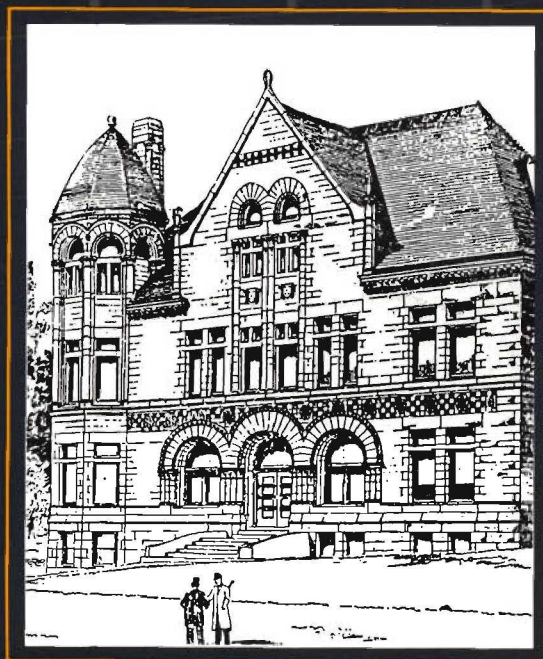


University of Wisconsin Law School Forum

GARGOYLE



Volume XXII Number 2.

Fall 1991

University of Wisconsin Law School
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Cover Illustration: The original Law building, 1893-1963.

Legal Education at the University of Wisconsin: A Seven Year Report

Cliff F. Thompson

Dean of the Law School 1983-1990

This report is written in 1991 at a distance from Wisconsin, during my first sabbatical leave in 30 years, a heady experience. Nevertheless, my impressions of the previous seven years remain clear.

The state of the Law School is excellent and capable of becoming superior. There is a new momentum and a potential for further acceleration.

In addition to a strong traditional curriculum, we have clinical opportunities among the very best in the nation, a law-in-action orientation pioneered here by a faculty dedicated to staying on the cutting edge of law and legal education. Our highly qualified students find good placements and achieve community recognition in Wisconsin and around the world. In 1990 we had a record-high application rate of 10 persons for each one of the 285 places in the first-year class.

Contemplating our present vitality and our potential for further advances, I feel entirely confident. The selection by the Law School and University of an outstanding new dean, Dan Bernstine, reaffirms my certainty.

This is not, however, a report which will concentrate on the state of the Law School or on a comprehensive description of current strengths and future needs.

My emphasis will be to look at what changed in the seven years from 1983 to 1990. I am reporting primarily to our alums, who have a general and not a day to day knowledge of the school. Consequently, some important changes which I reckon are well known can be covered briefly; less important but notable developments may require a few more words.

The progress of the Law School during the years I was honored to serve as dean was a collective achievement. Faculty, staff, students, university officials, alumni, legislators, and many other friends contributed. The individual achievements of faculty and staff in teaching, scholarship, and service are not memorialized here, yet they are an essential core of the advances of the Law School from 1983 to 1990.

For all of you, my heartfelt thanks. For



three of my colleagues, an additional confession of appreciation: without Bill Foster, I would not have been here; without Gerry Thain as Associate Dean, the weeks would have been harder and the days less pleasant; and without Gail Holmes, with more than a quarter of a century of institutional memory and experience, much of the following would not have got done.

My overriding goal for the Law School was a simple one I absorbed as a youth in the Scouting movement. "Leave the campground better than you found it." We did that.

Faculty and Staff:

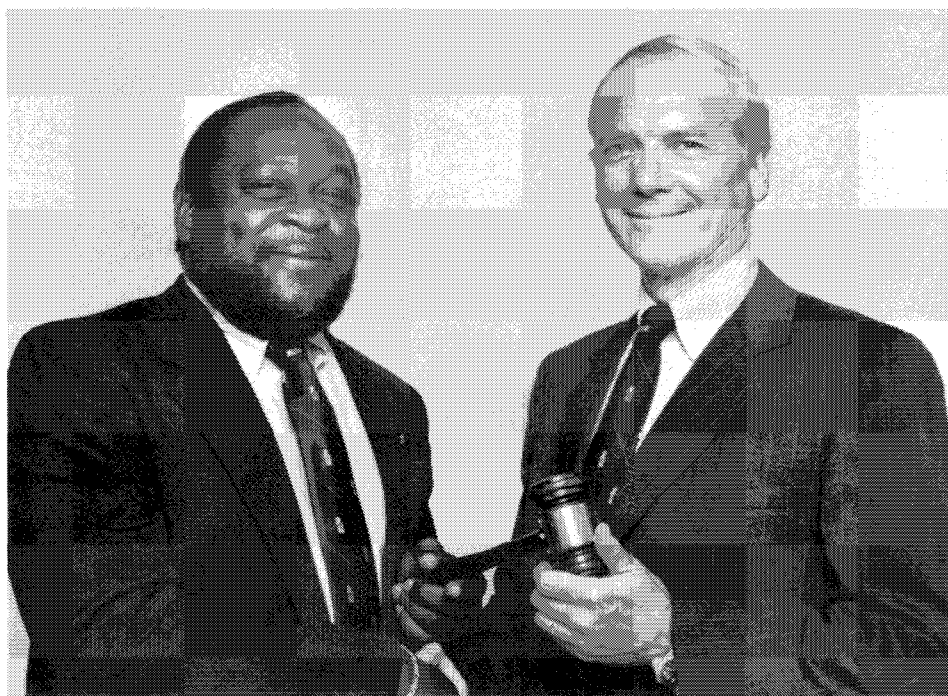
We were joined by excellent new people, with particular progress in the recruitment of women and minorities. With the financial assistance of Chancellor Donna Shalala, and drawing on our long sustained contacts, we were able in one year to attract four minority professors of outstanding qualifications. As a result, we received in 1989 the Society of American Law Teacher's Award, presented annually to a U.S. law school for special achievement.

The superb quality of our faculty is reflected by those who received tenure appointments during the seven years: Professors Ann Althouse, Carin Clauss, Ken Davis, Richard Delgado, Linda Greene, Blair Kauffman, Lynn LoPucki, Tom Palay, Joel Rogers, Rennard Strickland, and Patricia Williams.

Substantial Increases in Public and Private Funding:

Public Funding:

- Faculty compensation moved from the bottom of the Big Ten and from 92d among accredited law schools to nearer the middle of the Big Ten and jumped nearly 60 places among all law schools. Although the salary situation in the state is a never-ending struggle, we were all gratified by this tremendous restoration.
- The salary "catch-up" distributions by both Chancellor Irv Shain and Chancellor Donna Shalala were more than our proportionate share of the legislative appropriations, in recognition of our position in relation to our law school peers. This is an important principle, because the university had a long tradi-



Old greets new: Dean Daniel O. Bernstine and former Dean Cliff F. Thompson.

tion of pegging the Law School at a level measured by the average of the university as a whole. This tradition, when the long process for determining catch-up began, was the alarming presumption. We are deeply grateful to both Chancellors for their support in recognizing our needs in the competitive market.

- The budget of the Law Library increased by \$420,000 beginning in 1989-90. This extraordinary annual increment is a permanent change, which would not have been possible without what university officials considered a miracle—the student body voted 309-302 to support a tuition increase for themselves (the SBA officers then supported it 15-2).

About half of the \$420,000 comes from the law students added tuition. The other half is an allocation by Chancellor Shalala in support of the Law School's success in negotiating the change. Our efforts to persuade the students had not been able to include the argument that there was a potential match from the Chancellor since the university's overall budget situation was too unsettled before the vote. The final result was a welcome surprise to them.

The plan for the allocation of the new money is primarily the responsibility of our marvelous new Law Librarian, Blair Kauffman, whose help was indispensable in getting the increase.

- The unpleasant budgetary change in the seven years was the general appropriation decrease in 1986-7 of all departments by a proportionally equivalent amount. Our lost share was approximately \$110,000. We do not have that kind of fat. It would have been necessary to take the first slices from our programs which are not protected by continuing contracts, such as practitioner Lecturers and student research grants. After notice, the next in peril were those on short-term contracts such as legal writing instructors and clinical staff. All of the potential cuts I have named are muscle and not fat. Nevertheless, the Law School went through torturous meetings in the Spring of 1986 to decide where the axe might fall.

The cheerful news is that we did not have to make the cuts. The reasons are complicated, but essentially involved achieving an increase in the number of persons on funded leave from outside sources (the "leave balance") and a supportive university administration in the one year we didn't. The university's new budget officer began work on creating a pool of funds to regularize the resource variances which affect many UW departments due to the long-term reliance on leaves as part of the budget planning process.

- In addition to the immense increases noted above and the avoidance of the consequences of the one negative change, there have been other helpful

increases to our base budget: both my salary and that of the new dean were added to our budget; the university made an additional annual commitment to our Legal Education Opportunity (LEO) program of \$80,000; and the Public Defender Office increased the support to our Legal Defense Project clinic by \$40,000.

Private Funding:

- A capital endowment campaign, the first in the history of the Law School, aimed at \$3 million and achieved more than \$7 million.
- Annual giving to the Law School, separate from the endowment campaign, quadrupled in seven years, from under \$60,000 to over \$250,000 each year.
- Special thanks are due to Dean Orrin Helstad, Irv Charne, Esq. and his teams of alumni volunteers for the endowment campaign, our Wisconsin Law Alumni Association (WLAA), and UW Foundation Vice President Dave Utley.

Some Benefits of Increased Funding

- Overall, the increase in state funding brought us closer to having a solid budgetary core required of a leading law school, and the dramatic increase in private funding allows a margin of excellence in many projects.
- Named Professorships. In 1983 there were four; in the seven years we added 11, all of them awarded on the basis of exemplary records in publication, teaching, and service, with an emphasis on research in nine, and on teaching in two. In 1990, at least ten named professorships were additionally available for awards. My own feeling was that a substantial number of them should go to a general pool for competitive awards in support of faculty projects, but I left this important option to the new dean to work out with the faculty.
- New Faculty Policy permitting the possibility of a counteroffer to our faculty who have exceptional offers from other law schools. Unlike other leading departments at the UW, the Law School did not respond to the competition. As a matter of new faculty policy, the dean now has this capacity. This new policy has been successful in parrying attractive offers from Columbia, Pennsylvania, and UCLA, and "superstar" offers from Miami and Connecticut. Obviously, the application of this policy requires delicate handling, and there are negative features, but overall it has been extremely effective in helping us to keep outstanding colleagues who have caught the eye of other top schools.

Without the state's increased "catchup" salaries for all faculty and the added benefits brought by the new private funds, I would not have (probably, could not have) begun the political process to get the new policy which I felt crucial to the future health of the school. The new funding brought respectable levels of support to all faculty, making it easier to contemplate additional support for some, and, of course, the funding made possible counteroffer packages (which have been modest but successful). The new funding has also made possible equitable adjustments and assistance to other faculty.

- **Rational Planning.** Following the budgetary cuts throughout the university in 1986, described above, I received the support of the WLAA to accumulate some of the annual giving to build up a cushion of approximately \$300,000. This was then available to use in the eventuality of an insufficient "leave balance," especially if such a problem occurred two years running. As previously noted, it was fortunately not necessary to use it because of university support. But the existence of the cushion allowed rational planning while negotiations continued with the university.

When the university has fully implemented a pool to handle the potential swings of the general leave balance within all departments, the cushion will be released for more specific benefits within the Law School. Clearly, this is the more desirable use of such funds. But their assignment as a potential expedient allowed rational planning within the school, and avoided massive morale problems. It should be noted that a number of leading schools have had to use annual private giving to smooth over aberrations in state funding, a good example being Michigan during the worst of the "rust belt" years.

Random Additional Examples of Benefits of Increased Funding

You can get some sense of the impact of increased public and private funding by imagining the difference between being in a strange town with credit card and cash in hand, and being without. With resources, you have not only security, but the opportunity to take initiatives and seize advantageous opportunities. Here are some examples:

- Tripling of summer research grants, from about three annually to nine, which are used for the development of new teaching materials, scholarly publications, and other projects, such as films;

My overriding goal for the Law School was a simple one I absorbed as a youth in the Scout-ing movement. "Leave the camp-ground better than you found it." We did that.

- Seed money and core support for programs which are intellectually exciting and attract large outside grants—support for the Institute for Legal Studies and the East Asian Legal Studies Center comes immediately to mind;
- Even modest funding permits important curricular additions—the faculty and student exchange established with the law school at Giessen University in Germany is a good example;
- Receptions for new students, visiting dignitaries, et al, and a general ability to host important occasions more gracefully (the Judicial College was happy that we were able to do something better than wieners and beans);
- Supplements to faculty for professional travel and computers for all the secretarial staff and the faculty;
- Functionally and aesthetically improved conditions in the building, as in the main secretarial area and the entrance to the Law Library;
- Newly endowed public lectures, such as the Fairchild Lectureship, and the opportunity for significant conferences, such as the Civil Rights Conference.

A Full-time Development Officer

In close consultation with the WLAA, we hired Mr. Christopher Richards in 1989. Although the UW Foundation loaned us the invaluable services of Dave Utey during our first endowment campaign, we were then faced by a circular trap in the effort to increase our annual giving—it takes a development officer to fulfill your potential, but until you can increase gifts to cover the person's salary, the job is mainly left to the dean.

Two of our models were UCLA and Minnesota, because they are similar in many ways but ahead of us in fund raising. Both of their deans reckon that they should be spending half-time on fund raising, but to be effective, a full-time development officer is essential. We are finally at that stage. Chris Richards is a splendid colleague.

Progress Toward the Building Addition and Renovation

Regular readers of the Gargoyle in the

past few years will be familiar with this saga, which I will outline.

The Need

The core of the school was built in 1963 for 650 students and we have had 900 for some years. We responded to the immense demand for admissions in the late '60s and early '70s, and then capped enrollment some 15 years ago. We handled the space squeeze by taking rooms intended for the expansion of the law library, but we've run out of rooms.

