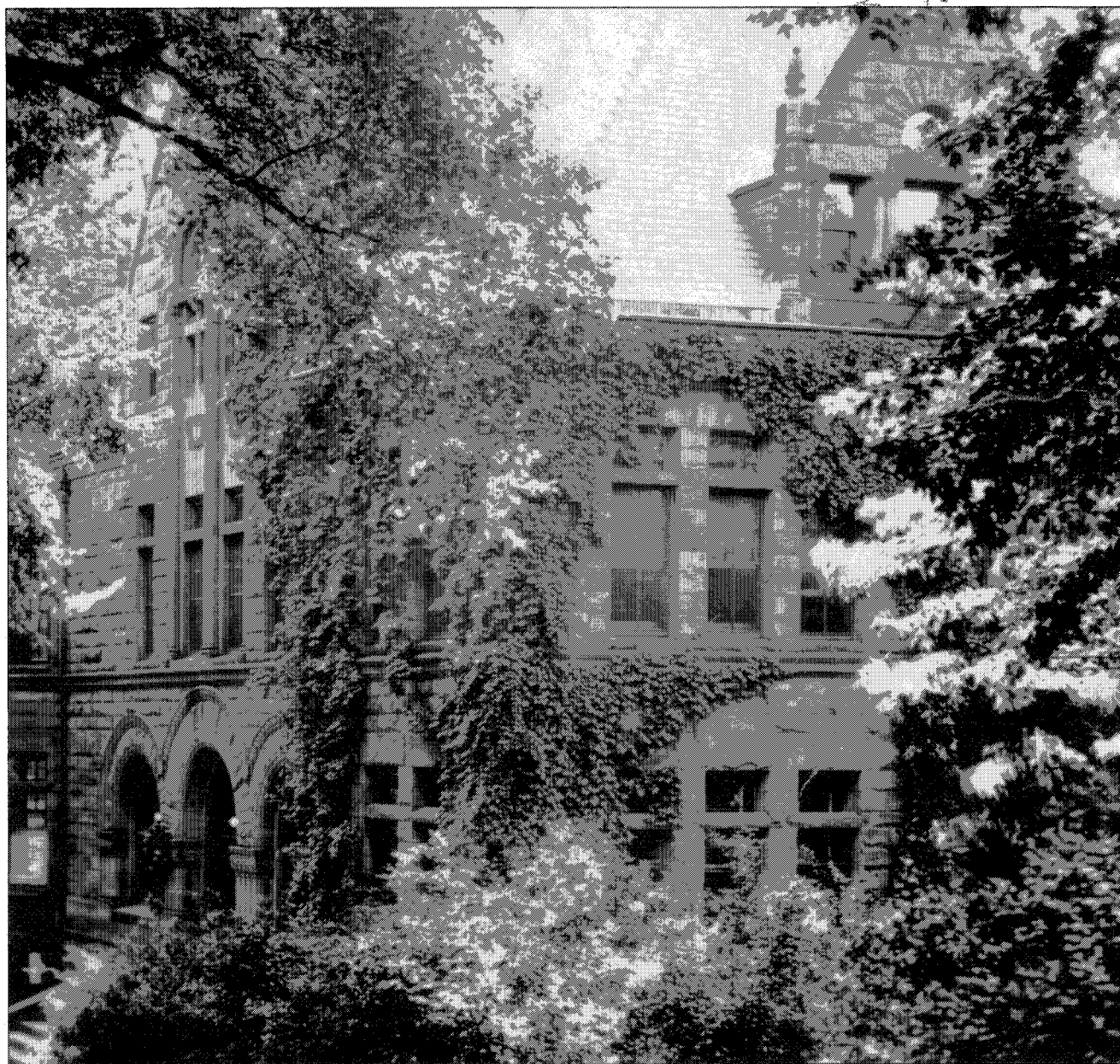


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# GARGOYLE

UNIVERSITY OF WISCONSIN LAW SCHOOL JOURNAL

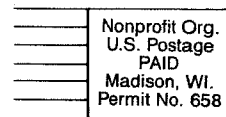
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VOLUME XXII NO. 4

SPRING 1992

University of Wisconsin Law School  
236 Law Building  
975 Bascom Mall  
Madison, WI 53706-1399



# GARGOYLE

UNIVERSITY OF WISCONSIN LAW SCHOOL FORUM

VOLUME XXII NUMBER 4

SPRING 1992

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Bulletin of the University of Wisconsin Law School,  
published quarterly.

**Editor:** Edward J. Reisner

**Design:** Earl J. Madden, University Publications

**Production Editor:** Linda Alston,  
University Publications

Law School  
Publications Office  
University of Wisconsin  
Madison, WI 53706-1399

Postmaster's note: Please send form 3579 to  
"GARGOYLE," University of Wisconsin Law School,  
Madison, WI 53706-1399

SSN 0148-9623 USPS 768-300

**Cover Photo:** The original Law Building, built on  
Bascom Hill in 1893 and replaced with the current  
building in 1960-63.

Since becoming dean in August of 1990 I have traveled tens of thousands of miles and attended scores of alumni activities and events. I cannot think of one that I did not enjoy, particularly the fine fellow alumni I have met across the country. With all that behind me you might find it curious that I would choose to lead off this column by highlighting one such event.



Dean Daniel O. Bernstine

In January Chris Richards, Ed Reisner and I flew to Houston for an alumni dinner, but a dinner with a difference. For the first time in our collective memories the event would take place in a private home. The dinner was primarily arranged by Ken McNeil ('81), who practices with Susman Godfrey in Houston. Ken is a relatively new member of the School's Board of Visitors and a tireless promoter of the School. Early in the preparations, Ken's partner, Tom Paterson ('84) learned that we planned to gather our Houston-area

alumni and volunteered his home for a dinner. On the evening we flew in, Ken picked us up at the airport, gave us a quick tour of the city, and took us to Tom's house.

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*"At the same time, we continue to move ahead on the major building addition and remodeling project. Discussions with state officials have reached an agreement on the scope of the project and we expect to have an architectural team at work by late spring."*

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By the appointed hour, seven alumni (more than one-third of all our alumni in the area), several spouses, and Tom's wife Callie as well as his four-month-old daughter were gathered for a delightful dinner and a spirited discussion of our School. There was something special about the atmosphere of the event. With coats off, ties loosened, and seated on hassocks and rocking chairs, perhaps it was easier to see ourselves as part of one, big family with all the mutual responsibilities and mutual benefits.

In addition to publicly thanking Tom and Ken, I plan to encourage this type of event in locations where we do not have huge numbers of alumni. Of course, if you live in the Chicago area and want to volunteer your home for a dinner of 500, let me know.

I'm not picky about the menu and I really enjoy talking with fellow graduates about our school.

And now for something completely different: there is news to report from the building front. A few issues back we showed you a few scenes from around the building, illustrating our efforts to upgrade the facility. Those efforts have continued under the guidance of Prof. Howard Erlanger ('81). Carpeting has now been added to the first floor hallway, the stage areas in the larger lecture halls and several smaller class rooms. Walls have been painted throughout most of the building and then brightened by a collection of prints, posters and other art work. The change is tremendous and, I think, welcomed by faculty, students and staff who spend so much time in what was a rather institutional setting.

At the same time, we continue to move ahead on the major building addition and remodeling project. Discussions with state officials have hopefully reached an agreement on the scope of the project and we expect to have an architectural team at work by late spring. Final cost and the amount of alumni funds necessary are still to be determined but we do expect at least the funds necessary to upgrade from "base level" to the level we believe is consistent with a "top 20", national law school.

This fall Governor Tommy Thompson ('65), Secretary of Administration Jim Klauser ('64), acting UW President Katharine Lyall and other top administrators visited the Law building to see for themselves evidence



*Dean Bernstine, Governor Tommy Thompson and UW System President Katharine Lyall confer on building plans.*

of our serious overcrowding and technical obsolescence. The tour was arranged by the University to give state officials a better perspective when considering this campus's building requests.

Finally, we have just completed another admissions season — and set yet another record. As recently as 1986 we had just 1385 applications for 285 seats in the first-year class. For the Class of 1995, 2949 are competing for the same number of seats, more than doubling in the last six years. While we can be proud of the great qualifications of our applicants such numbers obviously create great problems, not the least of which is the disappointment to the applicants and their families when we inevitably have to reject huge numbers of talented and motivated prospective students.



## Ruder to Chair Law School Fund-Raising Campaign

David S. Ruder ('57) has agreed to lead the Law School's effort in the Campaign for Wisconsin. "I believe we have an inherent obligation to support the academic institutions that educated us. If the Law School is to meet its goals for excellence, those of us who have benefited from the School must provide private financing."

The Law School's goal as part of the \$400 million Campaign for Wisconsin (CFW) is to raise between \$8 and \$10 million. Approximately \$3.5 million will be used by the Law School to support faculty research, student projects (such as research fellowships and a loan forgiveness program for graduates accepting public service positions), and a library endowment. An additional amount still to be determined will be used to fund a major building addition and renovation.

The Law School competes against a group of fine law schools who are funded both publicly and privately. "In order to succeed, the Law School must augment state funds with private financing," Ruder noted.

Mr. Ruder has enjoyed a distinguished career in academia, private practice and

public service. A Professor of Law at Northwestern University School of Law, he was Dean of that School from 1977 to 1985. From 1987 to 1989 he served as Chairman of the U.S. Securities and Exchange Commission. He is also currently a partner in the firm of Baker & McKenzie, an international firm with nine offices in the United States and 41 offices in other countries.

A member of the Illinois and Wisconsin bars, he received his bachelor's degree, cum laude, from Williams College in 1951 and his law degree with honors from the University of Wisconsin in 1957, where he was editor-in-chief of the Law Review. Reflecting on his education at the Law School, he notes, "The Law School's contributions to my career was to aid me in the development of processes for ordering thought. The School's training in analysis and conceptual thinking has been invaluable."

Mr. Ruder is known for his successful fund-raising. While he was Dean of the Northwestern University School of Law, he helped to raise more than \$25 million for use in construction of a major addition to the law school building. He will bring that valuable experience with him to this project.

