recently argued her second case before the US Supreme Court, Metropolitan Washington Airport Authority v. Citizens for the Abatement of Aircraft Noise. **Goldman** works for the Public Citizen Litigation Group in Washington, DC.

Anthony J. Handzlik ('84) a tax attorney for the Milwaukee firm of Reinhart, Boerner, Van Deuren, Norris & Rieselbach, recently spoke on the tax consequences of buying and selling businesses at a seminar sponsored by the UW-Madison's continuing education division.

Victoria List ('84), a professor of history at Washington and Jefferson College in Washington, Pennsylvania, recently returned from 16 months of research in England on the interplay of church and state in the 16th century.

Matthew A. Neco ('86) has opened his own law practice in Los Angeles. **Neco** continues to concentrate his practice in the areas of creditor and debtor rights and the music industry.

Christopher J. Jaekels ('86) has joined the Milwaukee firm of Frisch Dudek, Ltd. **Jaekels** was formerly Corporate Counsel and Assistant Secretary at Laidlaw Environmental Services, Inc. He continues to concentrate in environmental, government contract and general corporate law.

Kevin M. Czerwonka ('90) has joined the Columbus, Ohio, office of Vorys, Sater, Seymour and Pease.

Quarles & Brady announces the following: **John D. Franzini** ('83) has

become a partner in the Milwaukee office; **John L. Maier, Jr.** ('73) has become a partner in the Madison office; **Ned R. (Skip) Nashban** ('73) has become a partner in the Fort Lauderdale, Florida, office; **Roy L. Prange, Jr.** ('75) has become a partner in the Madison office. Joining the firm as associates were Jean C. Baker ('90), Ann Kerns ('83), Jose L. Martinez ('90), Richard D. Schepp ('90), Rebecca A. Speckhard ('90) and Sandra L. Tarver ('90).

Leonard F. Schmitt ('29) died in April. Schmitt, a liberal Republican who unsuccessfully challenged incumbent US Senator Joseph McCarthy in the 1952 primary, practiced law in Merrill, Wisconsin, for 60 years. **Mr. Schmitt** was a close friend of the Law School and a former partner of Emeritus Professor Stuart Gullickson, who served as a pallbearer.



Dean Daniel O. Bernstine, Robert B. L. Murphy ('32) and former dean Cliff F. Thompson at a recent Bascom Hill Society meeting. Mr. Murphy received the "artist of the day" award for the clay pot he created during the program!

Editor's Note

Were you here for the Spring Program? No? Too bad, we had a record turnout for a series of enjoyable events. The highlight of the weekend may have been the reception for the Class of 1966 hosted by class member Tommy Thompson, Governor of the State of Wisconsin, at the Executive Mansion. Almost 100 classmates, spouses and guests turned out for this special treat. With a four-year term for Governor, next year's reunion classes will not be able to take advantage of their own governor but we hope they will have as much fun in their own ways.

Speaking of the Spring Program, Tony Varda ('76) made a major admission at the Saturday luncheon. Speaking for his 15th Reunion Class, Tony admitted that he and Grant Callow ('75) were responsible for the labeling of "Reality Check-point." The two decided that the School needed a little institutionalized humor, and the most famous location in the building was born late one night. Tony, incidentally, had carefully concluded that all relevant statutes of limitation had expired before making his revelation.

At the Luncheon, Kirby Bouthilet ('73) became the 47th president of the Wisconsin Law Alumni Association and its first female chief. Kirby has been active in WLAA since shortly after graduation, serving on the Board of Visitors, as chairman of the Visitors and on the Association's Board of Directors. She practices law in Green Bay while raising her family and looks forward to continuing the momentum created by Joel Haber and Jeff Bartell.

If the Spring Program is past, it must be about the end of the semester. Exams are under way as I write these lines, and before you read them, graduation will also have taken place. The Class of 1991 enters a market very different from any in the past decade. This morning's *Wall Street Journal* noted another New York City firm abruptly withdrawing offers to new graduates and cancelling this summer's clerking program. The number of graduates reporting placements is down about 10%, and the number of employers with reservations for fall on-campus interviews is down about 15%. At a meeting of senior law placement professionals in Ohio recently, we agreed that, in the long run, this situation is not all bad. The legal marketplace should emerge from these bad times with better business management practices and law students will be forced to do more self-assessment

that should lead to greater job satisfaction. These "improvements," however, are cold comfort to the new grad who is admitted to practice with no place to go.