It is also important to move the Continuing Legal Education program into the building, and to provide more opportunity for small groups and technological innovations, especially computerized work stations in the library.

In 1989, a new need arose. The plans for the new Business School building require the destruction of the old crime lab, located on University Avenue near the Law School, which has housed two of our clinical programs, Legal Assistance to Institutionalized Persons (LAIP) and the Legal Defense Project (LDP). We must provide space for the clinics within the new building plans for the Law School.

When I was the law dean in Ethiopia, I used to urge faculty to think about the quality of our program "even if we were under a tree," because in fact we were lodged in one of the Emperor's former palaces. In Wisconsin, it is clear, in contrast, that our cramped residence is a severe handicap to the fulfillment of our program.

The Plan

Early designs intruded excessively into the green lawns of Bascom Mall. The first version of the "Atrium plan" in 1985 solved that problem, and a brilliant revision by the University's Building and Planning Office in 1989 made virtually everyone content. One potential glitch was the possibility that the faculty would not be united behind a proposal, since so many dream alternatives are imaginable for what you don't have. Sporadic dreams influenced by the Taj Mahal threatened progress toward approval of anything. We canvassed this issue three times, in 1984, and twice in 1989, affirming support each time for the Atrium building addition. The revised design of 1989 undoubtedly helped make the final approval the most enthusiastic.

The Progress

In a democratic public university, getting a favorable decision on a major item requires progress through a long labyrinth. The path has sign posts which can obscure the political maneuvering required between them. We have been on the track to a building addition for



Two-term WLAA Pres. Jeff Bartell chairs a board meeting at the Law School.

more than a decade. I am gratified that we succeeded for the first time in getting our plan onto the Campus Planning Committee's list for the 1987-89 biennium.

For 1989-91, we reached the top priority list of ten, subsequently approved by both the Chancellor and the President, but the state's approval for construction cut the list well above us. For 1991-93, we are again on the top priority list, with the significant advance being the Chancellor's special request for \$550,000 in planning money for our building in 1991-93. Given the number of big ticket items which have been approved for years but unfunded, and the limitations on the state's construction budget, the planning money could be an important toe hold in the climb.

Pessimists (they would say realists) within the school and university estimate completed construction to be ten or more years away. Optimists (I am one) estimate four to seven years. In either event, we have clearly accelerated, with approval within the university well established, and with an excellent conception of what we need.

One of the reasons I am optimistic is that the new need to provide permanent housing for the LAIP and LDP clinics bolsters our claim to high priority and intensifies the support for it.

While moving toward a major building renovation, we have taken several steps to make our building more efficient and pleasant. State funds have provided substantial compact shelving for the basement areas of the library, and state and private funds have allowed us to reorganize several large areas based on an assessment of actual use.

I believe the building program has to

be one of the school's highest priorities and I acted on that conviction. From that perspective, I know that John Kidwell, who deserves repeated thanks for many institutional services, merits an exceptional commendation for his success as Chair of the Law School's Building Committee.

Law School Self-Study

A continuous self-study, a requirement of the ABA, is an important aspiration of a school determined to have a leading role in legal education. A vision for the future must be settled and yet remain flexible enough to adjust to unforeseen changes.

In the 1988-90, we sharpened our efforts. Following the preparation of the "Future Committee's Report" and written responses by the Wisconsin Law Alumni Association, there was a systematic budget review in 1989, which utilized the expertise of Mr. John Torphy, who later became the chief budget officer for the university.

We then held a one day mini-retreat at the end of February in 1990 to focus on three major subjects, including the design of a curriculum for the 21st Century. This conference was attended by faculty, teaching staff, and representatives of the students and alumni. There was a strong consensus that the meeting was quite successful, and it formed the basis for continuing work.

The goal is to complete the concentrated effort before the next sabbatical visit of the ABA in 1992. The first steps have been valuable. Our meetings sparkle with new ideas each speaker is sure others will embrace, but discussion clarifies that many of the ideas are in compe-

tion or contradictory. Priorities are being decided for programs as well as portions of the budget. When strategies are agreed upon, they must be reduced to specific answers to the question, "What happens next and who agrees to do it?"

My confident impression based upon our communal effort to date is that we will accelerate as leaders in legal education in the transition to the new century, by agreeing on significant choices and by enlisting a sufficient number of colleagues to make them reality.

Full ABA Accreditation

As of November, 1989, the Law School for the first time in about three decades was continued on the list of ABA approved schools without the need to make any kind of report until the next regularly schedule site evaluation in 1992. This pleasing situation is the result of the substantial increases in our salary structure and in our law library budget, and the provision for additional space for the library collection while progress is being achieved toward the essential building addition.

There is no reason for undue alarm about the past or for complacency about the future. Many excellent schools go through periods when some part of their programs fail to meet the ABA Standards, and the ABA Accreditation Committee retains contact until repairs are completed.

The attempt to use the ABA card to win a quick hand in the high stakes competition for resources within the university can be counterproductive, and result in bad publicity which exaggerates the actual problem, as this school discovered a couple of decades ago.

The ABA Standards are a major cause of the generally high level of legal education throughout the USA, and the accreditation committee is patient in the process of getting compliance from a school. The vicissitudes of our funding over a period of thirty years may at some point have tested the committee's forbearance, so it is good to be back on square one.

A Pause for a Personal Reflection (And Aloha)

The Law School is poised for new levels of progress. In terms of resource development, we were in the Fall of 1990 entering the final phase of our building renovation plan and beginning our second major endowment campaign, which will later merge with the building effort. These two tasks are crucial for the proper entry of the school into the 21st Century.

All experience demonstrates they are necessarily a consuming hands-on responsibility of the dean, whatever else may be undertaken. They will take five to seven (plus) years. It seemed to me it was a propitious time for new blood. I could imagine after seven years in Wisconsin and nearly 18 of the past 20 years deaning that I could continue with sufficient vigor for three more years, making it a decade at the UW. But that would have put us in the middle of those two critical campaigns, and a terrible time to change horses. I feel even better about my decision now that Dean Dan Bernstein is on board. And I look forward to being a regular member of the Faculty.

Additional Developments (Other Changes Which Were Also Causes)

I began this summary of progress from 1983 to 1990 with an emphasis on resources, because their increase is the most dramatic change in seven years, and without them, many other changes would simply have been impossible.

What is done with resources, however, is what really concerns us. And there are many exciting changes which take only imagination and persuasion.

The following items provide additional examples of institutional progress. As with items already noted, they are randomly ordered. Their cumulative effect is what is important. Indeed, many of the developments already described could not have been accomplished without the simultaneous occurrence of much of what follows. You can examine the weave of the fabric without worrying about which thread got into it first.

The Wisconsin Law Alumni Association (WLAA): An Expanded and Enhanced Role

- More members selected from around the nation for both the Board of Directors and the Board of Visitors;
- We focused the annual visits by the WLAA on major topics, such as faculty compensation, the Law Library, the state of the physical plant, and the Law School self-study;
- In areas where the WLAA acquired expertise, increased advocacy on behalf of the school within and outside the university. You will recognize the correlation between these subjects and major areas of our progress;
- Two-year terms for the President of WLAA; this is not institutionalized, and possibly cannot be because of the heavy demands of this pro bono office, but the superb contributions of the



most recent presidents, Joel Haber, Esq., of Chicago (our first out-of-state President) and Jeff Bartell, Esq., of Madison, who each agreed to serve an additional one-year term, clearly showed the heightened value of the continuity.

The increased activity of WLAA did not disturb the delicate balance needed between the representative graduates and the faculty, for which both groups deserve praise. There are many deans who feel that their job is to make sure that the two groups never meet, except socially. The mix is volatile and explosions are surely possible. But the combination can be rewarding when the alums accept that the faculty, by tradition and ABA Standards, ultimately decides policy, and the faculty understands that the alums are valuable for their collegial advice and not merely their gifts and public support. Congenial conversation about this combination was time well spent.

We tripled the number of Law School events for alumni within the state. Stuart Gullickson and Orrin Helstad of the faculty were virtually indispensable at these meetings. We also established regular contacts around the country where they had been irregular or nonexistent. Assistant Dean Ed Reisner and Development Officer Chris Richards organized these with the help of local alumni in Washington, D.C., which was the first to get settled, and in Los Angeles, San Francisco, Arizona, Chicago, Boston, and New York City.

The Gargoyle: New Form and Substance

Everyone seemed to agree that our quarterly publication for alums and other friends needed to be more interesting and more attractive. Many of you contacted us to say that we succeeded. By the good offices of Bill Foster, who wrenched everything to a new plateau, and by the addition of talented student writers, the changes in form and substance required virtually no new monies. Editor Ed Reisner greatly aided the effort by computerizing the publication process. An increase in annual funding will allow further professionalization.

Contacts with the State Bar, Judiciary, and Other Wisconsin Legal Institutions

The well established links were kept strong and modestly increased. About 20% of the faculty participated actively in State Bar projects, and at least 30% gave significant time outside of the classroom to state legal institutions. These included Gordon Baldwin, Dan Bernstein, Ken Davis, Walter Dickey, Herman Goldstein, Stuart Gullickson, Orrin Helstad, John Kidwell, Ed Reisner, Frank Remington, Dave Schultz, Gerry Thain, Frank Tuerkheimer, and Bill Whitford. We were also proud to have Shirley Abrahamson on leave as a member of the Wisconsin Supreme Court. Personally, what I learned at the State Bar Board of Governors meetings was so useful, in surround-



Dean Helstad, Dean Thompson and WLAA President Joel Haber at General Practice Course Appreciation dinner in Stevens Point.

ings so cordial, that for the first time I found merit in aspirations toward perfect attendance in an organization.

• • •

There has been an exhilarating increase in academic programs and projects:

The Institute for Legal Studies

Over a period of years, Professor David Trubek had developed the vision of a research institute which would link team projects in the most challenging areas of legal thinking, with both theoretical and practical consequences. Teams were formed and members were enthusiastically at work. All that remained was for the faculty as a whole to be persuaded to give approval and sufficient core funding. The faculty gave the go-ahead in 1984, and granted permanent status to the Institute in 1988.

The Institute's performance has been as outstanding as its conception. It is an international leader in blending elements of law and society studies, sociology, history, critical legal studies, and feminist theory. A typical project is an investigation and analysis of the startling growth in the size of law firms, a phenomenon bewildering to those causing it. The leader of that project is Professor Marc Galanter, who became Director of the Institute in 1990 when Professor Trubek became UW's Dean of International Programs. You should turn to the Institute's catalogues and publications for a proper guide to the remarkable work being

done. A final point, however, allows here a brief summary of the Institute's quality:

"Center for Excellence"—both the UW-Madison and the UW System designated the Institute as one of the few interdisciplinary programs in the state to receive this honor.

• • •

Several other developments underline our multi- and interdisciplinary tradition:

Revival of the Law and Medicine Program

In the early 1980s, we lost the faculty member who was concentrating on law and medicine. By inventive financing, characteristic of many of our recruitment efforts, and by close cooperation with the Medical School, we revived the program with two joint appointments. Professors Alta Charo and Alan Weisbard give the UW Madison the potential to be preeminent in one of the fastest changing areas of the law.

Other Joint Appointments

Our strong ties with Sociology were reinforced when Professor Joel Rogers, who was being courted by many schools, accepted a joint appointment, his primary residency being with the Law School.

The Faculty also recognized by honorary appointments the long connection and important contributions to interdisciplinary legal scholarship by three UW

colleagues: Professors Joel Grossman (Political Science), Stanley Kutler (History), and Jack Ladinsky (Sociology).

Initiation of Joint Degree Programs

The most important step was the Law School's creation in 1984 of a framework to accommodate any joint program which interested faculty might wish to begin. Those now established are with: Library and Information Services (1986), Philosophy (1986), Ibero-American Studies (1987), and the MBA program in the Business School (1989). Many more are likely in the years ahead.

Involvement in Undergraduate Courses

Memory has it that the Law School used to offer undergraduate courses, but no one remembers when. There is increased enthusiasm for faculty participation in the undergraduate program. In the past three years, faculty taught two different undergraduate courses, one of them a team effort involving six of our professors. Students gave both courses high ratings. We are pleased to be reaching undergraduates, while also helping the Chancellor to fulfill her commitment to strengthen UW's undergraduate curriculum.

• • •

Some new programs anticipate or reflect the growing reality of One World:

The East Asian Legal Studies Center

In 1989, the school and the university approved its creation, with core financial support in the first instance for four years. Under the leadership of Professor Chuck Irish, the founder, the Center will engage in research projects and in training programs for advanced level Asian legal scholars, lawyers, and government officials.

The Wisconsin International Law Program

A summer program independently organized by five members of the faculty, it had a modest beginning in 1984 with a handful of foreign students and practitioners interested in an orientation to US law. The program was so good that it quickly grew to about 60 persons, which is considered the optimum limit.

Exchange Program with Giessen University, Germany

Professor Larry Church created this program. He received faculty approval in 1985 for a trial exchange, which was given continuing support from 1988 onwards. Two German professors teach (in English) courses each Fall in Madison, and two of our professors teach (yes, in English) courses each summer in Germany. On both sides, the teachers and students have been enthusiastic.

Lawyers from the People's Republic of China

We have long had visiting scholars and graduate students from around the world, but not from the PRC. With the assistance of Columbia University's project funded by the Ford Foundation, we began in 1984 to have one or two graduate students or visiting scholars each year from mainland China, who have further enriched our community.

In 1990, Columbia began to organize a similar program for law teachers in African nations where the rule of law remains viable, but badly in need of support. We were asked to join a planning group with representative from Harvard, Yale, and Michigan.

• • •

A number of new programs begun in the past seven years have a special emphasis on student leadership or participation:

The Wisconsin International Law Journal

The school's first new journal since the Wisconsin Law Review, WILJ now has such strong reader interest that its editors would like to persuade the faculty to approve a second issue each year.