Although the Law School fund-raising effort is a tremendous undertaking, Mr. Ruder is looking forward to this opportu-

nity to support the School and work with his fellow graduates to meet the goal. He commented, "Fund-raising is extremely difficult. It's hard to ask others to give money, but the results are so rewarding that the process is one that can be undertaken with verve and enthusiasm. Some parts are more fun than others, but for everyone involved it is an excellent opportunity to talk to old friends and share memories."

Mr. Ruder's professional achievements are a credit to the Law School. As SEC Chairman, he helped improve enforcement actions against Drexel Burnham Lambert, Michael Milken, and others, and was active in promoting cooperative international securities regulation. His teaching and scholarly activities fall into broad areas of corporate and securities law reflecting his wide ranging interests. As Dean of Northwestern University School of Law, he enhanced faculty quality through active recruitment activities, guided construction of a major addition to the law school building, and was instrumental in persuading the American Bar Association and the American Bar Foundation to move their headquarters to the Northwestern law campus. His law practice at Baker & McKenzie extends over a wide range of domestic and international corporate and securities matters.



# Alumni Expand Use of Library Services

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## S. BLAIR KAUFFMAN

The U.W. Law Library's substantial book and journal collections, online services and expert librarians now support the legal research needs of a growing number of Wisconsin alumni, including those unable to personally visit the Madison campus, through the Library's new outreach program, dubbed OUTLAW. The OUTLAW program was launched last year to provide Wisconsin Law School graduates with a quick, easy and economical method for gaining access to legal information available at the U.W. Law Library, whether in print or online. During its first year of operation, this program responded to nearly 600 requests, by searching online databases, lending books, and photocopying or faxing over 12,000 pages of library materials to alumni throughout the country, from northern Wisconsin, Milwaukee and Chicago to Virginia, Colorado, and California.

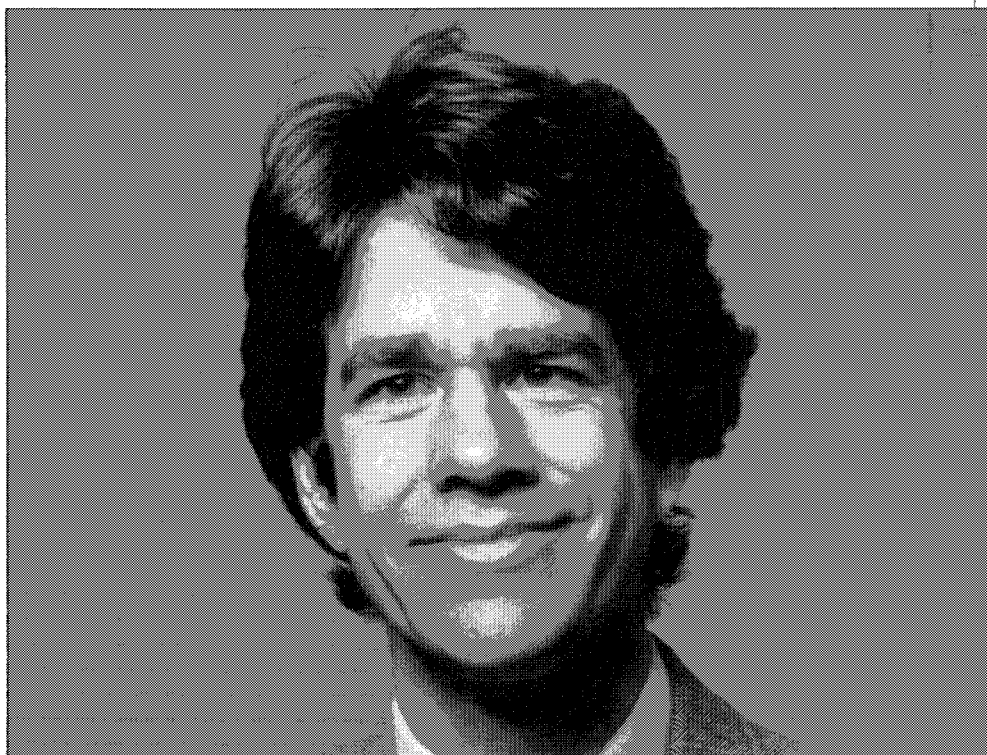
The OUTLAW program was announced in January, 1991, with the mailing of a brochure and cover letter to all Wisconsin Law School alumni. The program is described as an attempt to make the vast resources and expertise of the U.W. Law Library available to Wisconsin graduates anywhere. This is basically a document delivery service — not a research service — designed to deliver requested print or online documents to users, by either fax or mail. Reference librarians are available seven days a week to answer OUTLAW requests, by searching the nearly 400,000 volume collection of the U.W. Law Library or a wide array of

online and CD-ROM databases. Special commercial contracts were entered into with Mead Data Central and West Publishing Company to permit our librarians to search LEXIS, NEXIS and WESTLAW for those outside the immediate Law School community; the database searching expertise of our law librarians assures users of efficient, low-cost access to online information.

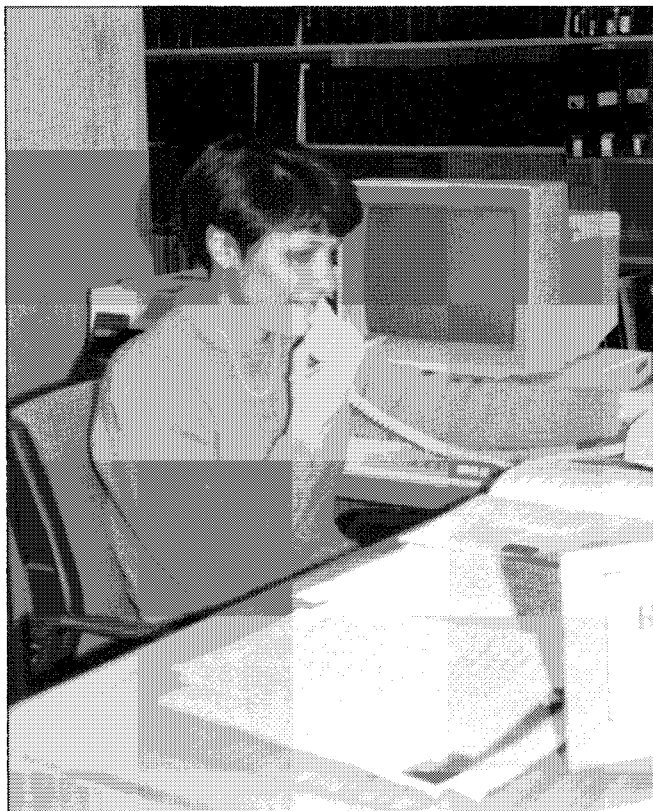
While fee-based services, such as photocopying and interlibrary loan, have been

available from the U.W. Law Library for some time, with the exception perhaps of the Criminal Justice Center, these services were not widely promoted and benefited only a small number of Wisconsin alumni. Further, the growing importance of online databases for the retrieval of legal information created the need for additional library services, which could not be offered without a charge.

The fees associated with the OUTLAW program are intentionally low, because



*S. Blair Kauffman, Law Librarian*



***Outreach Librarian, Cheryl O'Connor***

the program is designed primarily as an outreach service — not as a profit center. We will be quite pleased if the income from this program is sufficient to pay the direct costs of running it: our major purpose is to provide our practicing alumni and others with quick, low-cost access to legal information, which might not otherwise be available to them. We believe this improved service to our users also will benefit the Library, in the long run. Thus, current fees for OUTLAW's more popular services are:

Online document retrieval on LEXIS or WESTLAW	\$25 plus actual search charge
Photocopies (with mail delivery)	\$4 per citation plus \$.20 per page
FAX delivery	\$4 per citation plus \$.50 per page
Interlibrary loans	\$4 per loan

Additionally, a sales tax is collected on photocopy and fax services provided to Wisconsin residents.

The positive response received from OUTLAW users over its first year of operation indicates that the program is quickly living up to its promises. For example, Jane Hazen (JD 1976) is a solo practitioner in Fairplay, Colorado. She uses the OUTLAW service to obtain copies of urgently needed research materials and to avoid making extra trips to a library. Initially, Jane tossed the OUTLAW brochure in a desk drawer, but several weeks later

she decided to give it a try and has been a loyal user ever since. Similarly, Kevin Demet (JD 1989) uses the OUTLAW service to supplement his legal research needs as corporate counsel at Federal Life Insurance Company, in Riverwoods, Illinois (a Chicago suburb). While Federal Life has a small law library, Kevin often encounters citations to opinions and articles not held in their collection. He now regularly uses OUTLAW to fill this gap and obtain copies of whatever legal materials he needs. Kevin says he was both surprised and delighted to learn that the U.W. Law Library was willing to provide a full range of document delivery services through OUTLAW.

Jane Hazen, Kevin Demet and hundreds of other practicing alumni are convinced that OUTLAW services save them time and enable them to provide higher quality legal services. They have joined a growing cadre of successful business executives who have learned how to level the playing field by effectively utilizing

information services. A recent article on "The Cost of Information," appearing in INFOWORLD (Aug. 5, 1991), noted, "It used to be that large companies could have all the information they needed by sending as many people as possible to the library." Now smaller companies can have access to the same information by using information brokers and online services. The purpose of OUTLAW is to offer similar benefits to Wisconsin alumni, by providing graduates everywhere with an opportunity for continuing access to one of the best law libraries in the world.

If you would like to know more about OUTLAW, feel free to write or call the U.W. Law Library at (608) 262-3394. We would be happy to answer your questions or mail you a brochure and fee schedule. Remember OUTLAW the next time you need legal materials.



# 1991 Report of the Wisconsin Law Alumni Association Board of Visitors

**T**he helpful relationship between the Law School and the University of Wisconsin Law Alumni on all matters of mutual interest including Law School facilities, curriculum, placement, admission and public relations of the School and the Bar." Over the two days we were at the School, our programs and conversations addressed most of those issues as well as some not contemplated when this Board was formed in 1957.

We wish to thank the School and its faculty, staff and students for contributing to our Visit. The openness of all interested parties lead to a productive Visit and, in the end, should make our report useful in guiding the School and the administration toward maintaining our national reputation for excellence.