There is one job opening here in Madison: UW President Kenneth Shaw has announced that he will step down this summer to become Chancellor of Syracuse University. President Shaw has quietly guided UW through tight times and has achieved significant improvements for the system. His successor will have Shaw's successes to build on and even greater challenges in a world of diminishing resources.

As Dean Bernstine completes his first year, we complete our first cycle of alumni events designed to introduce him to our 9,000 alumni. Last month we toured northern Wisconsin. Blair Kauffman, Director of the Law Library, joined the tour and took advantage of this forum to tell gathered alumni about the outreach services provided by the Library. Our one disappointment was a late spring snowstorm that prevented us from visiting Wisconsin's Concrete Park, near Phillips—well worth the trip by itself!

Finally, in late April, after a lapse of some thirty years, an old tradition was revived here—the UW-Marquette Faculty Dinner. Meeting in Oconomowoc, Wisconsin, on neutral territory, the faculties of the state's two law schools met for informal conversation. No bloodshed occurred and most of us were surprised at how many friends we shared and how many projects the two Schools share as matters of interest. We promised that the next similar event will not wait until 2021.

The Mystery Picture from Vol. 21, No. 3 is a mystery no more. You may recall that it showed Prof. Sam Mermin congratulating three students. After receiving identifications for some or all of the students from Jane Williams ('76), Darcy Veach ('78) and Bruce Greenlee ('80), who incidentally agreed on only one name, I happened to run into Barbara Hermanson ('79) at a dinner in Wausau, Wisconsin. Since she had not been identified by anyone as being in the picture I was taken aback when she thanked me for "putting her picture in the *Gargoyle*." Assuming that "first person" identifications are probably the most reliable, I initially agreed with Barb on the other two persons in the picture even though she could recall only their first names. When I checked against the photos on the permanent records, however, I found that even Barb could make a mistake. The other woman in the picture is Sarah Reinhard now of Albuquerque, New Mexico, and Scott Pernitz who has traveled all the way to uptown Madison. All three are members of the Class of 1979 and were being congratulated for winning the Appellate Advocacy competition.

For this issue's Mystery Picture I have chosen a meeting of the Board of Directors and Board of Visitors of the Wisconsin Law Alumni Association, probably from the mid-1970's, and taken in the Law School's faculty lounge. Several participants are familiar and several others should be easily recognizable to friends, but can anyone identify everyone?



Mystery Picture

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Finally, in late April, after a lapse of some thirty years, an old tradition was revived here—the UW-Marquette Faculty Dinner. Meeting in Oconomowoc, Wisconsin, on neutral territory, the faculties of the state's two law schools met for informal conversation. No bloodshed occurred and most of us were surprised at how many friends we shared and how many projects the two Schools share as matters of interest. We promised that the next similar event will not wait until 2021.

The Mystery Picture from Vol. 21, No. 3 is a mystery no more. You may recall that it showed Prof. Sam Mermin congratulating three students. After receiving identifications for some or all of the students from Jane Williams ('76), Darcy Veach ('78) and Bruce Greenlee ('80), who incidentally agreed on only one name, I happened to run into Barbara Hermanson ('79) at a dinner in Wausau, Wisconsin. Since she had not been identified by anyone as being in the picture I was taken aback when she thanked me for "putting her picture in the *Gargoyle*." Assuming that "first person" identifications are probably the most reliable, I initially agreed with Barb on the other two persons in the picture even though she could recall only their first names. When I checked against the photos on the permanent records, however, I found that even Barb could make a mistake. The other woman in the picture is Sarah Reinhard now of Albuquerque, New Mexico, and Scott Pernitz who has traveled all the way to uptown Madison. All three are members of the Class of 1979 and were being congratulated for winning the Appellate Advocacy competition.

For this issue's Mystery Picture I have chosen a meeting of the Board of Directors and Board of Visitors of the Wisconsin Law Alumni Association, probably from the mid-1970's, and taken in the Law School's faculty lounge. Several participants are familiar and several others should be easily recognizable to friends, but can anyone identify everyone?



Mystery Picture