The Women's Law Journal

More recently established, the annual issue is an important contribution to the reassessment of the role of gender in law and other institutions.

The Multi-Cultural Journal

Approved by the faculty for a trial run, the journal would emphasize the role of law in the unfinished struggle for justice as cultural groups seek a rightful place in the national order.

The Moot Court Board

Students now have responsibility, includ-



ing a budget, for the organization and selection of teams for interschool competitions, which have mushroomed in recent years. There is a faculty advisor and many from the school and local lawyers help with judging, but it seemed important to give students the experience in professional management, just as we do with the law journals. Last year, our students won the Products Liability National Moot Court Competition.

Lexis and Westlaw Training

The Law Library introduced instruction for all students in both systems of computerized retrieval of legal materials, an increasingly important, if not essential, research tool. This was done before the annual increase to the library of \$420,000, which will bring additional electronic wonders.

• • •

Additional Strengthening of Academic Programs and Professional Standards

Integration of Continuing Legal Education (CLE) into the Law School

CLE had been part of the UW System's Extension Division, coordinating closely with the Law School. The achievement of full integration eliminated confusion and the doubling of bureaucratic chores, and enhanced the opportunities for the involvement of all faculty and staff in outreach activities. Director Dave Schultz is now a tenured professor and a voting member in the Law School. The next vital step will be the physical integration of the program into the school, which is part of the building addition plan.

Admissions Policy

After prolonged study, the faculty and the WLAA agreed that the Admissions Committee should have the authority to move flexibly between 80% to 70% as the

target for Wisconsin residents, rather than being held rigidly to 80%. This retains our primary responsibility to the state while at the same time recognizing our role as a leading law school. One factor was the value of geographic distribution in the learning process within the Law School; another was the exceptionally narrow definition of "resident" which excludes many who hold undergraduate degrees from Madison or elsewhere in the UW System.

Additional Hastie Fellowships

The Hastie Fellowship was Professor Jim Jones' brilliant idea for increasing the number of minority law teachers in the USA, inaugurated by the school over 15 years ago. Many of its alums are now productive professors. Their success has helped to open doors a little wider, and other schools are belatedly complimenting us by adopting similar programs. In response to the new opportunities and the welcome competition, we added to the stipend and added another Fellowship.

The Legal Defense Project & The General Practice Course

Both the LDP Clinic and the General Practice Course went through important transitions. Their founders and longtime leaders moved to new activities or retired. Many persons, mostly from outside the school, expressed the fear that the programs' resources would be moved away from practical skills education.

The faculty confounded such apprehensions by reaffirming and strengthening both programs. We assessed LDP in 1983-85, which resulted in a doubling of support by the State's Public Defender office in order to match our own contribution.

Last year, the discussions about the GPC led to the formation of a faculty committee to suggest ways of more closely integrating it with other courses and to the hiring of an experienced law-

yer, Ralph Cagle, to make sure that the idea pioneered nationally by Professor Stu Gullickson will remain in the forefront of simulated practice courses.

The Center for Public Representation

The Law School increased the core support for our clinical program in the CPR, an independent organization which remains under the dynamic leadership of founding Director Louise Trubek.

Clinical Teaching Staff Terms of Service

The valuable contribution of the clinical teaching staff required commensurate adjustments in their terms of service. We settled new job titles, standards of appointment and promotion for all staff, and conditions for indefinite appointments, similar to tenure, for directors. The discussions leading to these decisions extended over the past five years, reflecting the complexity of the financial and governance issues. The discussions are not complete and will not be easy, but there is a consensus that the good health of the school requires their resolution.

Professional Standards

Many changes were quite routine, involving such matters as the number of credit hours for a particular course. Nevertheless, a seven-year purposeful sequence of small changes, e.g., rules about "incomplete" grades, effectively tightened academic standards for students.

A faculty-student committee with a mandate to consider "all matters regarding grading policies" also succeeded during 1984-86 in several reforms. This will not, of course, end fascination with the topic, which recurs as regularly and is greeted with the same excitement as eclipses of the moon. One reform appropriately included faculty:

- Grading Policy for Teachers: all blue books must be graded within one month of the final exam. Unlike professors in most departments in the university, our teachers grade their own exams and do not have teaching assistants do it. We added to this important responsibility the duty of timely completion. Compliance has been excellent; where it was lacking, the response has been sympathy and encouragement to the teacher, followed, if necessary, by warning and salary reduction.

We also revised the policy covering the hiring of outside Lecturers, who provide vital coverage of many upper-level specialty subjects in our curriculum, and we included a provision to ensure a link between each Lecturer and a member of

the full-time faculty active in the same area of the law.

"Traditional" Law School Activities

Because of our law-in-action tradition and our extensive international linkages, we have symposiums, conferences, and a stream of visitors which are unusual or nonexistent in many law schools. Our distinctive nature was not diluted but augmented by the introduction of some more "traditional" activities; for example:

- Visits by ABA Presidents Eugene Thomas and Stanley Chauvin, Jr.;
- Successful Honorary Degree nominations for Professor Eleanor Holmes Norton and Federal Judge Barbara Crabb;
- High profile lecture series, including a restructuring of the Dean Oliver Rundell Lectures, and the opening of the Ralph M. Hoyt series in property law, and the Fairchild Lectureship, which began with Supreme Court Justice John Paul Stevens.

Governance Within the Law School

Faculty members discuss and decide any important issue. Traditionally, they have delegated salary setting to the dean. To get advice on compensation decisions and to make faculty governance more effective, I sought faculty support for a series of modifications in our Academic

To anticipate and to avoid snares and thus to ensure our freedom to achieve new ideas was consequently a portion of the daily agenda. To all those who helped—thank you again.

Planning Council, a statutory body of four faculty members and the dean. The APC changed, therefore, so that it now has directly elected members serving overlapping three-year terms. The recommendations by the members of the APC on the catch-up salary packages and on annual merit awards were admirably conscientious, and discussions with them provided useful advice.

The APC's careful consideration on other complicated problems made the final faculty deliberations more efficient. Issues could be filtered by the clarification of complexities and the identification of options. Examples:

- "Full-time Faculty" Policy—the issue

was whether restrictions should apply to outside activities beyond those required by legislative and university policy, and beyond the fact that salary awards are made competitively based on teaching, research, and public service. Faculty have many opportunities for outside activities, ranging from gardening to profitable consultations. Some faculty took particular objection to anyone becoming "of counsel" with a law firm; three of our members had such affiliations. Many leading schools have a much higher percent of its faculty so engaged, and regard it as an effective way to ensure that the participant keeps current for the classroom. The opposing view is that the arrangements preclude the maximum fulfillment of our missions of teaching, service, and, especially, scholarly publication.

The views within the school ranged from the belief that the issue was so explosive that it ought not to be discussed, to the conviction that an immediate ban was essential. The APC was itself deeply divided on the substantive questions. But a couple of months of discussion by its members allowed them to usefully define the issues for a sequence of three meetings for the entire faculty. A consensus of the faculty did emerge: no new restrictions were enacted; affiliations such as "of counsel" would be allowed, but on a carefully restricted basis. Such a person would be expected to remain a fully productive colleague within the school; anyone who entered such a relationship would do so only in an area of special expertise, which would normally take more than a decade to develop.

- The reaffirmation of the Legal Defense Project, which was the first controversial issue in which I involved the APC members, was helpful in focusing faculty discussion;
- The adoption of the faculty policy to allow the possibility of a counter-offer to persons courted by other schools, which was discussed above. This was the only major change in the school, which I introduced without the initial approval of the faculty. Before implementing the policy, I did get the prior approval of the APC in a series of discussions extending over a semester. Those conversations were helpful for all of us. It was clear that the old practice of no counteroffers was so ingrained that a change would require not only better compensation for all of the faculty (which we got) but also a track record (the new policy would either work or it wouldn't—it did work), followed by faculty discussion

only when no particular faculty member's retention was being considered. The final step was completed in 1989.

In other ways we improved the committee structure: for example, by beginning the annual appointment process for the next academic year in May rather than in September in order to get a faster start in the Fall; by reducing the membership of some ornately large committees; and by having longer continuity of membership where institutional goals might otherwise be hurt (rigidly requiring annual changes slows the ball's movement or, worse, the ball gets dropped).

Community & Communication in the Law School

The energetic rivalry within the school made some outsiders conclude that we must be divided into warring camps. This is not so because our members are basically fair-minded and never (well, hardly ever) skew policy differences into personality clashes.

Progress with peace is everyone's job. Virtually everyone, including the dean, has an open door (or an unlocked one). We work at learning more about each other's work, and come to value it, for itself, and for what it contributes to our communal strength. Everybody is entitled to think no one else is doing anything quite so valuable, so long as it is understood that the support we get and the recognition we receive depends on the collective record.

We look for new ways to reinforce concretely that general attitude. Some ideas don't work. One personal disappointment was the inability to establish a time each day when a fair portion of the faculty would show up for informal discussion, a universal practice of the common law world outside of the US, and of a few schools within.

But new symbols or events, with

many authors, have been helpful in strengthening our communications and sense of community:

- An Opening Convocation for new students and their families, where faculty members introduce themselves and one of them or a distinguished alum speaks (off to a wonderful start featuring Professor Willard Hurst in 1985);
- Gargoyle, the mysterious protector of our fortunes in multiple reincarnations: As earlier described, there is a finer publication in its name. Its image has multiplied and is now found on the "old school tie" (undoubtedly the most popular innovation with alums, and with a surprising number of our teachers) and on scarves, coffee cups, and lapel pins;
- "Law-in-Action" as the unifying description of the distinctive orientation of the Law School, signalling that law on the books provides an insufficient approach to reform or research. The orientation is not new, but we are now more likely to talk about law-in-action and less likely to use a variety of different phrases (such as "Law and . . ." for interdisciplinary studies) which by their multiplicity masked the common core in projects as diverse as reform of jury instructions and research into the alleged litigation explosion;
- Work-in-Progress Seminars at least twice monthly in term (organized by Bill Whitford); and a weekly faculty-staff lunch table in the summer at the University Club;
- Annual Reports by faculty and staff, in a new format, and circulated to each other;
- Monthly Newsletters (Assistant Dean Joan Rundle); Monthly Calendars, with attractive graphics (Lynda Hicks); Cliff's Notes (background information from this dean);
- Display areas: glass cabinet for current

research publications in the main entry hall; "Hot" board for items of special faculty interest; and the Dean's Corner, featuring news items about alums, faculty and students "no bureaucratic notices;"

- Deans' Breakfast Club, which was not a club and did not provide much of a breakfast: Associate Dean Gerry Thain and I would meet early two or three times a week with a small number of students randomly selected (or who had responded to the general invitation). Over orange juice, coffee and rolls, we'd get acquainted, with no agenda other than eventually asking what they'd really liked or disliked about the school.

A Final Thought on the Invisible (and in Conclusion)

At the end of the day, colleagues and students who rose to new levels of achievement, and our collective changes for the better, were the most gratifying elements of being dean.

Before stopping, however, I'd like to note an invisible partner of progress: the absence of things going wrong. Law schools, like any institution, are vulnerable to a life of befuddling snafus and crises. Examples would be a university's final denial of a tenure recommendation made by the school or an explosion within the faculty, alumni or students arising from a previously undetected grievance.

Of the hundreds of unseemly events foreseen, only a handful in the end required special effort by colleagues or myself. But the overall endeavor was not insignificant. To anticipate and to avoid snares and thus to ensure our freedom to achieve new ideas was consequently a portion of the daily agenda. To all those who helped—thank you again.

Volunteerism and the Law

Rodney O. Kittelsen ('40)

I wish to thank the Dean for inviting me to speak to you this evening. It is a great honor to be invited to appear before this assemblage of giants in the legal profession, and it is particularly gratifying to know that I am appearing before the staunchest supporters of our law school over the years.

I appreciated some of the nice things the Dean said. It was much better commentary than I am used to. As a matter of fact, some of my introductions have been real bad. I can remember one introduction that was so bad the only thing I could think of when I got up to speak was to give a toast. I toasted the person who introduced me as follows: If in heaven we do not meet, I'll bang on the pipes and you send up heat.

The Dean did not assign a topic for this evening, and I wondered just what we should talk about and discuss. I thought of talking about some of the current issues of the day. One of the morning newspapers carried the headline, "In a Surprise Move Today, Bill Bailey Came Home." Or perhaps we could discuss some of the pressing social issues of the day. Such as, its now 8:57 P.M.—Do you know where your cat is? I discarded that idea and thought maybe we could talk about some of the burning legal issues of the moment, such as, Have you billed out 14 hours today before you came tonight?

Because the legal profession is one which generates a great amount of stress, I thought perhaps I could talk about the fact that in my advanced years, maybe I am suffering from "burnout." My wife immediately squelched this idea when she said, "How can you be burned out when you've never been lit?"

In desperation, I finally called the Dean and asked him what I should talk about. He said, "Well, talk about 20 minutes." He then mentioned that in Law School they grade all speakers. He warned me, however, that if I talk over fifteen minutes they will subtract three points a minute.

Then it hit me. This is a Benchers' meeting so why not talk about the Benchers. Benchers' involves giving and fund-raising as you know. I am very happy to see some of the people who are engaged in the fund-raising for the Law School here this evening. I see Ed Reisner and Chris Richards in the audience. I

don't know how many of you know Chris Richards. He is the young man who joined the Wisconsin Foundation a few years ago to raise money for our Law School. He is an extremely interesting young man. You may wonder how people get into the vocation of fund-raising. People are not born into fund-raising, nor is there a school that gives a degree in fund-raising.

Chris's story is an interesting one. He started out as a freshman in the University to be a pharmacist. At the end of his first year, he got a summer job working in an optometrist's office. The optometrist told him to sit over by the large framed object containing hundreds of eyeglass frames and sell them. Chris protested and said that he did not know anything about selling eyeglasses or eyeglass frames. The optometrist told him that he would instruct him in the way he should sell eyeglasses and frames. He told Chris to sit by the frames and when a person tried on an eyeglass frame, Chris should look at the person straight in the eye and point at him excitedly, then say, "That's you!" When the customer asked how much the frames were, Chris was to answer, "\$210.00," and if the customer did not flinch, he was to quickly add "For the frames only." Then, when the customer asked the cost of the lens, Chris was to say \$95.00 and if the customer again didn't flinch, he was to quickly add, "each."