## CURRICULUM REFORM AND INNOVATION

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Professor John Kidwell, the chairman of a faculty committee charged with reviewing curriculum and suggesting desired changes reported to us on the efforts of this committee. Some years ago, when significant budget reductions were being considered by the University, a committee began reviewing what resources were allocated to instruction. This study continues with Professor Kidwell's committee. So far the committee has compiled a bibliography of curriculum materials and created a database of all credits earned by students during the last six years. From this database it is possible to discover exactly what reliance has been placed on lecturers, which faculty members are doing "overloads," and other important information.

Professor William Clune reportedly defines curriculum as "what the students take." The committee, however, feels that what is taught is a faculty decision requiring the input of students and alumni. When the broad outline of a curriculum is agreed upon, there are still questions of how courses can be taught. During our Visit we were to learn about clinics, simulations, seminars, small sections and computer-assisted learning as some of the alternatives to traditional large lecture classes.

In addition to obvious budgetary constraints on what can

be taught, it should be noted that our building also restricts what can be taught and how. Most faculty might prefer smaller classes to allow more intensive teaching methods. The building, however, contains a limited number of small classrooms and even fewer that could accommodate alternative teaching arrangements.

Professor Kidwell also reported that, in the past, the Law School did emphasize substantive courses perhaps at the expense of courses in newly-evolving areas. Even when the School wants to offer a new course, there is often a lag while materials are developed and a faculty member is recruited or trained to teach in the new area.

## SIMULATION AND THE GENERAL PRACTICE COURSE

---

Ralph Cagle, a practicing lawyer, has been recruited as the director of the General Practice Course. He explained to us how this program has evolved. It began as the Summer Problems Course, an alternative to office practice to fulfill the diploma privilege. In the mid-1960s, Stuart Gullickson rebuilt the course, emphasizing Wisconsin practice methods. The Course used teams of practicing lawyers to lecture, demonstrate and critique student performances in eleven areas of practice.

During this year the Course is undergoing significant redesign. Teachers will continue to be drawn from the practicing bar, but the focus now are lawyering skills rather than practice tasks. For example: in the past the course spent five days doing a full probate, including filling out all the forms. In the new format, students will conduct a two-day, informal probate and will interview the widow, draft a fairly complicated will and marital property agreement, interview witnesses and learn the methods lawyers use to continue their education. A new Skills Week will emphasize performing a series of legal skills in a single case file (including drafting, negotiating, arguing a motion and conferring with a client). Other possible changes include the addition of legislative and administrative law sections. Importantly, Mr. Cagle has placed new emphasis throughout the course on ethics and legal practice management techniques.

We commend the efforts and heartily recommend the Course not only to those intending to practice in Wisconsin (perhaps necessary because of the limitation to 64 students) but

to all students who will face the growing problems of law practice in their careers.

#### ALTERNATIVES TO ONE SEMESTER LIMITATIONS

Professor Frank Tuerkheimer reported to us on his two-semester Trial and Appellate Advocacy sequence. He indicated that his students commit for the full year. They begin the course with some exercises designed to prepare them for a trial. Before the first semester is over the students, in teams of two, try a case with Professor Tuerkheimer acting as judge. A transcript of that trial is prepared and made available for the students in the second semester. This enables the students to practice the important appellate advocacy functions of mastering the record, extracting usefully and fairly from it, and writing a lengthy statement of facts based on it. It also teaches them the difference between error and prejudicial error and the importance of making a record to show prejudice. In the second semester, students write briefs and do oral arguments. Because of the existence of the record, the process is both more realistic and more educational.

We also commend this effort. We see that similar innovations could be applied in a number of curricular areas without necessarily requiring a two-semester format. We also note again that this course is understandably limited to 20 students and that wholesale application to the law curriculum would be impossible due to space and budget constraints.

#### ALTERNATIVES TO EXAMINATIONS

Professor Carin Clauss reported to us methods she has employed as alternatives to issue-spotting exams. She indicated, and we agree, that such exams are not always a good method of evaluating student learning. Professor Clauss has offered students a number of alternatives, including a brief (one to three drafts), an oral argument, or a written response to a court ruling in the form of a

settlement agreement or a new policy. In addition to permitting the incorporation of skills-training in a substantive course, it also permits the teaching of controversial subjects since students must adopt the role of advocates for both sides. Professor Clauss has also incorporated a variety of analytic techniques into instruction in complex litigation, including: statistics and economics, scientific techniques, and the use of historians and psychologists. Her students must prepare a trial plan for the use of expert testimony, locate the expert, and prepare him or her for trial.

Professor Clauss also serves as the faculty advisor for the Law School's Moot Court program. She noted that last year the School fielded teams in 10 national competitions, involving 55 students. An additional 40 students competed in an intramural competition. More students were involved as members of the Moot Court Board. All of these students learned about litigation and had an opportunity to enhance their writing skills.

We were pleased to learn that our Law School's teams had a high degree of success in Moot Court. In the ten national competitions seven of our teams won and four placed second. We encourage the School to continue fostering this program and congratulate the students for their efforts.

#### CLASSROOM TEACHING

On Monday morning Visitors joined students in most of the twenty classes offered. While we hesitate to compliment or condemn individual faculty members because we see such a limited slice of instruction we will note that we were generally pleased with the quality of instruction and level of student performance. Some Visitors questioned whether the late arrival of some students detracted from the educational opportunity. Students are, after all, no more than three years away from being lawyers. As lawyers they will have to learn that being late is not a matter of discourtesy, rather it is a potential instance of malpractice. While we would not resurrect Professor Herbert Page as a role model for our faculty, we do encourage the development of a more professional attitude in both the faculty and the student body.

#### STUDENT CONCERNS

Placement: In the market of today it is not surprising that students expressed concern over their perceived ability to find employment after graduation. In the long run all efforts to enhance the School's reputation will improve placement success. In the short run, however, there may be some immediate changes and improvements to help current students. We appreciate the Dean's commitment to making these improvements. He reported to us his intention to reallocate some job responsibilities that will increase the time the Placement Director will have available for students and employers. We also commend the use of



*The old Reading Room in the Law Library*

money generated by the on-campus interview fees to acquire resources to assist students. We understand, however, that in a declining market, these funds will not be as abundant as they might be and that some employers may not interview at our School because of the fees.

We specifically suggest that efforts at teaching interview skills be improved. Students need to know where to learn about employers who will interview, what to say and how to conduct themselves. Some students appear to have too "laid-back" an attitude about potential employers.

We also recommend that methods be employed to force students into realistic career planning. One method that could be employed is a required, short interview of first year students as a condition of interviewing during the second and third year. Another approach, albeit more costly, would be a 3-6 hour mandatory career planning course that would be taken by first-year students.

While no law school can guarantee a job for each graduate, nor can it force employers to consider its students, we can do more to prepare our students for the market they will soon face.

**Scheduling:** Students repeated their concerns that important courses were not regularly offered. The Curriculum study noted above may prove that at least some of these concerns are false. But, to the extent that they are not and that they are curable with some reallocation of talent and resources, we hope that students will be able to take the courses they need.

**Training New Teachers:** We encourage the School to continue and increase its efforts to insure that all new teachers have available and take advantage of opportunities to ensure basic teaching skills. This is particularly important where new faculty is recruited to replace senior, experienced faculty. We are not aware of any particular problems in this area but feel that attention is warranted in order to avoid such problems.

**Students With Special Needs:** Alan Post, the chairman of last year's Visit, continues to meet with students, faculty and staff involved with providing educational services to students with special needs. We encourage all parties to make all reasonable accommodations to the end that everyone in the law community has the best opportunity of education, instruction and service.

#### ADMINISTRATION

As mentioned above, Dean Bernstine secured the approval from the Board of Directors of the Alumni Association to reallocate the duties of the Assistant Dean for Development and Placement. In so doing, the Alumni Association will gain a part-time assistant, gain a number of hours for alumni work, and retain Ed Reisner's services for some of its activities. At the same time, Dean Reisner will have more time available for his duties in the Office of Career Services. We think this is most important in the market that has developed in the last 18 months. Dean Bernstine should be credited with this innovative solution.

We also find that, as the necessity of private fund raising by



*"Hot" carrel, wired for computerized legal research*

the Dean increases, it becomes more difficult for him to conduct the other business of the School. While he does have an Associate Dean to act in his behalf when he is out raising money for the School, that Associate Dean is himself only part-time. We conclude that the Dean needs a "chief of staff" to assist him. We learned from the Provost that Dean Bernstine has had discussions concerning the creation and funding of an additional Associate Dean position. We most heartily support this decision and recommend that the University administration do whatever it can to accomplish this change.

#### UNIVERSITY AND LAW SCHOOL BUDGET

Our meeting on Monday with Provost David Ward (who appeared in place of Chancellor Shalala who was in Washington) was most instructive. We discussed the place of the Law School in terms of the University's budget priorities. Many of us were shocked to learn that our "public" University is now no more than a "publicly assisted" University. We were told that only 28% of the University's budget now comes from state funds, another 11% from student tuition. The remainder must be derived from program revenues (like our on-campus interview fee), endowments and gifts, and federal grants and contracts. The Provost noted that law and business have been treated better in recent budgets than the rest of the University. The administration is committed to excellent professional schools as a complement to a world-class research university.

It is obvious to us that money is tight all over the University. It is equally obvious that the Law School and the rest of the University will have an increasing reliance on funds raised through

contracts and gifts. What may not have been obvious before this meeting is the acceptance of the University of the need to replace tax support with private support. This change emphasizes the critical importance of professional fund raising on behalf of the Law School.

We also discussed with the Provost the proposal to add at least a half-time Associate Dean. We learned that the Provost and the Dean have had an on-going series of discussion along these lines. The Provost repeated his concerns that there are no funds currently available to allocate for this purpose, but also indicated that some help might be forthcoming after completion of the strategic re-evaluation. We believe that this is an important improvement for the Law School in light of our growing dependence on private fund raising. The Dean is doing an excellent job, particularly in fund raising, and should not be hamstrung by administrative details

### BUILDING PROPOSAL

For almost a decade the Visitors have been following the tortuous path of the much-needed building addition. While some of us may have reservations about the faculty decision to remain on Bascom Hill rather than go for a new facility in some other location, it is apparent to us that the current plan is the only one with a reasonable chance of succeeding in the foreseeable future.

For that reason we are concerned with what we hope is only a temporary delay. We hope that at its next meeting the State Building Commission will release the planning funds that have been legislatively authorized and that the building addition and remodeling move forward.

During our meetings we had the opportunity to view the current facility's deficiencies first hand as well as in photographic contrast with what we believe the building plan will accomplish. We saw features in other law schools that we hope to emulate and even improve upon. Most importantly we learned how the current inadequacies limit our ability to deliver quality instruction to our students, place us at a disadvantage in recruiting outstanding faculty, and restrict our ability to compete for research grants and contracts that are important to the overall fiscal welfare of the School.

The building plan, which will add about one-third to our available space and significantly remodel and improve existing space, is critical to our position in legal education. In light of our conversations with the Provost, we are willingly to concede that

we cannot proceed without an infusion of private funds. We see this as a bad precedent for colleges and schools that do not have our base of support but we express our willingness to do whatever we can to remedy the problems the Law School faces because of its building.

Provost Ward indicated that, after a period with little new construction on campus, he expects eight new buildings to be constructed in the next few years. He suggests that our project is fairly small compared to these projects. We hope that we are not too small to be seen as a serious need.

### CONCLUSIONS

The University of Wisconsin Law School has a reputation of "doing more with less" than most other law schools. In the short time we were on campus we saw evidence that great things are underway there. We do not want to wonder, in future years, about what could have happened if only the School had the resources to exploit its talents and abilities.

While we find the School to be a healthy amalgam we commit ourselves to its improvement and invite all other alumni to join us in this crusade.

*Submitted by:* Frank L. Bixby, Chairman

### MEMBERS

Steven R. Allen  
Linda Balisle  
James Barry  
Thomas Bauch  
Barbara Burbach  
Irving Gaines  
Jeffrey Gershman  
Martha Gibbs  
Daniel Goelzer  
Aaron Goodstein  
Laurence Gram, Jr.  
David Hase

Joel Hirschhorn  
Harold Jordan  
E. Ann Kerns  
John Kramer, Jr.  
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Edward Pronley  
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Randolph Stone  
C. Thomas Sylke  
Mary Traver  
G. Lane Ware  
Loretta Webster  
Peter Weil  
Arnold Weiss  
Rebecca Young  
Andrew Zafis

Adopted: 17 January 1992

# Law Professors Take Time to Teach Undergrads

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TIMOTHY R. VERHOFF

For the past two years, Law School Associate Dean Gerald Thain and seven other law school professors have been teaching law to students who have never even taken the LSAT exam.

The class, Law in Action, is an innovative approach that involves law professors volunteering to teach undergraduates. The three-credit course, run through the Department of Sociology, is offered to about 65 students each year. The class consists of seven two-week modules. Topics include the impact of tax policy on American society, legal regulation of commercial advertising, legal responses to employment discrimination, controlling conduct through criminal justice, the role of the jury in the administration of criminal law, constitutional structure and the separation of powers, and Watergate.

According to Thain, several members of the law faculty had been discussing ways to further undergraduate education when Law School Professor Frank Tuerkheimer came up with the idea. "Frank thought up the idea and generated our enthusiasm. We talked to others on the law faculty to see if there was enough

interest. Then we got in touch with Jack Ladinsky," Thain noted.

Ladinsky, who has an appointment as a professor of law as well as a professor of sociology, took up the tasks of coordinator and liaison between the UW-Law School and the University.

"We originally talked about a variety of options," Ladinsky said. "One option was to offer a seminar for undergraduates in civil rights law. We wanted to get started

quickly, and there was no single faculty member who could commit to teaching the course for a whole semester." After much debating, the group came up with the current format.

Although both Thain and Ladinsky admit that many of the students enrolled in the class are prospective law students, Thain insists that helping students get a jump on law school is not the fundamental aim of the course. "There are people



*Associate Dean Gerald Thain instructs undergraduate students.*

who are interested in getting a leg up and seeing what law school is like by taking the course, but we try to emphasize from the beginning that the goal of the course is to provide a basic understanding of law in operation. It is designed like a course such as Physics for Poets."

However, this class and most law classes do have one thing in common: emphasis on student participation. "There is an effort to get the class involved. We try to get the students to raise their hands and participate. But if they don't, we have a seating chart, and we call on them," Thain said.

Whether the course is designed for prospective law students or not, the general response has been overwhelming. Many students described it as one of the best they had taken at UW. "I've had kids come into my office and ask if we are going to offer the class again. I've already seen follow-up consequences of the course. Some of the students who take the class during their junior year pick one of the course's themes as the topic of their senior thesis," Ladinsky reported.

But Law in Action has not been without problems. Some students cite the lack of depth in each topic as a concern. But Ladinsky says that the faculty is doing the best they can. "We are aware of the student concerns and recommendations. We are faced with the difficulty of making that operative. We could decrease the number of topics and increase the amount of time,

but my guess is that even if we added a week, the students would still recommend more depth. We have a format that works. It reduces pressure on any single faculty member, and it exposes students to a variety of topics."

Thain noted a second problem as well. "You have to avoid getting overly technical," he said. But he agreed that the instructors usually try to get down to the basics. "The emphasis is on policy issues. We try to explain how a process becomes involved in determining policy. For example, what is the difference between criminal prosecution for false advertising or having disputes resolved by private litigation as opposed to an administrative process."

For many undergraduates, taking a course taught by law professors can be, to say the least, intimidating. But according to Ladinsky much of the student anxiety has virtually disappeared since the first time the class was offered. "The grapevine effect has taken some of that edge off. These kids know from other students that this course is not intimidating. It's enjoyable."

So, what do the students think of their professors? "My general sense is that the students idolize the faculty," Ladinsky said. "Even topics that are really deadly, like tax, are made alive. I think part of it is that just being able to take a Law School-type course makes them feel so special that their attention is grabbed," he

continued.

Law professors who have taught this course, in addition to Thain and Tuerkheimer, are Chuck Irish, Larry Church, Herman Goldstein, Carin Clauss, Steve Herzberg and Arlen Christenson.

Law in Action will be offered at UW again during the spring semester. The course will run as it has before, with a few exceptions. Due to conflicts, some of the faculty will not return to the line-up again this year. However, others will take their place and new topics will be arranged.

One thing Ladinsky would like to work on this year is cutting some of the red tape that has hindered the course in the past. "It is my hope that we can solve some of the administrative problems that plagued us the first two offerings. There are dilemmas by virtue of the separation of professional schools like law from the undergraduate curriculum. The first time we offered it, I ran into endless problems just listing it in the timetable," he said.

Law in Action is a rare course at UW. It offers undergrads a chance to taste instruction at the post graduate level. And it allows professional school professors a chance to enhance undergraduate education. And both Thain and Ladinsky are aiming to keep it thundering down the right track. "I consider this a wonderful opportunity for the university to bring this kind of teaching to undergraduates," Ladinsky said. "It really works."



# JAMES T. BARRY, JR. '59

## TIMOTHY R. VERHOFF

Contrary to popular belief, you do not need to have a masters degree in business in order to be successful in the business world. Proof comes in the form of James T. Barry, Jr. a Milwaukee native who blossomed into one of that city's top real estate brokers. After attending the University of Notre Dame and majoring in finance, he opted for law school instead of pursuing a business degree.

Going to law school was an unexpected twist in Barry's life. His interest was sparked after some of his friends applied for a practice booklet for the law school entrance exam. "I read through it and liked the kinds of questions they asked. I thought, 'What the heck, if they are taking it, I will too.' I got a really good score on the test, so the University gave me a fellowship to be a housefellow," Barry recalled.



JAMES T. BARRY JR. ('59)

After a few months of law school, Barry realized that the legal profession was not for him. "Law school confirmed that I did not want to practice law. Yet, I found law school a fascinating mental arena," he said. Barry continued his legal

education, graduating in 1959.

Barry, whose father was a real estate broker, decided that real estate was the career for him. "I was licensed as a real estate broker between my junior and senior years of college. The whole time I was in law school, I had real estate lingering in my mind," Barry noted.

Following in his father's footsteps, Barry entered the real estate profession. He started with his father, who had an interesting employee relationship with The First Wisconsin National Bank. In addition to being an employee, the elder Barry could do his own real estate deals as James T. Barry, Company provided he shared commissions with the bank. But Barry, the son, acted

as an independent contractor broker.

Barry's first deal, the selling of Crestwood Bakery, involved knowledge he acquired directly in Law School. He remembered details that he learned from

Professor Ray Brown's tax course, and searched his notes and textbook to find the information that related to the deal. "Sure enough, I came to the particular section of the Internal Revenue Code and found the tax loophole I was looking for," he said. "If I had not had that course, there was no way on earth that I would have recalled the loophole that enabled me to sell the bakery as an investment property."

In 1963 Barry's father retired from the bank. So, the younger Barry created the James T. Barry Co., Inc., a commercial, industrial, investment real estate firm.

Although Barry did not want to become a conventional lawyer, he does not regret getting a law degree instead of a masters degree in business. Instead, Barry insists that he uses his legal training daily. "There is no way that an M.B.A. could have done for my mind what the law degree has done. I use my legal training every day, but it is more the thinking process than the specifics. I do use the specifics, too, in terms of any legal contract I enter into," he said.

As the chief executive officer of his company, Barry insists that the mark of a successful real estate broker is someone who is willing to become personally involved in deals and transactions. "You have to get into the trenches. I do both [act as C.E.O. and act as a broker]," he said. Barry also contends that excellence

as a broker comes from honing several qualities on a regular basis, such as market knowledge, memory skills, and understanding how one situation affects another. "You have to be able to understand relationships such as if 'X' occurs, what kind of roll-off situations will occur."