Most of us here tonight have given to the Benchers' Society and some of us have done so for many years. Remembering when I first joined the Benchers' Society a number of years ago, I was merely told that the money was for "the Dean's Slush Fund." I notice up here at the Law School they do not refer to it as a Slush Fund. They use a more delicate term—a Discretionary Fund.

I asked Dean Bernstine just what discretionary purposes merited support. In response to my questions he gave me a long list of things that the money is used for, and while answering my questions, he only took the Fifth four times.

Some of the money goes for structural cosmetics for the Law School building itself. If you go down to the Library you will see a nice glass entrance with covered and concealed trash cans. If you will recall, you used to see two badly worn



wooden doors with two trash cans on the left as you came in and some other open shelving on the right. A little money from the Dean's Discretionary Fund and the entrance now has a very pleasant appearance. This no longer should be a complaint of the Accreditation Committee, as it was a few years ago, when they toured the building and rated our Law School.

I am told that some new wiring and seating arrangements have been made in the Library so that Laptop Computers can now be plugged into West Law and Lexis for use by the students. Other low-cost cosmetic improvements have been made from time to time throughout the Law School Building.

Certain special projects for the summer have been funded, which includes payment of funds to faculty for projects that would be over or be passed by the time the paperwork could be gotten through the State rules and regulations.

Lunches with the Dean, which may include visiting Professors or alumni or distinguished guests, have been provided from time to time.

The hiring of new faculty is an ongoing chore. Purchases of lunches and other minor amenities by the Dean often enhance our image and help secure the faculty members we want.

Some gifts are made to minority organizations to help sustain them and make them viable groups in recruiting and in providing needed services for minority persons. This work is vital if we are going to maintain our responsibility to society and to our profession.

I am told that a very small amount of money was provided for Reality Checkpoint—and the Door to Nowhere. I was not aware of this artistic creation and I had not seen it until recently. If this is new to the rest of you, I would suggest that the next time you are in the halls of the Law School, have someone point it out and take a look at it. I am told that the first computers were installed with discretionary money some years ago.

In all, I believe we generate some \$35,000.00 per year for the Dean's discretionary fund. This is a lot of money, and it ought to be more, but it is very valuable to a Dean who may want to help a needy and deserving student in times of an emergency, to help obtain a desired faculty member, to hold a working-project lunch for faculty members to critique faculty research or enable faculty to perform some function that is needed by the Law School, or in performing some cosmetic improvement to our law building itself, to maintain the structure in a neat and attractive appearance. As you know, the Law School is a part of the State, and under its complex rules, there is a necessity to obtain approval for a remodeling job. Pay for any of the things I have enumerated would take weeks or months to requisition through the State funding channels. Despite the fact that these projects are desirable by the Dean and by the Law School, many would not be approved or not be approved in time.

Most private corporations have such a fund, and I believe it is not only highly desirable but necessary that we continue to contribute to this which may enhance in some small way, the excellence of our Law School.

I recently read in the Wisconsin Alumni magazine in a headline entitled "Young Faculty Reflects Wisconsin's Tradition of Excellence." The article went on to state that one of UW-Madison's highest priorities has been to hire a shining array of teachers who are also standouts and who excel in their scholarly pursuits. The article later stated there were many stars of this new generation on the law school faculty. This should make us all feel good about our law school because the quality of the faculty is where excellence in the law school begins.

I thought back to my own law school days here at the University. I graduated in 1940 with the distinction of having been a classmate of the late and great

Dick Effland. I believe Dick had the third highest average in the entire history of the law school. I once saw his grade average and I thought that it was his body temperature. Dick Effland had a most distinguished career teaching at the law schools of Wisconsin and Arizona State University. He was the epitome of what a law school faculty member should be.

In my own law school days, I could only marvel at the large number of capable legal scholars who attempted to teach

We, as lawyers, are egotists and rugged individualists. This is fine for each of us, but it must lead to more than our own individual success. It must be channeled into a force insuring that our profession is one that uplifts and betters our society—the public.

us the law. At the time we sometimes poked fun of our teachers. I can remember some of us mimicked Ray Brown's high pitched voice as he taught real property. I can remember Professor Hall as having talked about "Those dingling-dangling uses" as he attempted to teach us trusts and future interests. I can remember the great lectures of Willard Hurst, Richard Campbell, Nate Feinsinger, and, as we affectionately called him, Herbie Page. It was many years before I fully realized the superior quality of the law school faculty who had been our instructors. Not only were they brilliant people who knew their subject in the law very well, but they had a great influence on the character of those who were in the classroom. Their teaching of the law also included the idea that there was a daily challenge to give a little of oneself and maybe to give some service to humanity without any immediate personal benefit.

We were told in many direct and subtle ways that the public needs lawyers who not only love the law but are also committed to the idea that the profession serves the needs of the public to whom we are responsible.

I believe it is more important than ever that we have a law school faculty which mirrors a well-rounded excellence. Such a requirement is now more important than ever because today's students are facing a completely new era in the practice of law. Looking back, it does not appear to me that the practice of law changed dramatically after my gradua-

tion for many years. However, a few years ago I heard about computers and then I heard about a FAX machine. We were told to subscribe to Lexis or West-Law as they would do most of our briefing and maybe supplant our library. As I watch these machines in my office, I have a feeling of uneasiness because I do not know what is coming next.

I am told there is a new communications technology coming along which will revolutionize our lives and also the practice of law. National or state boundaries will mean less and less as instantaneous worldwide communications networks, operated by private companies and individuals, become more pervasive and accessible.

For example, I am told that AT&T is developing a Smart Phone to be available in about three years, which bypasses the need for a computer terminal and a modem. It looks like a phone but has an LCD screen above the number pad. Anyone who has a phone line can plug it in. Combined with a supplier's interactive audio text, it will enable you to check your account balances, look up travel, catalog and reference information, and elect from countless other applications. Instead of having to go to a library, travel agent, bank or other service, you will be able to access information directly by using your telephone as if it were an extension to someone else's computer. It is said that this may make your computer and modem redundant. The database retrieval services available to lawyers are said to be unbelievable. Complaints, answers, briefs and other pleadings can be secured by any lawyer who subscribes to a service.

E.I.M. or Electronic Image Management provides a system where a scanner captures a digitized image page and stores it on a magnetic tape. Users can search this data base in the same way they search Lexis or Westlaw. The identified data can be read on a screen and printed out by a laser. Therefore, paper in a law office maybe largely unnecessary in the future. A few elderly judges may still require the filing of original documents using paper, however.

Does this mean that every lawyer in the country will have access to the same information almost immediately? What does this import for the future? Does this mean that there will only be a few large law firms or does this mean that an individual lawyer can get the same information and be as good as a large law firm with one-half of the large law firm's overhead cost per lawyer? Does this mean that no longer do the lawyers have to be close to the client, that the new technology can put them in immediate contact



as if they were both in the same room, though miles apart through photo-telephones? For the rural practitioner, does this mean that your competition is no longer across the street, it's just a phone call away? Because of the low overhead in Monroe, we may replace you large

firms in Milwaukee, Chicago, New York or San Francisco.

I cannot give you any specific answers tonight, but I can predict it is more important than ever that our law students be guided by a law school which continues in the forefront and upgrades our

great tradition of excellence in its faculty and its facilities.

We, as lawyers, are egotists and rugged individualists. This is fine for each of us, but it must lead to more than our own individual success. It must be channeled into a force insuring that our profession is one that uplifts and betters our society—the public.

There is no such thing as going it alone today—or is there? Each of us can do much for the public, but we can undoubtedly do it better in unison. If we channel our efforts together we can insure the future of our profession, a productive, viable, worthwhile and satisfying future.

We are here as members of the Benchers' Society tonight. Probably most of us joined because in some small way we felt it was "payback time." I believe it is, but it should be more than "payback time." It is a time when we can show whether we are going to be just video tigers or are we people who move our profession and make a difference.

There are many good causes—but tonight let us focus on our law school—may its faculty continue to teach our students, not merely to do right things, but to enjoy doing right things.

Our membership in the Benchers' Society can in a small way help continue and foster our law school's tradition of excellence.

The Old Law School Building: Memories of a Past Era

Liz Adams

[Editor's Note: As we eagerly look forward to the "1990's" addition to the Law building, many alumni still think of the Law School in terms of the building that stood on Bascom Hill from 1893 to 1961.

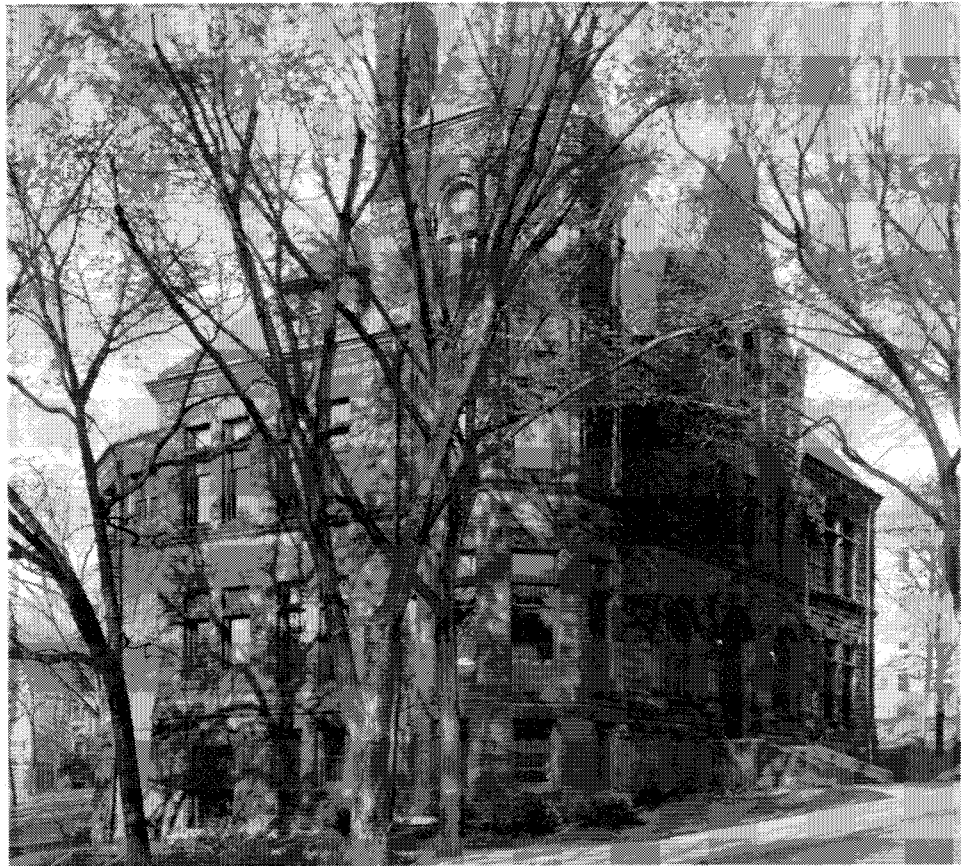
Here we look back to that venerable Richardsonian sandstone structure where the leaks, drafts and crowded conditions can now be seen in the fond light of nostalgia. As we cope with these same problems in our 1963 building we can hope that thirty years from now we too will remember it all with equal fondness.

In future issues we will keep you informed on the rebirth of the Law building and on the role you as alumni can have in creating a facility that will complement and enhance the educational process.]

In a romantic era, not so long ago, a stoic, three-story constructed of red, Lake Superior sandstone graced the south slope of Bascom Hill. Complete with turrets, towers and a pair of gargoyles, the building had all the majesty befitting the University of Wisconsin Law School which it housed. But the revered beauty of the building could not save the brownstone from wear and tear. And in the face of an expanding department, the great sandstone walls were inflexible and constricting. Complaints of discomfort and demands for greater functionality closed the doors of the traditional brownstone after 70 years of service.

Now the present law school building sits quietly and unobtrusively on the same site. Standing watch at its entrance is a lone and somewhat haggard gargoyle, a survivor from the romantic era of the past. Armed with only a weathered shield, the beast guards the memory of the law quadrangle's successor, causing Law School veterans to reminisce and rookies to ponder the glorious days of old.

In 1868, when the University of Wisconsin first instituted its law department, the Board of Regents offered a room in Main (now Bascom) Hall for law instruction. But at the time, the faculty worked and students apprenticed in law offices downtown, nearly a mile away from campus. When the governor donated a room in the state capitol building, the department enthusiastically accepted. Along with the added convenience of the down-



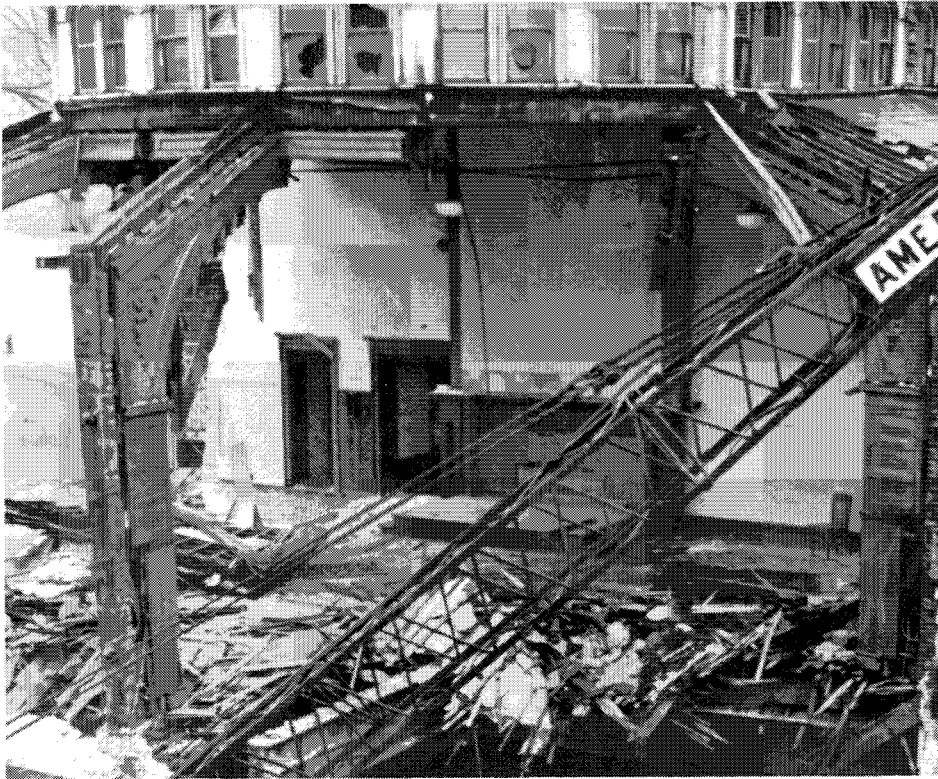
town location, law students were awarded the privilege of using the nearby state law library.

Unfortunately, lawyers and state officials were not pleased to have law students constantly borrowing legal books and journals. Their complaints echoed from the Capitol to Bascom Hill, and in 1874 the College of Law, as the Law School was then called, was forced to move classes to two back rooms located above a Main Street saloon.

But in 1886 the law classes were allowed to return to the Capitol. A permanent downtown location was not meant to be, however. Increasing enrollment created a dire need for larger facilities. Finally, in 1893, 25 years after the University of Wisconsin Law School was established, it was finally housed in its

own brownstone edifice located on Bascom Hill.

Maurice Leon, a Law School graduate of 1948 and former University of Wisconsin Head Law Librarian, vividly remembered the layout of the old building. As Leon described, the edifice rose three stories high. The third floor housed small and dimly lit faculty offices. On the second floor was the Law School Library. The first floor was home to the Dean's Office and classrooms, including a large amphitheater-like lecture hall with tiers that rose from the front of the room to the rounded back wall. The structure of room 101 provided the clearest acoustics out of all the classrooms. "That lecture room was the only good room in the old building," said Professor James MacDonald, a 1948 graduate.



Much of the building suffered from extreme temperatures throughout the year. During the winter months the rooms were drafty and frigid. "The heating was terrible," MacDonald said, grimacing at the memory. "On cold winter days we would wear our coats and gloves and sometimes even a muffler in class. Some days our hands would get too cold to write." In the summer, the unbearable heat rivaled the unsettling chill of winter. Professor Frank Remington, a graduate of 1949, said that in the month of June the temperature in the brownstone's classrooms would rise to over 90 degrees. "During finals," Remington commented, "students hands would get so sweaty that they would stick to the blue books while they wrote."

To provide students with a place to congregate when not in class, the architects of the brownstone squeezed a so-called "student lounge" into the basement. The lounge was tucked away in the turret and furnished with a milk machine but little else. Besides being very cramped, Leon recalled, the lounge had the distinct stench of sour milk and tobacco. Professor Arlen Christenson, a 1960 graduate from the Law School, remembered not the bitter smell in the room, but the sweet fragrance of banana and orange peels. "The lounge is my clearest memory," Christenson reminisced. "It was a great hangout and always full of people."

There was no lounge for faculty members, and their offices were by no means harbors of comfort. Aside from the Dean's office, which was furnished with the luxuries of windows and a fireplace, the faculty offices were equipped with the minimum facilities. For several years Remington worked under the uncomfortable conditions in an interior office on the third floor. The room had no windows, and the desk lamp originally supplied with the room had a frayed cord and was removed to prevent a fire hazard. The only remaining source of light in Remington's office was an overhead fixture obscured by a large wooden beam.

The faculty offices suffered from other problems as well. Nellie Davidson, who served as the administrative assistant at both the brownstone and the present building until she retired in '73, remembered the staff office as being very crowded. "Three of us shared the office and we never had any privacy," she said. Students and faculty were not the only staff office visitors; mice and bats also appeared on occasion. "One day I looked up and there was a mouse, running across the molding on the wall," Mrs. Davidson said laughing. "And I'll never forget when I walked into the office one morning and a bat was stretched out across my wire mesh paper basket! I made a professor take the basket out of the building and get rid of the thing."

The hot summer days reduced the number of uninvited guests and the comfort level in the offices. As MacDonald recalled, "In the summer, the sun beating down on the slate roof made the offices absolutely unlivable." Small office spaces didn't allow for much ventilation to relieve the heat. Furthermore, the faculty offices were stuffed with books that no longer fit in the crowded second floor library.

The library was not only overflowing with books, but with students as well. "The library was taxed to the maximum; seats were full most of the day and into the night," said Remington. "Students had to hurry to the library right after class or they wouldn't find an available seat."

Dean Lloyd K. Garrison succeeded in securing the addition of a new library wing, which was attached to the brownstone in 1940 and would later be incorporated into the present law building. "The increased space took a fair amount of pressure off of the old building," Remington recalled. The new wing accommodated all the books that had previously been stored throughout the brownstone, and the former library site was converted into additional classrooms.

One of the most distinguished features of the law building is housed in this library addition. The "Freeing of the Slaves" lunette was painted by John Steuart Curry shortly after the library was completed and put into use. Former Head Law Librarian Leon remembered when the Wisconsin artist-in-residence painted the mural in 1941. "Scaffolding was set up right over the circulation desk and he would paint above our heads even as we worked," Leon marveled.

However, the addition of the library wing could not compensate for the building's primitive conditions which generated complaints from every dean appointed since the brownstone was erected. "From 1957 to 1960, when I was a law student, it was clear that there was a lot of agitation," Christenson said. But Christenson remembered that although there was much talk about a new building, the students were not optimistic about the probability of a new edifice actually being built. After considering how long the brownstone had been in existence, many figured it was there to stay.

It took over half a century of deans and faculty members badgering the university before the Law School won the "Battle of the Buildings." But the struggle was not overcome by complaints and discussions alone. Two significant events gave the law department enough ammunition to convince the university administration of the dire conditions in the brownstone.



During Dean George Hooper Young's administration, an inspection team from the American Bar Association provided a strong defense for the Law School's needs when Ohio State's Dean Strong and Chicago University's Professor Currie reported: "One is astonished that a law school could have achieved such a distinguished record of performance under such adverse conditions of physical environment."

The strong words of the A.B.A. were accentuated when the Head of University Buildings and Grounds determined that the brownstone was beyond repair, according to Leon. As if to emphasize that point, in 1960 portions of the ceiling began falling to the floor while class was in session in the amphitheater-like lecture hall. The story was covered by the university newspaper and rumors accusing Dean Young of staging the event flew around campus. Staged or not, the university finally realized that the old brownstone was no longer functional and that the time had come for new and improved facilities. As the old building was torn down, Dean Young told alumni at the Spring Program, "Now I have accomplished one of the two goals of every law school dean: a school with no building. Next year I hope to accomplish the second: a school with no students!"

By 1964 a new law quadrangle was completed, enabling the Law School to operate out of a modern building complete with what seemed then to be numerous lounges, locker rooms and law review offices. The uncomfortably extreme temperatures were avoided by installing insulation and air-conditioning. The advent of fluorescent lighting in the

new quadrangle was an appreciated improvement over the dim lighting in the brownstone's offices.

Many veterans of the old brownstone were relieved to see the discomfort of the deteriorating brownstone replaced by the modern amenities of the new building. "The working conditions in the brownstone were extremely primitive," Remington said. "Now the offices are 1000% better."

Inarguably, the present building, is a drastic improvement over the worn-out brownstone although it too shows its age and squeezes over 900 students in a facility designed for 650. But the memory of the first Law School building still commands reverence from those who worked and studied within its thick, red sandstone walls. MacDonald said, in a reminiscent tone of respect, "The old building itself gave a melancholy feeling of decay . . . but it was a part of the romantic past."

The gargoyle that stands at the

entrance of the present building serves as a memory of that not so distant past. While the brownstone was still erect, the statue was a part of a pair that were perched on the roof above the building's entrance. Leon recalled:

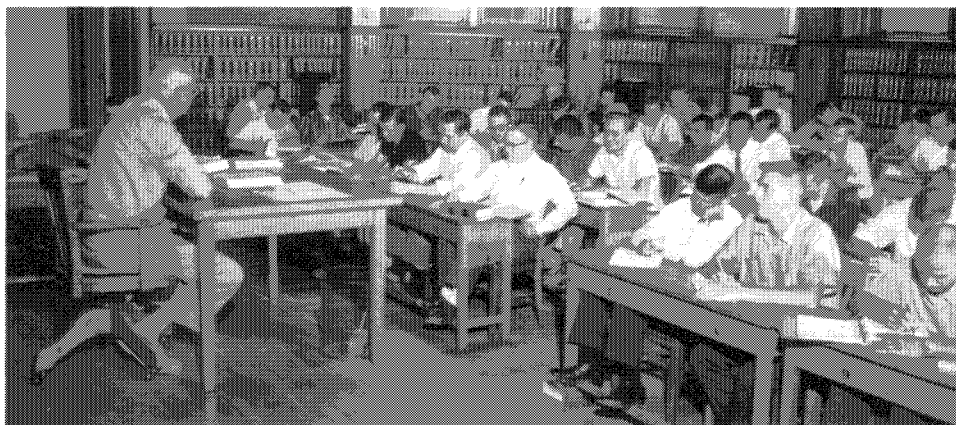
"... one windy day, one of the gargoyles was blown off the roof and it smashed to pieces when it hit the ground. Luckily no one was hurt. Then the remaining gargoyle was taken down to prevent future danger and the University Masons stored it until the new building was built. The gargoyle was put on a pedestal in front of the present building and a steel rod was put through its middle to prevent the gargoyle from being stolen."

Remington said that the gargoyles were very inconspicuous when they were up on the roof. But once the surviving gargoyle was placed at the entry way of the new building it took on a whole new meaning. Christenson said:

"The gargoyle reminds me of the old building. I have good feelings about it, but that may be because our memories tend to be selective. The old brownstone had the feeling of a law school. The building looked imposing and substantial. It was a real Law School building."

John Jenswold, a Madison lawyer and 1948 Law School graduate, agreed. "The old building was a classic," Jenswold said. "It had an element of romanticism, a feeling of veneration, and character and class that is lacking in the present building."

Adjectives alone can't accurately depict the essence, the beauty, and the character of the old building. For those who have seen only pictures of the first law school building, the closest they will ever come to sensing the brownstone's personality is by watching the nostalgic expressions sweep across the weathered faces of the brownstone veterans, and by listening to the warmth and delight in their voices. Their animated memories are keeping the brownstone alive in all its glory.



1991 Distinguished Service Awards: Orrin Helstad ('50)

Professor Stuart G. Gullickson ('50)

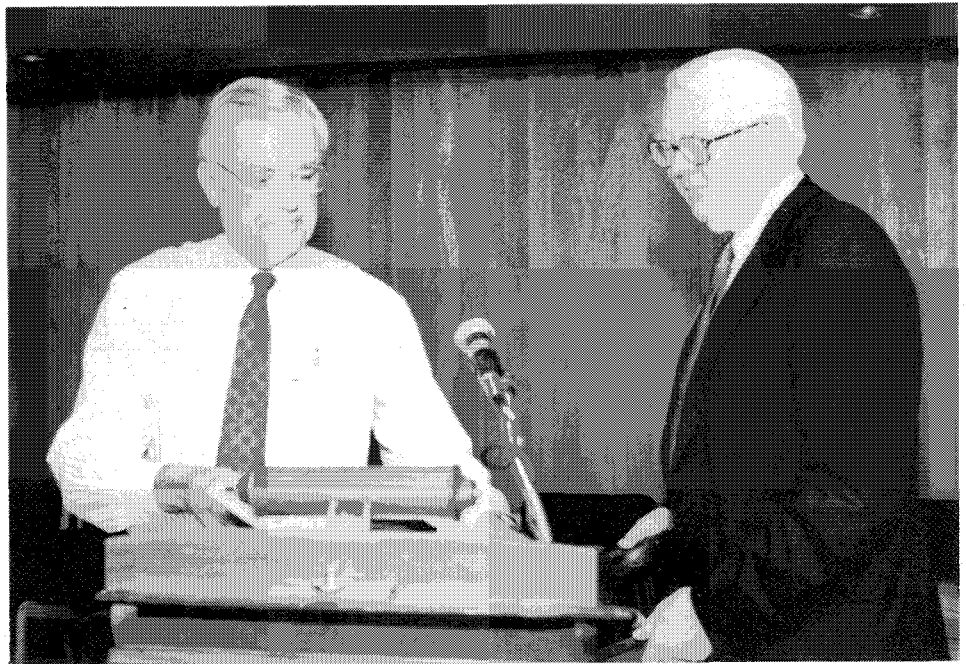
To enjoy Orrin Helstad as I do, one needs to know a bit about his heritage. He is a Norwegian-American. He grew up on a farm in the French Creek Valley near Ettrick in West Central Wisconsin—an area settled largely by Norwegian immigrants only two generations ago. The first language in his valley was mixture of Norwegian and English.

These days he celebrates his origin, in part, through his membership in Madison's "Torske Klubben"—the literal translation of which is "codfish club." I too, upon Orrin's invitation, am a member of that noble body. It exists primarily for the sake of hilarity. Our supposedly stoic members regale themselves with Norwegian jokes. It's self-put-down style of humor that often features a favorite pair, Ole and Lena.

For example, Ole and Lena bought new clothes for their 4 year old son and dressed him up for the barn dance. He pleasantly mystified them because he sat still for ten whole minutes. It was the first time the boy wore a necktie and he thought he was tied to something.