Barry noted the greatest change in the real estate business over the years is that it has become more legalistic. "It is a very rare transaction that occurs without either lawyers having involvement or without legal implications," he said. Barry also mentioned that there have been an increased number of real estate brokers entering the profession with a masters degree in business. "When I started in the business, people were coming in with, at the very most, a college degree. Over the years, the percentage of people coming into the business with an M.B.A. has increased significantly. The number of people coming into the business with law degrees has also increased, but not as significantly."

Barry contends that his interest in real estate is stoked because it is an ever changing field. "The surprises make the business fascinating. It keeps me alert," he said. However, one problem Barry finds in real estate is that people who know little about it, try to get involved in the deals. Barry contends lawyers occasionally take control of a transaction when they should not get involved. "They make some busi-

ness or economic decision in which they may not be knowledgeable. When they do that, they are really hurting their client," Barry lamented. Moreover, Barry does not like it when an owner or prospect wants to work a deal in a special way. In reality, it only wastes their time and ours," Barry said.

Although he loves the real estate business, Barry said there is room for improvement, particularly in the area of land use controls. Barry would like to focus on environmental concerns and optimizing land use in clustered areas such as downtown Milwaukee. "I would revamp the protection of the environment and the way people live."

Outside of the business world, Barry has engaged himself in both family life and community events. Barry belongs to several Milwaukee social and athletic clubs. He is a Rotarian and sits on the advisory committee to the Chicago Title Company. "I'm also on the advisory board to the College of Arts and Letters at the University of Notre Dame," he said. Barry has four children and enjoys sailing, tennis, golf, and traveling.

After a lifetime of putting together a whole lot of real estate transactions where both buyers and sellers came out as winners, Barry can't imagine doing anything else. "I plan to stay in real estate until the day I die," he said.

# ERIC DAHLSTROM '76

## TIMOTHY R. VERHOFF

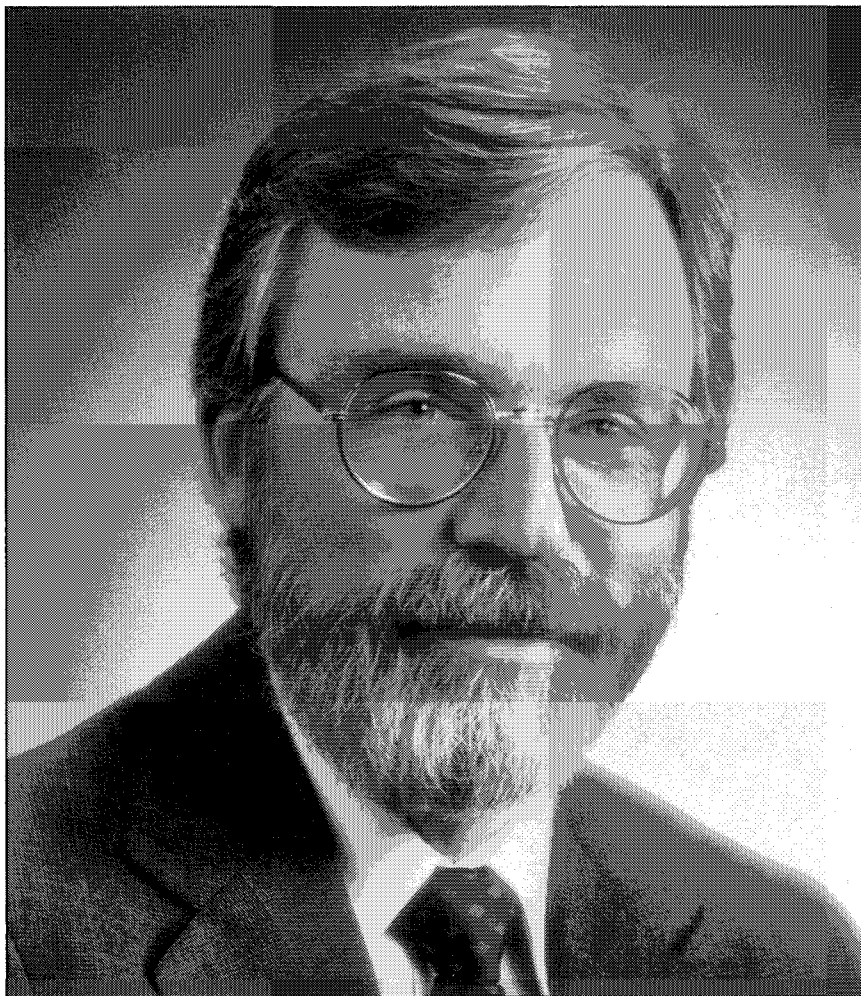
Most people just swear when they are fed up with federal politics. Not Eric Dahlstrom. After finishing law school, he decided he'd had enough with this nation. And he decided to work with people from a different nation.

In fact, the 1976 Law School graduate just finished his term as Deputy Attorney General for that nation: the Navajo Nation.

Dahlstrom's career ambitions hit early in his college career. While studying political science at Beloit College, he interned at the office of Indian Education in Washington, D.C. It was there he realized his desire to attend law school. Moreover, he recognized his yearning to work with Native Americans.

"It appealed to me largely because of the political environment in 1970. The United States had just invaded Cambodia. It was the pinnacle of the antiwar movement. Working with Indians appealed to me because Native American politics was not interrelated with any of that," he said.

After law school, Dahlstrom snatched



ERIC DAHLSTROM '76

up his first job with the DNA-People's Legal Services, the largest Indian legal services program in the United States. The organization, originally referred to by its Navajo name, Dinebeiina Nahiilna Be Agaditahe, meaning "attorneys who contribute to the economic revitalization of the People", provides free civil legal services to residents of the over 10 million acre Navajo and Hopi reservations.

It was through Wisconsin Attorney

General Jim Doyle that Dahlstrom found out about the opportunity at DNA. "Jim was just back from working with DNA. He was representing some Menominee Indians in a criminal case, and he was supervising clinical work at the Law School. I did some research for him on the criminal case, and he told me about DNA," he said.

So, Dahlstrom and his wife, Margo Joan, packed their belongings, moved to Window Rock, Ariz., and he got his first taste of tribal courts. Navajo

tribal courts, although distinct in their own customs, resemble Anglo courts. The Navajo court system now consists of six judicial districts. And each district court has general civil jurisdiction and limited criminal jurisdiction. The system also has a three justice supreme court that hears appeals from lower court decisions and from certain final administrative orders. The Navajo Supreme Court abolished trial de novo at appellate level and hears only

issues of law raised in lower court.

However, the tribal courts do have some unorthodox practices as well. For example, judges and advocates are not required to be law school graduates. They do have to be a member of the Navajo Bar Association and can do so by attending law school or working as an apprentice to a certified bar member for two years.

"Every tribe has their own rules on what it takes to practice in their courts," Dahlstrom noted. "Navajo is the most developed. There are over 200 members of the Navajo bar. I took the first Navajo bar in 1976. Prior to that it was a more informal process. It is kind of like the old training system that was used in the state jurisdiction. Navajos have fewer law school graduate judges than a lot of other tribes. Some tribes use only law school grads. But it varies. Some of the Pueblos use a religious leader as a decision maker," Dahlstrom said.

In addition to unique bar admission requirements, the Navajos also use Peacemaker Courts. These courts, established at each judicial district, "use traditional leaders of the community to act as mediators of disputes rather than using an adversary process," Dahlstrom mentioned.

Dahlstrom's position within DNA, however, left him little chance to practice in the tribal courts. "We were allowed to practice, but as a matter of policy, the attorneys who were not Indian did not handle Indian versus Indian cases. I supervised, trained and assisted the tribal court advocates," he recalled.

In Dec., 1979, Dahlstrom left DNA to start up Four Rivers Indian Legal Services in Sacaton, Ariz. "There were four reservations in Arizona that did not have access to any legal services. I was given a grant to start the same sort of program (as DNA), so I did." Dahlstrom claims that Four Rivers was the same type of operation, with a few exceptions. "We had offices on two reservations and served members of four reservations. We also represented tribes as clients, which the DNA does not do. And Four Rivers was founded in part by the tribal governments."

After eight years with Four Rivers, Dahlstrom left to take the position of deputy attorney general for the Navajo

Nation. While working for the Navajo Nation, Dahlstrom landed his biggest case, one involving former chairman of the Navajo tribe, Peter MacDonald. "Just before I arrived in Window Rock, the tribe purchased the largest ranch in Arizona for \$31 million. Then it came out that there had been a flip on the deal, and it had been purchased for \$7 million less, one hour before that. And the guy who did the flip was an old buddy of Peter MacDonald. The results were Senate hearings for Peter MacDonald, and disclosure that he was involved in the deal and a cover-up," said Dahlstrom.

According to the Chicago Tribune, MacDonald maintained a lavish lifestyle while many of the 125,000 Navajos he was elected to lead lived in abject poverty. MacDonald was eventually convicted of bribery and sentenced to six years in prison.

Although Dahlstrom was not the only nonIndian working for the Navajo Department of Justice, he admits that he occasionally felt he was an outsider. "I don't think that I was poorly treated, but I was excluded by the language alone. Much of the business of the Nation is conducted in Navajo, and I don't speak Navajo. It's not unlike working in any other cultural environment where you are a minority. You are not always able to fit in all the time. I often thought of myself as a visitor."

Dahlstrom also said he has seen an increase in the number of Native Americans becoming involved in the legal field over the past 15 years. "There are a lot more Navajo lawyers now than when I started. But the biggest thing I've seen is the growth and development of the tribal court system. There has been a real increase in the level of sophistication and the amount of independence within the government for the court system. There's an appreciation for an independent judicial system."

Dahlstrom also explained that although some Native Americans are bitter because they have been forced to accept the Anglo court system over their traditional ways, the Navajos have integrated some aspects of the Anglo courts with their own customs. "There is a desire to maintain the old values," he said. "But Navajo society is no more monolithic than any other society. Overall, there is a general desire to

develop the government and economy in a way that is Navajo. And that means mixing. From what I understand, Navajos have always been willing to take from their neighbors what they thought was useful. Shepherding and silversmithing are the two best examples."

Recently, Dahlstrom left the office of deputy attorney general and went into private practice. But it was not a hard decision to make. Under Navajo law, the deputy and attorney general are political appointees. And they serve a set term in office like other elected officials. "Ever since I went to the Navajo Nation, I knew my last day would be Jan. 15, 1991," he said.

Now, he is opening a Phoenix office for the firm of Rothstein, Bennett, Donatelli, Hughes, & Dahlstrom. "They are from Santa Fe, a pretty well-known criminal defense, civil rights litigation firm. I'm going to specialize in Indian affairs and natural resources. And I still represent the Navajo tribe in a couple of cases."

How does opening this office compare to starting up Four Rivers Indian Legal Services? "It's a lot easier. I'm opening an office in downtown Phoenix, and everything is there. When I opened the office in Sacaton, the first thing I had to do was find someplace to live. It wasn't that easy; it took a while. Then I had to rent an office. And I ended up doing the electrical work for the office and a lot of the work on the building. For example, I had to build the shelves for the library. I didn't have a pool of legal secretaries to choose from either. I had to hire staff and then train them. It was very interesting, but very challenging," he said.

When he is not scurrying about, opening a new office, Dahlstrom enjoys spending time with his wife and their son Marcus. "He's five, and I try to give him as much time as I can. He is my biggest interest. Right now, I'm teaching him how to ride a bike and all those fun things," he remarked.

As for the future, Dahlstrom plans to see where private practice takes him. "And if I can't find a way to represent people and cases I feel right about, I'll probably give up private practice and work for some type of public interest group," he said. "I'm just looking forward to a new adventure."

# THE WAR ON CRIME:

## Can We Afford It?

*A Talk by Professor Frank J. Remington ('49)*

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### CARMEN STANFIELD

On February 11, 1992, Prof. Frank J. Remington delivered the University of Wisconsin Roundtable luncheon address. Roundtable is a series bringing speakers of general interest to University faculty and academic staff in all disciplines and departments. His remarks were condensed for the Gargoyle by Carmen Stanfield, a Hastie Fellow at the Law School this year.

Associate Dean Gerald T. Thain, coordinating director of the Roundtable series introduced Prof. Remington as follows:

"Prof. Remington is truly a legend at the University of Wisconsin-Madison. He received both his BA and JD degrees from the University and joined the Law School faculty in 1949. His 43 years of service are a record for this institution, surpassing even the venerable Prof. Herbie Page. However, it is the quality, not the quantity, of his service that is most notable.

"Frank served in the US Army Air Force during World War II and received the Distinguished Flying Cross. After joining the Law faculty, he quickly became one of the nation's leading authorities on the administration of criminal justice. He has served on many panels and commissions for state and federal governments, bar associations, etc. He also has an impressive list of publications including law review articles, book chapters and reviews, and reports of gov-

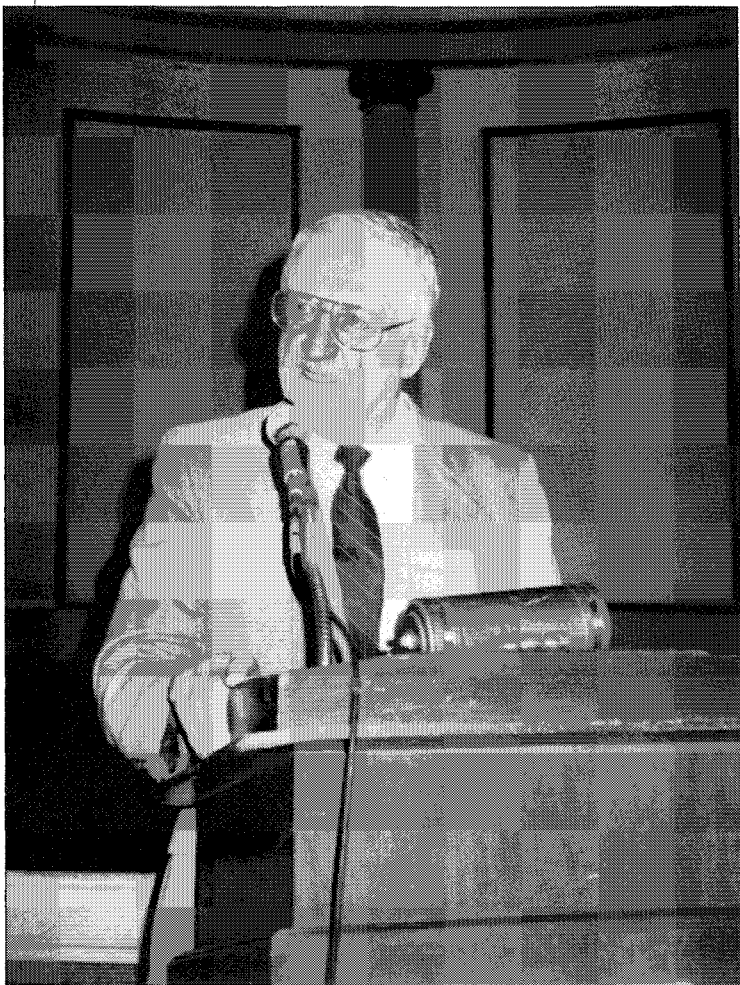
ernmental commissions—typical "credentials" for a distinguished law professor.

"Frank also has a history of involvement with the real world that indicates why I consider him the embodiment of "The Wisconsin Idea"—the concept that the borders of the University extend to the borders of the state and beyond. Frank was the moving force behind one of the earliest programs of clinical education in law school—Legal Assistance to Institutionalized Persons (LAIP), which provides our law students with "hands-on" experience under the direction of knowledgeable faculty and staff attorneys dealing with the problems of incarcerated individuals. He has been a major force in the area of sports and sports law within the University and beyond. He served for many years as a member of the University's Athletic Board and as UW-Madison's representative to the Big Ten. He has also worked with the NCAA, serving as chair of its "Infractions Committee" when Southern Methodist's football program was temporarily suspended. While showing willingness to deal firmly with institutions that violate the rules of intercollegiate athletics, he has also shown great concern for student-athletes who may be exploited by those who prey on them. He co-founded, along with Ed Garvey ('69), a sports law institute to help provide proper guidance to college athletes considering professional careers.

"I must also note that Frank has been a leader at the School and the University in helping to insure a more diverse law faculty and student body. The strength and success of his efforts in this area have won him awards from the LEO students at the Law School.

"Frank will be retiring, technically speaking, at the end of this academic year, but we are delighted that he will continue to teach with us on a half-time basis, for what we hope will be many years to come." Speaking on the topic of "The 'War on Crime'—Can We Afford it?", Professor Remington stated that both nationally and in Wisconsin, prison overcrowding is a major concern. Wisconsin has 7,000 people in prison today and a population of 20,000 is predicted by the end of the current decade. To meet these increases, we will have to build 13 new 1,000-person prisons before the 20th century. It will cost the state \$1 billion to build these new prisons and an additional \$1 billion each year to operate them. [More recent projections made after this talk was given significantly reduce the projected prison population. These new projections reflect primarily a liberalized parole grant practice for the nonviolent offender and demonstrates that prison population can be controlled. Intensive sanctions continue to be useful, particularly for the non-violent property offender without vocational skills or who have a drug abuse





***Professor Frank Remington at the Roundtable luncheon***

problem and who will need help while on probation or parole to become a functioning member of the law-abiding community.]

"Milwaukee County is currently building a \$160 million jail. It has had to sell the Milwaukee Public Museum, and possibly will have to sell the zoo, to pay the cost of locking people up.

"The New York Times reported that it takes \$2,000 to teach one illiterate person to read and write and \$50,000 to send a person to prison.

"We have the opportunity to look at the experiences of other states before we make our final decision to allocate this

enormous amount of funds to the building of new prisons," explained Professor Remington.

A state senator from Michigan who met with the Wisconsin panel described himself as a "law and order, fiscal conservative" who lead the fight in Michigan to build more prisons. He told the panel that he envies Wisconsin's opportunity to think before making a huge mistake as happened in Michigan. After spending more than \$1 billion on prisons, Michigan's prisons were more overcrowded than when the project began. In Detroit, they have guards in a new prison they cannot afford to open, in order to keep vandals out. Persons in Michigan, whose general assistance was eliminated, are told that if they get hungry enough to commit a crime, they can

go to jail and get 3 meals a day and a place to sleep.

In Illinois, the head of corrections said that Illinois prisons are full and they do not have the money to open the newest prison.

Not everyone agrees that sending more and more people to jail and prison is a bad idea. U.S. Attorney General Barr just announced that his office will help states defend putting two prisoners in a cell designed to hold one. This will save money in the short run but the long range cost of treating people in an inhumane way are likely to be great.

Wisconsin does have an alternative. We can decide to no longer send nonviolent property offenders to prison. Sixty percent of the women at Taycheedah Prison are there for nonviolent property offenses such as writing bad checks. These repeat offenses are usually associated with alcohol or drug abuse. The male prison population runs about 30% for nonviolent-property offenses.

At a recent Rotary Club meeting, Professor Remington gave the following example: "In Dane County, a young man broke into a building causing \$1,400 worth of property damage and taking \$30 in quarters. He lived with a woman and their three children. He worked and supported the children. He had recently started using cocaine. Convicted of theft, he got a two-year prison sentence. The average citizen believes this conduct is intolerable and that the offender deserves to be punished. But the costs involved in carrying out this sentence are much greater than most people realize. Included are \$25,000 to implement the sentence, over \$10,000 for AFDC for the three children, medical and food stamp costs, all totalling about \$55,000.

"The message that we send the thief is that if you steal we will spend \$50,000 on you. This cost equals the total state taxes paid by all of those attending the Rotary meeting," said Remington. Reaction to this is usually first anger and then interest in knowing what alternatives exist.

The Intensive Sanctions Program is one such alternative. Without this Program the judge must choose between prison and probation. In an Intensive Sanctions Program there are other alternatives such as a 3-month intensive boot camp in a highly disciplinary regime, weekends in jail, house arrest, or residential confinement at night only. The least restrictive option is assignment to a small, intensive probation caseload.