Lately Ole took great interest in our conflict with Iraq. He opined to Lena, "the toughest branch of the service is the Naval Air Force." She wasn't impressed. "You don't think they're tough?" he exclaimed, "Did you ever try to force air through your navel!"

Orrin has varied personal interests. He loves automobiles and can explain the intricacies of the latest models. He and his wife, Charlotte, are great travelers—here and abroad. Their tour of Alaska this summer will complete their cycle of visits to all fifty states. At home he is a skilled handy man. He says that the first house he and Char owned was a 'fixer-upper' that they put a lot of sweat equity into. Orrin bowls. He's competed in the UW Faculty Bowling League for 25 years. He gives vent to the serious side of his interest in his Norwegian ancestry through his membership in Ygdrasil, a Norwegian literary society, whose members present papers they write about Norwegian topics. Last, but by no means least, he enjoys Old Time Dancing and is an enthusiastic square dance caller. Char and Orrin first met at a square dance here in the Memorial Union.



Upon graduation with honors from our law school, in the illustrious class of 1950, he worked for eleven years on the staff of the Wisconsin Legislative Council. There he and his co-worker, Margo Melli, helped to shape much important legislation. Orrin participated in the development of the new criminal code, along with former Dean George Young, Professor Frank Remington, Margo, and John Conway, who was then the revisor of statutes. Also, Orrin was the equivalent of a reporter for the commissions, among others, that wrote the motor vehicle code, the uniform commercial code, and the state's administrative rule making procedure. He joined the law school faculty in 1961, where he taught courses and seminars on nine subjects. He innovatively created a new course called "Financial Aspects of Estate and Business Planning." As part of its focus, its students invested up to \$100,000 in the stock market, under the guidance of Professor Helstad and of the donor of those funds, Robert Arthur. For the last seven years, Orrin directed the General Practice Course.

Professor Helstad's published works include his significant treatise on the Wisconsin Uniform Commercial Code, which he edited and co-authored for CLEW. Many of you, like me, were first exposed to the UCC through Orrin's book, and it was our best resource.

In 1972, Orrin undertook what turned out to be 11 years of service in academic administration. He was our Associate Dean for three years, Acting Dean for one, and our Dean for seven.

When he became Dean, we were emerging from the turmoil of the Vietnam era and from the unsettling consequences of four dean changes in just seven years. Dean Helstad, and new times, brought a welcome period of stability, calm and consolidation to our law school.

At the outset, he altered the relationship between the law school and the Chancellor's office from an adversarial to a collegial one.

His deanship spanned a period of financial belt-tightening. He led the faculty through several budget-cutting exercises. Although they were painful for him

and for US, they left little lingering animosity, largely because of his fair and patient management style. He often commented that it would have been almost unbearable to be a dean if it wasn't for the financial flexibility afforded him by the monetary contributions of the Alumni. Those funds allowed him to provide the extras that made a difference in the students' education and in the faculty's quality of life. For example, with those funds he could send Moot Court Teams to the sites of national competitions, enable professors to attend meetings, and personally host luncheons every spring for each of the eleven General Practice Course teaching teams.

Several initiatives marked Dean Helstad's watch. There is no significance to the order in which I enumerate them.

- First, he expanded the funding for research support by inaugurating summer grants from the law school. Previously professors could earn such support only from outside sources.
- Second, he emphasized Alumni relations. Orrin started the pattern of presenting frequent Alumni luncheons and dinners throughout the state. He attended most of the meetings of the State Bar Board of governors and he served unstintingly on commissions and committees of the Wisconsin Supreme Court, the Federal Court, and the State Bar.

- Third, he completed the construction of the 1978 library addition, for which his predecessor, Dean Bunn, had successfully laid the groundwork.
- Fourth, he conducted the school's first faculty retreat, during which he sequestered US, one might say, in a nearby seminary for a weekend to brainstorm about policies for the future of our school.
- Fifth, he reduced the school's student-teacher ratio. That gave professors the opportunity to improve the quality of instruction.
- Sixth, he endeavored to bring the law school and extension law closer together by encouraging more professors to participate in CLEW Programs.

Finally, let me identify just three of Dean Helstad's efforts that are paying long term dividends.

- He undertook large-scale private fund raising. His successors, Deans Thompson and Bernstine, have diligently carried on that work. Through the generosity of our Alumni, our school now offers scholarships for students and chairs for professors on a scale that exceeded the financial capacity of almost all state-supported Law schools when Orrin kicked off our campaign for an endowment.
- He improved the Law School's Administration structure. He moved from a

pattern of two part-time Associate Deans to one full-time one, and he added two Assistant Deans for Students Affairs. He directed one of those two to primarily serve the needs of minority students. The good people he hired as assistant Deans, Ed Reisner, Joan Rundle, and Steve Rocha, are still with us. They furnish valuable administrative continuity. Also, he institutionalized Professor Trubek's talent for obtaining grants by creating the post of Associate Dean for research and appointing David to it. That position has evolved into today's Institute for Legal Studies, which Professor Galanter now directs.

- Lastly, he began the long state building process that may, in a few years hence, result in a new addition to the law school for classroom and office space. Dean Thompson continued that crusade and Dean Bernstine is bringing it to fulfillment.

Orrin Helstad's accomplishments in his career are even more impressive when one considers that he overcame a visual impairment to achieve them. Despite his successes, he remains a modest, humble colleague—a quality that is somewhat rare among US lawyers and professors. He is a most appropriate recipient of one of this year's Distinguished Service Awards:

George K. Steil ('50)

The Honorable J. Richard Long ('50)

George, it is an honor for me to present the 1991 University of Wisconsin Distinguished Alumni Award to you.

This is the highest award the Law School presents to its alumni or faculty.

Upon receipt of this award, you are joining the ranks of the most distinguished persons who have been associated with the University of Wisconsin Law School.

The Honorable Robert Satter, Judge, Superior Court of Connecticut, wrote in the April, 1981, issue of the American Bar Association Journal in an article entitled "Practicing Law With a Touch of Artistry":

"Law is a vast complexity of rules applied to people. Legal problems often are highly technical and intensely human. The measure of lawyers is, on one hand, their qualities of information, ability to think clearly, and to write precisely—and on the other hand, their qualities of humanity, sensitivity, understanding and caring. . . .

"Lawyers who practice with a touch of artistry are special, but they are not scarce. They practice alone, in large and small partnerships, in corporate and public interest firms, in prosecutor's, public defender's and neighborhood legal services offices. Their artistry ennobles the legal process and enriches their clients' lives. They are shining lights in the profession and among the precious resources of their community."

Last January, when Governor Thompson introduced you at the presentation of the Goldberg Award, he said:

"George K. Steil, Sr. is a 40-year veteran of the legal profession. He is a giver . . . a builder . . . a visionary . . . and a deeply thoughtful, and compassionate individual. His unquenchable thirst for civility, precision, and justice in all situations has been, and continues to be, an inspiration to all who have made his acquaintance. He's a fighter; he's the type of lawyer that every attorney should strive to be. George has been a great asset to my administration, and to the people of Wisconsin."

Clemenceau is credited with the provocative observation that war is too important to be left to Generals. It is just as true that the law is too important to be left to legislators or judges. The life of the law is in the movement of the law, and it



is the lawyers who move the law forward to meet the ever continuing needs of our society. Let me tell you some of what I know about the life and the life of service of George Steil.

Birth place—Marital status

Born in Darlington, Wisconsin, 1924.

Married Mavis Andrews, 1947.

Four children: Attorney George Steil, Jr., Janesville Attorney John Steil, Janesville Attorney Michelle Steil-Bryski, Special Assistant to the Commissioner of Social Security, Washington, D.C. Marcelaine Steil, Loan Officer, Bank One Milwaukee.

Military

Sergeant, United States Army Amphibious Engineers, 1943–45 Served in New Guinea and the Philippines.

Academic

Attended University of Wisconsin Law School and received Doctor of Law Degree in 1950.

Taught in General Practice Course at the

Law School from 1969 to 1974 and in 1974 was named Co-Director of the General Practice Course and a lecturer in law.

Lectured for Marquette University in Estate Planning Seminars from 1970–74.

Employment

President of the law firm of Brennan, Steil, Basting & MacDougall, with offices in Janesville, Madison and Monroe and has been with that firm since 1960.

Bar Activities

Chairman, Legal Education and Bar Admissions Committee, State Bar of Wisconsin, 1969–76.

Board of Governors, State Bar, 1973–77

President, State Bar, 1977–78.

Chairman, Wisconsin Board of Attorneys Professional Responsibility, 1984–87.

Member, Judicial Nominating Committee for Federal District Court for Western District of Wisconsin, 1978–80.

Elected as Fellow, American College of Trust and Estate Counsel, 1974.

Elected as Fellow of the American Bar Foundation, 1978.

Appointed as Chairperson of Governor's Advisory Council on Judicial Selection by Governor Thompson, 1987.

Named recipient of Charles L. Goldberg Award for Outstanding Public Service as a distinguished citizen, attorney and humanitarian by Wisconsin Bar Foundation, 1990.

Banking and Business Activities

Chairman of the Board, Bank One Janesville; Member, Board of Directors, Bank One Wisconsin Trust Company, Milwaukee; Member, Board of Directors, Heritage Insurance Company.

Civic and Religious Positions and Memberships

Past-President, Janesville Area Chamber of Commerce.

Former Chairman, Janesville Housing Authority.

Past-President, Janesville Sierra Club.

Former Chairperson, Board of Directors of St. Coletta School for Exceptional Children, Jefferson, Wisconsin.

Chairperson, Wisconsin Lottery Board, 1988-90.

Member, University of Wisconsin Law School Benchers Society.

Member, Bascom Hill Society.

Listed in Who's Who in America and

Who's Who in American Law.

Appointed as Member, University of Wisconsin Board of Regents, 1990, by Governor Thompson.

On a more personal note, let me add something that I believe will be of interest to you.

In 1950, George began practicing law with Janesville attorney J.G. McWilliams. Attorney McWilliams did not believe in legal secretaries. He did all of his own typing and filing, and his office was always organized. On one occasion a client by the name of Carmen came into the office to execute a will that Mr. McWilliams had prepared. When he couldn't locate the will, he asked George to scour the office to find it. George found it. It turned out that the client was sitting on the will, which had been left, along with numerous other documents, on an office chair.

Mr. McWilliams made a point of going to every wake in town. When George joined his practice, he took George along to these wakes. On one occasion at the wake of an individual who Mr. McWilliams barely knew, he said to the son of the deceased, "Well, just last week I ran into your dad on the street and he said he was going to be coming up to see me to make out his will." The son looked at Mr. McWilliams and George suspiciously and

said, "That's strange—Dad has been in the county home for the last five years."

George got a slow start in law practice. His name did not appear on the letterhead of the J.G. McWilliams Law Office for three years. That was offset, however, by the first-class office arrangements where the client could get a drink of water from the sink that was in George's office with paper cups that were supplied by tearing an envelope in half.

Before I present this award, the lawyers of Rock County asked that I make a special presentation to you, which we hope will always remind you of your humble beginnings as a lawyer in Rock County. The day of the typewriter and the electric typewriter has passed. We now practice law with word processors and computerized legal research. We hope that our gift to you will remind you of an earlier day in your career when things were more simple.

[Here, Mr. Long presented Mr. Steil with a quill pen.]

It is with a great deal of pleasure and pride that I present the Distinguished Service Award to you, a lawyer's lawyer, the profession's professional. You are indeed a credit to our shared profession and to the University of Wisconsin Law School.

Congratulations.

Featured Alumni: John E. Conway ('35)

Timothy R. Verhoff

When John E. Conway strolled through the hallowed halls of the Law School in 1935, he was struggling to learn various aspects of the law. Eighteen years later, he again sauntered through the building on his way to class. But Conway was no longer a student. He was a professor, laboring to convey the law to aspiring students.

Conway, who grew up as the son of an attorney in Watertown, Wisconsin, opted to attend Law School because he couldn't find a job after college. "I was graduating from college in the depression days. Going to Law School was something to do when I couldn't get a job."

Even as a law student, Conway showed an interest in teaching. "As I went through Law School, I got into the teaching business. I was Al Gausewitz' teaching assistant before I graduated. After I finished my course work, I had to do six months office practice. Al gave me a research assistant position which the Law School accepted in lieu of my six months office practice," he said.

Upon graduation, Conway returned to Watertown to start private practice. However, he was forced to search for another job because there wasn't enough business. "I managed to stay alive only because I was Al Gausewitz' assistant, and I was in the National Guard. Between the Guard and teaching, I made ends meet."

In 1937 Conway landed a job with the Tennessee Valley Authority, becoming interested in public administration after taking a graduate class at Syracuse. "I took time off from the Law School to work as a field secretary for my college fraternity," he said. While traveling for his fraternity, Conway kept his eyes open for scholarships. "I found a scholarship at Syracuse. After taking that course, I worked for the Governor of New Hampshire doing a survey of his relief administration. Seeing how politics was linked to public administration, I decided to return to Law School," Conway commented.

He began his job with the T.V.A. in the personnel department. "The T.V.A. had a unique set-up in that organizational analysis was not in the budget office as it is in so many corporations. Instead, it was in the personnel department. I did standard personnel work: employment,

job classification and after the war I headed the Organizational Analysis Department."

When World War II erupted, Conway took leave from the T.V.A. and joined the Marine Corps. Although prepared to fight overseas, Conway fought the war at home. "I was poised to go," he said, "but while I was on my way, they dropped the Bomb. That was the end of my military experience."

Conway, whose interest in teaching was ignited during Law School, continued to instruct classes while at the T.V.A. and in the Marine Corps. "When I left law and got into public administration with the T.V.A., I immediately began to teach some night classes in law. When I was in the Marine Corps, I had teaching foisted upon me. I had to set up a school for non-English Marines at a recruit depot in San Diego," Conway remembered.