We spend approximately \$25,000 a year to imprison a person plus AFDC and medical costs. As an alternative we can have a qualified probation officer with a



10-person caseload and a budget of \$10,000 to purchase needed services for each person under supervision, services such as education, vocational training or drug treatment. A year in this kind of intensive program costs over \$8,000 less than the cost of a year in prison. It permits the person to remain in the community, work, or do community service to make restitution to the victim, and take care of dependent children who do not have to go on AFDC.

Looking back to the Dane County example, the prisoner with a 2-year prison sentence will not be treated for cocaine abuse. Drug treatment in prison requires getting in line and waiting for services that are usually backed up more than two years. This man will return to the streets after 2 years with no job and no better ability to cope with the drug problem than

he had when he started his prison term. The costs will escalate because, without a job, the man's family will have to remain on AFDC.

When the public hears these facts, they do not favor sentences such as electronically monitored house arrest because they don't want prisoners sitting at home watching television all day. They want them out working, doing community service, supporting their family, paying the victims back and taking care of their drug problems.

Sending more and more people to prison is believed to be politically popular. But once the public gets the facts, especially the costs of imprisoning the non-violent property offender, sending more and more people to prison is recognized by the public as both costly and ineffective.

Governor Castle of Delaware has been a leader in reducing Delaware's prison costs by keeping the nonviolent property offender out of prison. He says, "I used to argue that we have to be 'tough.' I now understand that we have to be 'tough and smart.'"

Both Governor Thompson and the Legislature in Wisconsin support the Intensive Sanctions Program. It will go into effect July 1, 1992. Before we spend \$1 billion to construct more prisons and sacrifice our museums, our zoos, and short change our schools, we need to think carefully about whether that is what we want to do. Like the Governor of Delaware, we have a right to be "tough" on violent offenders but we ought to be "smart" in the way we deal with the non-violent property offender.

Professor **Gordon Baldwin** was named to the State Election Board after nomination by Chief Justice Heffernan. He was elected Chair of the Board at its August meeting.

Dean **Dan Bernstein** presided at both the opening and closing ceremonies of the International Customs Academy, held in Taipei in May and August. The Law School's East Asian Legal Studies Center co-sponsored by the Academy with the Ministry of Finance of the Republic of China. Professor **CHUCK IRISH**, Director of the Center, was also present, and gave lectures on "An Introduction to International Trade-Economic Theories and Current Issues." Last fall Bernstein presented a series of readings for children celebrating the African-American holiday of Quanza. Bernstein has been selected to chair the Association of American Law School's Executive Committee.

Associate Clinical Professor **Ralph Cagle** recently commenced a one-year term as President of the Dane County Bar Association. He was elected to head the 1300 member organization in June 1990 and has served for the past year as President-Elect. Cagle's article, "The Legal Ethics of Elder Law Practice: Five Key Issues," appeared in the August issue of the Wisconsin Lawyer.

Professor **R. Alta Charo** made two presentations in October at the U.W. Medical School's new bioethics lecture series, on "Fetal Fascination: Fetal Protection Policies In and Out of the Workplace" and "Mommies Dearest: Redefining Motherhood in the Modern Family." She gave the opening address at the Wisconsin Public Health Association's annual meeting on "Ethical Issues In Public Health." In November she spoke at an invitational meeting sponsored by the NIH

in Washington, D.C., on "Effects of the Human Genome Project on Women's Rights & Reproductive Decisionmaking," and returned to D.C. in December to speak on the politics of the French abortion pill at an international meeting, sponsored by the American Society of Law & Medicine, on antiprogesterin drugs.

Professor **Arlen Christenson** was in the Republic of Korea in October, lecturing on Land Use Regulation and Environmental Advocacy at the Chonnam and Chosun Universities in Kwang Ju, and at Seoul National University. While in Seoul, he also spoke on Land Use at the Korea Research Institute for Human Settlements and spoke on the subject of American Labor Arbitration at the Korea Labor Institute. His visit was initiated by the Law School's East Asian Legal Studies Center and sponsored by the International Cultural Society of Korea.

Professor **Bill Clune** addressed the Leadership Group of the National Association of State Boards of Education in Atlanta in August on the topic of systemic educational policy. He organized and participated in a Wisconsin Legislative Policy Seminar of the LaFollette Institute of Public Affairs on the topic of Educational Indicators and Student Assessments. In November he will present a paper, "New Judicial Roles in School Finance Litigation: A Comparative Institutional Analysis of Courts and Educational Reform," to a symposium on school finance litigation of the Connecticut Law Review.

At a recent meeting of the Board of Regents of the American College of Trust & Estate Counsel, Rodney N. Houghton, President of the College, announced that Professor **Howard S. Erlanger** has been elected a Fellow of the College. The College is an

international association of about 2500 leading estate planning lawyers and academicians in the U.S. and Canada. It actively pursues improvement of the tax and judicial systems in these areas of the law and provides programs of continuing legal education for Fellows.

Professor **Marc Galanter** delivered a paper in October at the Conference on Memory & Morals: Sephardim and the Quincentenary at the University of Miami, entitled "Righting Old Wrongs." He also visited the University of Iowa to participate in a Conference on Religion & Law in Independent India, and contributed a paper to a conference on Affirmative Action in the New South Africa. He attended the Robert B. McKay Memorial Conference on the Justice Mission of American Law Schools at Cleveland State University College of Law and gave the plenary talk on "Doing Justice in an Unjust World." In November he spoke at the Presidential Forum of the Maryland Bar Association in Baltimore on "Beyond the Litigation Panic," and gave a related talk on "The Legal Epidemic" to a sixth grade problem-solving class at Van Hise Middle School in Madison.

Galanter presided over the Conference on Jews & the Law in the United States, organized by the Institute for Legal Studies, in Madison in November. He also presented a paper to the faculty seminar at Osgoode Hall Law School, Toronto, and gave the first Morris Gross Lecture at the University of Toronto Law School on "The Large Law Firm in Transition."

In August, Professor **Herman Goldstein** testified before the Mayor's Blue Ribbon Committee reviewing Milwaukee police operations in the aftermath of the Dahmer case. At the request of the California Attorney

General's office, he presented a seminar on new developments in policing for senior management of the Los Angeles Police Department. In August he also presented a workshop at the Conference for Police Executives on Reducing Racial and Ethnic Tensions, organized by the Police Executive Research Forum and the National Organization of Black Law Enforcement Executives, and sponsored by the Carnegie Corporation and the Ford Foundation, in Washington, D.C.

Professor **Chuck Irish** delivered two papers to academic and professional audiences in Seoul, Korea, in the spring, 1991; "Tax Reform in a Global Environment" and "An American Perspective on International Trade and GATT." (The latter was co-authored with Susan Katcher, Assistant Director of the Center.) In August, he taught a short-course entitled "Tax Reform Issues in Newly Industrialized and Developing Countries" for the ROC's International Taxation Academy, and he presented a paper on an international conference held in Taipei on the tax treatment of non-profit organizations.

**Susan Katcher** attended the conference in Taipei as editor of the conference papers. After the conference she travelled to Japan to meet with law school representatives in Nagoya, Kobe, Kyoto, Tokyo and Kanazawa.

Professor **John Kidwell** has been reappointed to the Wisconsin State Board of Bar Examiners for a two-year term.

Professor **Stewart Macaulay** participated in a Mini-Workshop on "Theory & Practice: Finding Bridges for the Classroom" at the AALS Meeting in San Antonio. The workshop brochure stated: "(s)everal law teachers will both describe and demonstrate how they have used a variety of

particular teaching techniques to bring reality to the traditional classroom and how those techniques are used to explore a wide range of issues." He spoke on "First Year Courses & Integrated Curricula: The Use of a Social Science Perspective in the First Year Course." His specific example comes as no surprise: he



*Professor Donald W. Large, Lewis & Clark Northwestern School of Law, presents the second Ralph M. Hoyt Lecture in February. Commentator Randall Kadlec, Chicago Title Insurance Co., looks on.*

described and advocated Contracts: Law in Action, the "Wisconsin" Contracts Materials.

Professor **Margo Melli** was an invited participant in a conference on Family Law & the Best Interest of the Child, cosponsored by Ripon and the ABA Section on Family Law. In May she delivered a paper on "Toward Restructuring of Custody Decision-making at Divorce: An Alternative to the Best Interest of the Child" at the VIIth World Conference on Family Law, held in Opatija, Yugoslavia. Professor MELLI has been elected a Vice-President of the International Society on Family Law.

Professor **Richard Monette** was appointed legislative counsel for an omnibus Indian housing and education bill being developed by the American Indian Resources Institute under the direction of U.S. Senator Daniel Inouye and the Senate Committee on Indian Affairs. His first meeting of the committee was in Denver in September. Monette's magazine essay and article titled "Seeds of Revival" and "A Contribution of Democracy" appeared in the July/August issue of Canada's *Legion* magazine.

Professor **Gerald Thain** delivered an address in the Public Lecture Series on Ethical Issues in the Professions, sponsored by the University of Wisconsin-Marathon and University Outreach at Wausau, Wisconsin in November. His topic was "Advertising & Solicitation in the Legal Profession — Ethical Issues & Constitutional Ramifications." In December, Professor Thain was appointed to the ABA Uniform Commercial Code Committee and the Subcommittee on Commercial Paper and Secured Transactions.

Professor **Cliff Thompson** is the Raymond Rice Distinguished Visiting Professor at the University of Kansas Law School during the Spring Semester. The offer included "a lovely residence three blocks from the Law School, and first-class Kansas hospitality."

Professor **Thompson** also is currently Chair of the National Advisory Committee for Law for Fulbright Awards, administered by the Council for the International Exchange of Scholars in Washington, D.C. Locally, he is one of the founding members of the Mendota Incremental Club, which aims at bringing more retired faculty and staff into contact with the University.