Conway returned to the T.V.A. following the war, but quickly realized that he wanted a career change. After the war, the T.V.A. got to be primarily a power producer. What had attracted Conway to it in the first instance was the regional governmental approach. "In 1937, T.V.A. took over federal activities in the fields of agriculture, forestry, interior and power production. It tried to weld the whole thing into a governmental agency that would stimulate the private economy. After the war, the idea of total help to the region was phased out. I didn't want to work for a big electrical utility for the rest of my life," he said.

What he really wanted to do was to go into college teaching. Conway had the itch to teach, but he didn't have any credentials. "I didn't have a Ph.D.," he said. So, in 1948, he left public administration, returned to Wisconsin and the law.

Conway took a job as assistant to the Wisconsin Revisor of Statutes, unknowingly making the first step toward teaching at the Law School. "The legislature had determined that a revision of the criminal code was timely. Frank Remington, Margo Melli and Orrin Helstad were in a group revising the criminal code. Some other people and I were delegated to work on the revision with them. It was a wonderful little group. We met once a week and had a wonderful time. I got to know the Law School, and I was



down there frequently. I had no idea they would ever ask me to teach. When the Law School did make me the offer, I was tickled to death. In a way, I hated to leave as Wisconsin Revisor of Statutes because I had only been Revisor for two years, and I enjoyed the work greatly. It was a tough decision to make."

Conway replaced Professor Delmar Karlen, who was consolidating the Civil Procedure courses into a single course, but left to teach at New York University. "As Revisor I had been a member of the Supreme Court's Advisory Committee on Rules of Pleading and Practice and had worked in criminal law. They thought that I was a natural to continue Del's work and pull all the Civil Procedure courses together," Conway said. Before they changed it, all of the courses were separate: Pleading, Practice, Federal Jurisdiction and Equity Procedure. "No one had put together a unified course in Civil Procedure," he said.

Rumors about Conway's teaching style circulated from students who had taken one of Professor Conway's classes to those who were newly enrolled in his courses. The wiser second year students warned the first year students that Conway failed half the class. According to Professor Gordon Baldwin, "He didn't fail half the class. But he wanted to!"

When asked if this was true, Conway replied, "We were faced with a tremen-

dous increase in enrollment in the early 1950s because of the G.I. Bill. Civil Procedure was a required first-year course. Since I was one of the group at the Law School that thought we ought to have reasonably strict standards, it meant a lot of kids didn't make it. But I was never as rough as these people are saying. I made a reasonable attempt at having a standard of what constitutes reasonable work. I didn't make a scale and say, 'okay, 60 percent will pass and 40 percent will fail.' Kids like to make up stories. In my day we made them up about Herbie Page."

"Herbie loved to get a kid to stand up and then blast him with questions that he couldn't answer. I don't like teaching that way," Conway continued. "I feel that teaching is an attempt to be helpful to people who learn something they need to know. I tried to cover material about the basic elements of the subject. I was helped by developing my own text books.

I determined that I was going to teach State and Federal together so people wouldn't be afraid to go into federal court. I wrote my text books on that basis."

In 1979 Conway retired and became a Professor Emeritus at the Law School. He and his wife, Barbara, moved to California, "primarily because of my wife's health." Barbara died in 1989.

Although he is retired, Conway stays busy. "I help run the complex in which I live. We have 22,000 people in it. It's organized in three housing corporations and a fourth corporation which maintains common facilities. We manage five club houses, two golf courses, bowling greens and a stable. I am in effect an unpaid corporate counsel. So, I'm back in the management business. All through my career I went back and forth between law and management."

In addition to managing his housing

complex, Conway spends a lot of time outside. "I really enjoy California because I can spend most of my time out of doors. I'm with a group that goes hiking in the Mountains every Friday. And I lawn bowl a couple of times a week," Conway stated. Conway also spends a great deal of his time with his new wife Audrey Detwyler, also a hiker. The couple was married in July, 1990.

"I have had a wonderful life. I have enjoyed everything I have done. I really enjoyed the contact I had with the students. It's tremendous to think that every day you are going to see a group of students who have questions about the law and ways to untangle the confusion. It's the contact that is so important. If you don't enjoy that, you will never enjoy teaching."

Featured Alumni: Harold B. Judell ('38)

Timothy R. Verhoff

His resume reads like a list of aliases in a spy novel. He holds two law degrees. One from University of Wisconsin and an LL.B. from Tulane University. He is a former F.B.I. special agent, as well as a former administrative assistant to J. Edgar Hoover. He served as a legal attache to the U.S. Embassy in Peru, and, at one time, he was a partner in an oil company. Currently, Judell, in addition to being the director of several companies, is a senior partner in a Louisiana law firm.

Born in Milwaukee, Judell got a jump on his higher education by enrolling early at the University of Wisconsin-Milwaukee. He received a B.A. from UW-Madison in 1936 and his LL.B. in 1938, finishing in just six years.

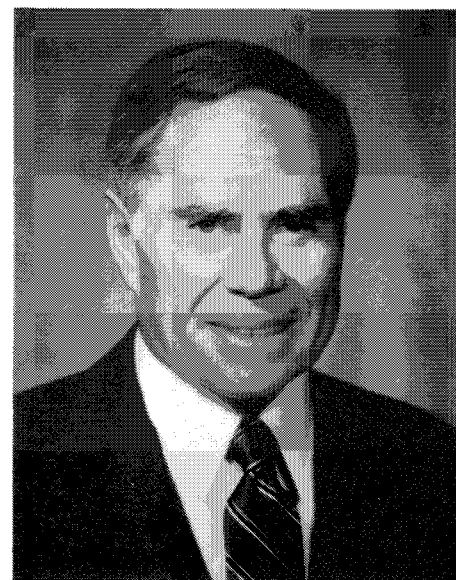
After graduation, Judell worked with the Milwaukee law firm of Scheinfeld, Collins, Durant and Winter. "I took any case that would come along. We were still in the throes of the depression at that time. Salaries were very low for starting lawyers. To give you some idea, I was offered a job as an assistant to the Attorney General in Madison, for \$75.00 a month," he said.

Judell left practice in 1939 to work for

the F.B.I. "One of my professors at the Law School, Nate Feinsinger, suggested that I might like the F.B.I. Honestly, I joined the F.B.I. because of the money. They paid a high salary compared to what I was making in the practice of law. Besides, the F.B.I. had an excellent reputation for competence and integrity. It was respected by the citizens of the country, so I decided to apply," he said.

Initially, Judell did general investigative work involving criminal activities such as bank robberies, kidnapping, extortion, and other white collar crimes. He was stationed in New Orleans, Newark, and Baltimore before he was finally transferred to Washington, D.C., where he became an administrative assistant to J. Edgar Hoover.

"I was brought into the F.B.I. as an administrative assistant to Hoover in a section called crime records. That was the name for a section that would be categorized today as 'public relations.' We answered general correspondence coming to the director, assisted in drafting speeches and articles, maintained liaison with the press, conducted special tours for VIP's and handled relations between the Bureau and the National Police Acad-



emy, which was established by Hoover to train worthy police officers throughout the country."

Spending only a short time in the crime records section, Judell entered the a newly established undercover intelli-

gence division in 1940. "In 1940 a few agents were recruited to help break up the Nazis' World War II spy network in Central and South America. I went into the special intelligence service and was sent to Latin America," he noted.

Judell quickly became a legal attache to the U.S. Embassy in Peru, still working undercover. Although his original identity was that of a reporter, he was forced to change and pose as the assistant to the president of an oil company. "I had to change my cover because I was in Maracaibo, Venezuela, and I could not effectively mask my activities. There wasn't enough for a journalist to do in Maracaibo to justify living the life style that I did. But there were three major oil companies operating there, making it a strategically important area," he recalled.

After living in Peru for two years, Judell decided to become directly involved in the war. He left the F.B.I. and joined the Navy. "Unfortunately, Mr. Hoover didn't react very favorably to my resignation," Judell mentioned. "He refused to release me. So, I couldn't accept a commission in the Navy. Then, the F.B.I. notified my draft board that I was available for induction. The day I was supposed to be drafted, I was released from the F.B.I. to accept a commission as an ensign in the Navy. I mean the same day!"

Although Hoover objected to his leaving the F.B.I., Judell looks back at Hoover fondly. "Working with Hoover was exciting and interesting. He was an excellent teacher and a stickler for detail. He required absolute accuracy in everything we did. He was a stern task master, but he was devoted to upgrading the quality of law enforcement," he said.

Although Judell had no experience with Naval vessels, he skippered a landing craft tank and proved to be a leader on the seas. "I didn't know anything about an LCT. Minutes after arriving on board, a crewman told me that we were ready to cast off. I didn't know what command to give. So I told the quarter-

master to take the son-of-a-bitch in to the beach." Judell was eventually picked as the outstanding officer in the flotilla.

Following his stint in the Navy, Judell joined the Institute of Inter-American Affairs as the Latin American legal counsel. He spent his time in Central America: Guatemala, Nicaragua, Honduras, Costa Rica, Panama, and San Salvador. However, he spent only eight months with this agency, returning to the United States to be married.

Upon his return to the U.S., Judell, who was managing agricultural and land properties, stumbled into the oil business with some friends. "Some of the properties I was managing were under oil lease. We formed a company called Robert Oil Company. When we hit on our first wildcat, I thought that I was the richest man in the world. Then we discovered another oil field. The next thing we knew, we were truly in the oil business."

In 1950, Judell received his second law degree from Tulane University in Louisiana. "Although I was in the oil business, I felt that as a lawyer, I should be admitted to the bar in the state of Louisiana. Since Louisiana is the only state having a civil code, I wanted to know something about the civilian system," said Judell.

He went to Tulane, planning to enroll as a special student. But Tulane only accepted full time students. "They said that they would give me another degree and call it Civil Law, if I enrolled as a full time student. However, I was working full time and traveling considerably. I had my classes early in the morning, so I would zip in and zip right out. I passed all the courses, got another degree, and was admitted to the bar," he said.

During the early 1950's, Judell was active in a local chapter of former F.B.I. agents. It was through this organization that he met Dudley C. Foley, Jr., a man who would change Judell's life once again.

"Foley was a bond lawyer, the premier bond lawyer in the state. I didn't know anything about bonds or bond lawyering,

but he called me one day and asked me if I would be interested in joining his firm. He really needed help, and I agreed to come with him, provided I could continue some of my oil activities."

Judell is now the senior partner in the New Orleans and Baton Rouge based law firm, Foley & Judell. The firm's practice is limited to corporate and tax-exempt debt financing. Judell, who is no longer involved in the oil business, enjoys the business aspects of his current career.

"Both the oil business and the bond market are fascinating. Obviously the oil business, with its great financial rewards, appeals in a different way. It's an entirely different form of business; it's a type of gambling. To be honest, the business aspects of the law interest me more than the routine practice of law."

In addition working at his law firm, Judell is chairman of the board and director of Rockwood National Corporation, a director of Cellular Information Systems, Inc., a director of Sizeler Property Investors, Inc., and a trustee of EastGroup Properties, which is a real estate investment trust. He is also a vice president of Ironwood Exploration, Inc., and an officer and director of a hotel company. He built a mini high-rise apartment complex in New Orleans and owns a co-op in New York. Judell also served as president of the National Association of Bond Lawyers.

"Unfortunately, the bond law practice has changed considerably in recent years and not entirely to my liking. Traditionally, bond counsel have been employed on the basis of their experience, expertise and competence. Now, in the case of some issuers, political patronage has become a factor. Also, I dislike the intense competition for business. The pleasure has gone out of the practice to a certain extent. However, I've enjoyed the wide variety of the things in which I've been able to participate in regards to both law and business. It's given me better understanding of people, and a better outlook on life."

Faculty Notes

Professor **Alta Charo** spoke to the Women Judges' Fund for Justice, an educational foundation of the National Association of Women Judges on "The Role of Third Parties in Reproductive Decisionmaking" April 7, in Washington D.C. In April she also spoke on campus to the Chancellor's Scholars on minority issues in medical ethics, and at the annual meeting of the Wisconsin Association for Perinatal Care on "Legal Protection of the Fetus: From Conception to Birth." In May she made a presentation on "The Politics of the Abortion Pill" to national newspaper and wire service science reporters meeting at the Banbury Center in New York.

In early June she attended the American Society of Law and Medicine Annual Health Law Teachers Meeting in Albuquerque, speaking on "Reproductive Risk Taking: Who Decides?" Also in June, she was in Lake Tahoe to attend a week-long participant colloquium on law and sociology organized by the Gruter Institute. Charo was recently elected to the Executive Board of the Alan Guttmacher Institute, a non-profit corporation for research, policy analysis and public education on issues of reproductive health and reproductive rights.

On April 14, Professor **Marc Galanter** spoke at the Dr. Ambedkar Centenary Symposium at Columbia University (Ambedkar was the great leader of India's untouchables and a graduate of Columbia.) On April 21, he spoke on "A Jewish Vocation for Law?" at a conference on Jewish Perspectives on the Law sponsored by the Harvard Jewish Law Student Association.

In May, Galanter participated in a Project on the Role of Courts at the Institute of Comparative Law, Chuo University, Japan. In June he delivered the Chorley Lecture, sponsored by the Modern Law Review, at the London School of Economics. He attended several meetings on the transformation of law practice in Europe, held in London, Paris and in Amsterdam where he participated in the meetings of the Law & Society Association.

Professor **Linda Greene** was the keynote speaker for the Columbus, Indiana Human Rights Commission Annual Dinner on April 5, and the keynote speaker, Burton Carpenter Dinner at the University of Michigan Law School on April 6. She moderated a panel on the Future of Afro-American Studies on April 20 at the Wisconsin Conference on Afro American Studies. In June she taught as a guest pro-

fessor at Chuo University in Tokyo. Professor Greene was a panelist on the ABA Judicial Administration Division Program, "The United States Constitution: Is It a Hostage to the War on Drugs?" at the ABA convention in Atlanta in August.

In October, Professors **Greene, Galanter, and Macaulay** will be speaking at the Cleveland-Marshall Law School Conference dedicated to Robert B. McKay, on "The Justice Mission of American Law Schools."

Professor **Blair Kauffman** served as speaker/moderator at a program on "Law Librarianship in the 21st Century," held in Victoria, Canada, April 20-23. In April he joined Dean **Dan Bernstine**, former Dean **Orrin Helstad** and Assistant Dean **Ed Reisner** on an alumni tour of North Central Wisconsin, where he spoke with alumni groups about the law library's progress and plans and described its new fee-based outreach services. He is working on completion of a manuscript for the "Law Library Managers's Guide to Automation," aided by Carl Christenson and Rick Hendricks of the library staff.

Professor **Stewart Macaulay** was among a number of people connected with the Law School who attended the "Joint Meetings of the Law & Society Association and the Research Committee on the Sociology of Law of the International Sociological Association" at the University of Amsterdam from June 26-29. Professor **David Trubek** was on the Program Committee. Other Wisconsin participants included **Nina Camic, Elizabeth Chambliss, Howard Erlanger, John Esser, Martha Fineman, Marc Galanter, Dirk Hartog, Cathy Meschivitz, Vicki Schultz, Louise Trubek** and **Patricia Williams**.

Mary Ann Polewski, Legal Writing Supervisor, and **Aviva Kaiser**, Legal Research Lecturer, attended the Midwest Legal Writing Conference in Valparaiso, Indiana, in July. Aviva also attended a UW-Extension seminar in July, and taught legal reasoning for the six-week Introduction to Law School summer program. Mary Ann reports that **Doug Leonard**, Legal Writing Tutor, is working part-time this summer in the school's tutorial program and at LAIP where he is working with students and staff. He is also working with Assistant Dean **Steve Rocha** to revise the LEO orientation week program, which will be held in mid-August. Legal Writing Lecturer **Mary Ray's** second book was published in June by West Publishing Company.

Beyond the Basics: A Text for Advanced Legal Writing was co-authored with Professor **Barb Cox**, former Legal Writing Supervisor, now a faculty member at California Western. Mary gave birth to her third child, William Eric, in July.

Associate Dean **Gerald Thain** represented the Law School at the American Bar Association Workshop on Accreditation Issues, on June 11-12 in Indianapolis. He was reappointed to the advisory committees of the American Law Institute on Revision of Article Nine (Secured Transactions) of the Uniform Commercial Code and on the Restatement of the Law of Unfair Competition. Thain will serve as the co-chair of the University Roundtable Lecture series for the 91-92 academic year. He is a member of the State Bar of Wisconsin special committee reviewing The Wisconsin Lawyer and other bar publications.

The law school was well represented at the 68th Annual Meeting of the American Law Institute in San Francisco, May 13-17. ALI faculty members in attendance were Dean **Daniel Bernstine**, **Ken Davis**, **Walter Dickey**, Associate Dean **Gerald Thain**, and **June Weisberger**. Dean Bernstine hosted a reception at the meeting for alums in the San Francisco area.

Professor **Frank Tuerkheimer** has been appointed by Senator George Mitchell to the National Commission on Judicial Discipline and Removal. Tuerkheimer was a visiting professor at the University of Geissen, Germany in May.

Professor **Alan Weisbard** and his medical ethics colleague, Norman Fost, debated the legal and ethical issues raised by potential transmission of AIDS from HIV-infected health care providers (especially surgeons and dentists) to their patients, before the UW Health Law Association on April 8. Weisbard discussed medical malpractice issues and proposals for reform of the malpractice system with the medical student association on April 19. Professors Weisbard and **Warren Lehman** discussed "the impaired physician" (an arguably problematic term encompassing alcoholism, substance abuse and mental and technical incompetence) with the first year medical school class on April 19.

Alumni Notes

John S. Burgess ('38) passed away in May. Mr. Burgess practiced law in Racine as a partner in Heft, Burgess & Brown until he joined Walker Manufacturing Co. in 1956 as Corporate Counsel. After retiring in 1979 he joined Stewart, Peyton, Crawford, Crawford & Stutt of counsel.

Lee Modjeska ('60) is fighting cancer with the spiritual development of tae kwon do. Modjeska is a professor at Ohio State University School of Law and the author of five books on labor and employment law. In the three years since his diagnosis Modjeska has earned all ten belts including the black belt.

Frank J. Vandall (LL.M., '68; SJD, '79), a professor at Emory University School of Law, participated in the program of the Automobile Law Committee at the ABA meeting in Atlanta. The program was entitled "Federal Preemption and Tort Law: Where Are We Going?"

Paul J. Cherner ('68) has joined the Chicago Office of Michael, Best & Friedrich, where he will continue his practice of representing management in labor and employment law matters.

Dick Pas ('70) has been named President and Director of Heartland Home Mortgage Company, Inc., a residential mortgage banking firm headquartered in Hales Corners, Wisconsin.

Gordon Morris Bakken ('73), professor of history at California State University, Fullerton, has published his fifth book, *Practicing Law in Frontier California*. He has also been elected Vice President of the California Supreme Court Historical Society.

John Rogers Evans ('76) has been appointed chief counsel of the Wisconsin Department of Revenue. John and his wife, **Deborah Rychlowski** ('77) reside in Madison with their five children.

Cindra R. Carson ('80) has opened her own law office in Eau Claire, Wisconsin.

Robert F. Henkle, Jr. ('81), a shareholder with Reinhart, Boerner, Van Deuren, Norris & Rieselbach, in Milwaukee, was recently re-elected to the board of directors of the Business Law Section of the State Bar of Wisconsin.

Lynn L. Sarko ('81) has become Managing Partner of the Keller Rohrback firm in Seattle, Washington.

R. Jeffrey Krill ('81) has joined the Milwaukee firm of Ehlinger & Blegen. The firm practices civil litigation, health care, media, corporate, tax and estate planning.

Steven P. Bogart ('84), a member of Reinhart, Boerner, Van Deuren, Norris & Rieselbach, Milwaukee, discussed recent developments in environmental liability law at the Milwaukee Bar Association's

Corporation, Banking and Business Law Section meeting.

Patricia L. Quentel ('88) has become an associate with the Charleston, South Carolina, firm of Buist, Moore, Smythe & McGee. Her practice includes real estate and commercial law. Ms. Quentel is a former law clerk to Judge Donald Russell, US Court of Appeals for the Fourth Circuit.



Professor Carin Claus receives the 1991 WLAA Teacher of the Year Award from 1990 winner Professor William Whitford at the Spring Program.

Development Notes

Christopher Richards

The more Dean Bernstine and I travel around the country, the more we encounter people who are often perplexed about how to make contributions to the Law School. Thank goodness, most are not confused as to WHY they should give, or even WHAT they should support through their gifts. The common question is WHERE, as in, "To what entity should I give my money?" It's an understandable question. Let me explain why things get confusing.

Law School graduates, like other UW alumni, are approached about gifts to the University by many groups. Most people get a phone call from Telefund, the University of Wisconsin Foundation's "tele-marketing" program. These calls are made from students—usually undergraduates—who ask alumni to make pledges over the phone. When a graduate agrees to make a gift, they are sent a pledge packet and checks are sent to the UW Foundation.

While that's simple enough, calls from Telefund are usually preceded by a mailing to let you know the call is coming. Also, the call is followed by another mailing at the end of the year to follow up on those who did not respond to the phone call. These letters are signed by the chair of the UW Foundation's Board of Directors, a person who is probably not known to some who receive the letter—another source of confusion.

Add to those contacts the Wisconsin Law Alumni Association's annual mailing which is sent to all Law School graduates from the WLAA president. This letter is usually on WLAA letterhead, but checks are to be made out to the UW foundation, and—for administrative reasons—the response envelopes are sent via the Law School.

Additionally, those who also attended the UW as undergrads are on the mailing list of their undergraduate department. This is also true if one's spouse also attended the UW. In addition, many alums might be approached by the Wisconsin Alumni Association asking for their support of a variety of things, including annual membership dues and gifts to a local scholarship fund.

All of this doesn't include sporadic solicitations which might come from the dean or another part of the Law School for a special project, e.g. a judicial clerk-

ship fund, a memorial for a well known alum or faculty member.

With so many contacts in a variety of forms and from several sources, it is easy to see why some are confusing. Since you've come this far with me, I will now attempt to unravel the mystery.

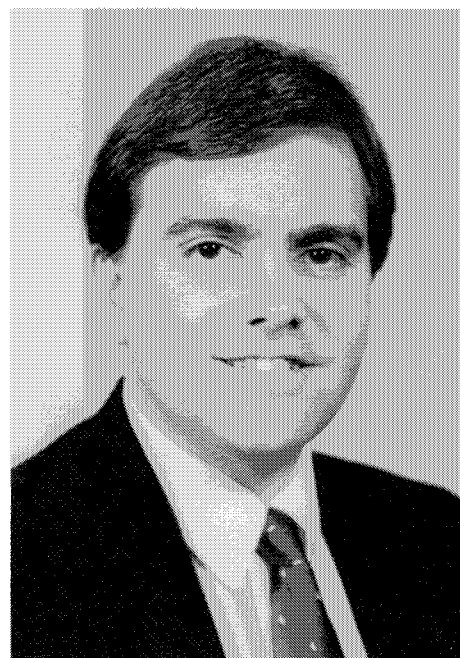
The central key is that the UW Foundation is the official gift receiving entity for the entire University of Wisconsin-Madison, including the Law School. Some are concerned that gifts given through the Foundation will not end up at the Law School. Let me assure you that the Foundation employs me to work full time for the Law School. It is my job to make sure that your gifts received through the Foundation are used according to your specifications.

Therefore, anytime you write a check to the UW Foundation and want the money to benefit the Law school specify that request on your check or in an accompanying note. By designating your gift to the UW Foundation for the Law School you are, in effect, sending your contribution directly to the school. In fact, it is not uncommon for gift checks made out to the Law School to be signed over and deposited into accounts administered by the UW Foundation.

Moreover, gifts in response to the annual WLAA mailing—even those made out to the WLAA—usually end up in the same account as those donations received as part of the Telefund; that is, they all go into the Law School Fund at the UW Foundation. The only contributions that might go into other accounts are those in which the donor has specified that the gift be used for a special purpose other than the general enhancement of the Law School.

For reasons of efficiency, the WLAA and the UW Foundation merged most of their fund-raising operations a few years ago. Today, the WLAA generally only receives gifts that are earmarked for its existing funds or are bequests that specifically name the WLAA. (However, the most effective way to make a bequest is by naming the UW Foundation in your will and noting that the gift is to be used for the benefit of the Law School. If you should have any questions regarding the appropriate wording of a bequest, please contact me.)

So, while you are being bombarded by



requests from a variety of organizations, and it is sometimes difficult to determine who is asking for what, the clarifying element might be the role of the UW Foundation. That is where the vast majority of gifts to the Law School are held and administered before the dean draws on the accounts. However, because the Foundation plays that role for the entire UW campus, it is important to include a pledge card, a note or specify on the memo portion of your check that your gift is for the Law School. Then, you can be assured your money is being used as you intended.

Now, as for the question of HOW MUCH . . . Dean Bernstine and I will be in touch.

Editor's Note

Good News Department: The recently enacted state budget included the first \$400,000 in planning funds for the long-awaited law building addition. University architects tell us that the total amount of planning money that will be needed before the project can be bid and construction started is about \$850,000.

More Good News Department: In the very near future, as soon as the last details can be worked out, you will be seeing a new Gargoyle, or maybe even several new Gargoyles.

The first is a new look for this magazine. Over the past two years a committee of Directors and Visitors chaired by Alan Post and Sue Steingass has been studying our publication and recommending changes to make it better. Armed with their suggestions the chief designer for UW Publications, Earl Madden, has come up with a redesign that the committee is very pleased with. The changes begin with a new cover design, featuring a much larger picture area, and continues right through to the editor's note.

The Gargoyle goes back to 1969 with Ruth Doyle as editor. Some of these early issues featured hand-lettered headlines and were usually 12 pages long. Ten years later I became editor and soon the magazine acquired a distinctive new masthead and grew to 20-24 pages. When Cliff Thompson arrived in 1984 he brought new ideas and the Gargoyle got its gray pin-striped cover, new page layout and the mystery picture made its first appearance. Now our look will change one more time. The cover stock will be gloss white with a large picture that, from time to time, will be in color. Columns will be laid out with somewhat larger type and wider spacing. Those who argue that these changes are being made to accommodate the declining eyesight of the editor may be correct, but some of you are getting older as well. The paper itself will change to a recycled stock with a smoother finish. This permits better picture reproduction, a fact we plan to take advantage of. All of these changes will again increase our size by about 4 pages per issue. I look forward to your reaction.

Faithful readers of this column (both of you) may remember that for years I have wanted to make copies of the real Gargoyle available to our alumni. When weathering threatened the original beast in front of the building we had a mold made but the concrete reproductions, at

200 pounds each, would have made them difficult to distribute. Now we have found a manufacturer who will produce 12-inch reproductions from a cast resin that closely resembles the original brownstone. We expect to price these replicas at \$35 each. A pair would make unique and functional bookends. As soon as we know the details you will have a chance to own your own baby Gargoyle!

The Spring issue of the Gargoyle showed a recent scene from one of our classrooms with a guest lecturer. Wayne Arnold ('74) correctly identified the class as Margo Melli's Family Law and the speaker as then ABA President-Elect, Stanley Chauvin. He also identified

Konrad Hittner ('89), a/k/a "The Hit Man," in the back row. Konrad admits that he was less than excited by the speech and that he just might have been dozing at the time of the picture. He also places Susan Bonitz ('90) and Heidi Gorovitz ('90) in the group.

In honor of the Class of 1994, who entered law school in September, the mystery picture shows fall registration as it used to be. Looks like the 1970s and the woman seated at the desk is Dorothy Barnett who retired several years ago. Not only do students now register by touchtone phone, but the lobby looks quite different as well, remodeled to provide a wheelchair ramp.