This past summer, Professor **Frank Tuerkheimer** was appointed under the Federal Criminal Justice Act to represent one of three FCI Oxford inmates charged with first degree murder. The case was assigned to Judge Shabaz in Federal District Court. Prior to trial, Tuerkheimer announced to students in his classes that he would be appearing at the trial as defense counsel and met with interested students in advance of the trial to familiarize them with some of the details in the case. Approximately 20 students attended this pre-trial orientation and a comparable number came to the trial during its four-day duration. Tuerkheimer met with students after the trial to answer questions and engage in various post mortems. The jury found all defendants guilty of second degree murder. Several students followed the case from its inception through to the verdict, giving them a rare opportunity to observe an entire trial and to discuss it with one of the trial lawyers. While this may not be exactly what Langdell imagined when he developed the case method of instruction, it certainly fits the concept of law in action, so central to the Wisconsin approach to teaching.

Professor **Alan J. Weisbard** delivered a paper entitled "Brain Dead in New Jersey: Expertise, Politics & Religion in the Work of a Public Bioethics Commission," at the Fourth International Congress on Ethics in

Medicine, held in Jerusalem last October. (Alan reports that his visit to Israel coincided with those of Secretary of State James Baker and Soviet Minister Boris Pankin, "enabling" Weisbard to participate in the "mother of all traffic jams.") Weisbard also participated in a national invitational conference on Access to Treatment with Human Growth Hormone: Medical, Ethical and Social Issues where he delivered the conference summary.

During October, Professor **Bill Whitford** was a presenter and small group discussion leader at the AALS Bankruptcy Workshop in Washington, D.C., and spoke at the plenary session on "Emerging Bankruptcy Issues in the 90's: Finance Theory." In the fall he was a distinguished visitor at the faculty of law, University of Hong Kong and gave two faculty colloquia, "Consumer Protection Law in the U.S. over the Past 25 Years," and "Methods & Politics of Empirical Legal Research." He was a guest speaker in several classes. In October Whitford and Professor **Lynn Lopucki** presented the draft of their latest article "Corporate Governance in the Bankruptcy Reorganization of Large, Publicly Held Companies" to the corporate governance discussion group at the law school and to the finance workshop at the school of business. In January, Whitford presented a later draft of the paper to the faculty colloquium at the University of Indiana, Bloomington.

The Legal Assistance Program attorneys have been busy contributing to the development of Wisconsin law on several fronts. In November, **Kate Kruse Livermore** was part of a panel discussion speaking to the appellate division of the State Public Defender Conference about sentence modification motions. **Michele Lavigne** spoke to the trial division of the conference on the development of Wisconsin's Rape Shield Law. Also in November, **Dave Cook** presented oral argument before the Wisconsin Supreme Court in the case of *Piper v. Popp*. The issue in the case, which LAIP took on at the Supreme Court's request, is whether indigent inmates ever have a right to appointed counsel in civil cases. In December, Lavigne testified before the Wisconsin legislature on the impact of a death penalty bill which is pending before the legislature.

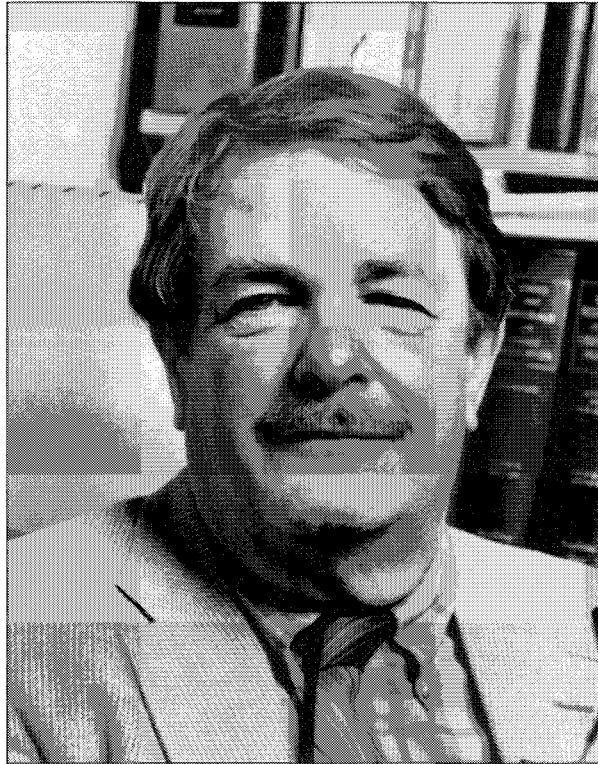
The Board of Directors of the Center for Public Representation together with **Louise G. Trubek**, Executive Director, have decided that the Center has grown so large and complex that a full-time Executive Director is required. Trubek will continue exclusively as the Clinical Director at the Center in charge of the Law School clinical program at the Center. The search for a new executive director will begin in early January with the hire planned for late spring.

# Warren W. Lehman, Emeritus Professor of Law

**W**arren W. Lehman's large and generous heart finally failed on the evening of Saturday, November

16, 1991. His death silences a profound and moving voice for his circle of family, friends and colleagues. Warren was born in Chicago on July 18, 1930. He received his A.B. from the University of Chicago in 1950, and later was a graduate student in the University's history department. He was also Human Relations Office for the Chicago Commission on Human Relations, Research Director for the Boy Scouts of America, Housing Specialist for the Chicago Urban League, and writer and editor for U.S. Industries of Santa Barbara, California, before returning to the University of Chicago Law School. He received his J.D. in 1964 and was the Bigelow Teaching Fellow from 1964 to 1965.

He became Assistant Professor and Associate Dean at Washington University Law School in St. Louis before coming to the University of Wisconsin Law School in 1968. He was Associate Dean here from 1977 to 1981, retired as Professor in July 1990, and was appointed Emeritus Professor soon after. Both as Associate Dean and teacher, he was especially interested in the tutelage of foreign law students, and he and his family invited them into their home as guests throughout the year and on holidays.



PROFESSOR WARREN W. LEHMAN

His areas of interest were criminal law, trademark, and especially jurisprudence. As his career developed, he became increasingly interested in the relationship of the law to psychology and psychiatry and to wider issues in philosophy. At the same time, his concern with personal experience and the way it illuminated legal issues deepened, and more importantly, he expanded his exploration of a sense of intuitive moral responsibility. He was the author of more than fifty books, papers, and articles. His honors included his appointment as Scholar in Residence at the Lewis Law Center of Washington & Lee University and as Resident at the

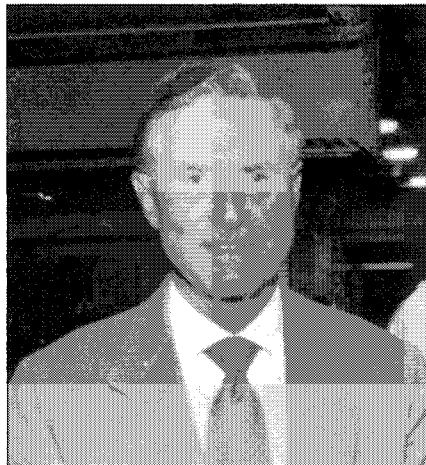
Rockefeller Study Center in Bellagio, Italy. He twice held the Smongeski Research Professorship at the University of Wisconsin Law School, and was listed in *Who's Who in America*. Upon his retirement, he continued his teaching in jurisprudence, and devoted himself to the development of a new publication, of which he was the editor, *The Madison Journal, A Review of Spirit, Culture and Law*. During his residence in Chicago in the 1950's and early 1960's, and again during his residence in the Marquette neighborhood in Madison in the late 1960's and 1970's, he was active in local community organizations and politics. He was a recovering alcoholic who spent the last 14 years of his life as a beloved participant in the recovering community. He was also a talented

painter and photographer who exhibited his work and actively participated in the local photographic community. He will be remembered by his students, colleagues and friends as a source of ideas, spiritual strength and leadership; and by his family as a loving and supportive husband, brother, father, uncle and grandfather.

## *Memorial Resolution Committee:*

Prof. Ted Finman  
Prof. Leonard Kaplan, Chair  
Prof. John Kidwell  
Prof. Alan Weisbard  
Dr. George Talbot

**Roger C. Minahan** ('34) has joined the Milwaukee-based Quarles & Brady, of counsel. Mr. Minahan also holds an S.J.D. from UW in 1935.



**Gerald H. Van Hoof**

**Gerard H. Van Hoof** ('39) is among a growing group of UW Law alumni who have added the title "business person" to that of "lawyer." A recent article from the Appleton (WI) Post-Crescent indicates that Mr. Van Hoof owns and runs several companies, with operations in Wisconsin, California, Illinois and Canada, and employs more than 650 workers.

**Jack R. DeWitt** ('42) has won the 1992 Charles L. Goldberg Distinguished Service Award from the Wisconsin Bar Foundation. The award was presented during the midwinter meeting of the State Bar of Wisconsin. The award recognizes dedication to the Bar and the Foundation. DeWitt served as a member of the Bar's Board of Governors, its President, and President of the Foundation during his varied career. While serving as an Instructor and Assistant Professor at our Law School in the late 1940's, DeWitt directed an earlier version of the General Practice Course.

**Herbert H. Fisher** ('52), a solo practitioner from Chicago, has been appointed chair of the Cooperative Committee of the Real Estate, Probate and Trust Section of the American Bar Association.

**Allan P. Hubbard** ('57) recently retired after 27 years of service in Wisconsin State government. Mr. Hubbard worked for the Dept. of Justice and the Dept. of Revenue. He was Chief Legal Counsel at Revenue prior to his retirement.

**Charles E. Burroughs** ('62) has joined the Milwaukee office of Hinshaw & Culbertson and will expand that firm's corporate health care practice. He has over 22 years experience in representing health care institutions in financial and construction law matters.

**Ellen M. Kozak** ('69) has published a new book entitled "From Pen to Print: The Secrets of Getting Published Successfully," which talks about the practical business of getting into print. Along with several other books, Ms. Kozak has written over 250 published articles. She practices law in Milwaukee.

**Edward D. Pribble** ('69) recently became a member of the National Mediation Board's roster of arbitrators. He works primarily in the Midwest as a neutral arbitrator in private and public labor and employment law.

**Richard Howe** ('72) reports that he is the Deputy Assistant General Counsel for Pipeline Rates in the Federal Energy Regulatory Commission.

**Paul W. Turley** ('73), a Deputy District Attorney in Los Angeles County, recently served as co-counsel in the prosecution of Charles Keating. Keating was convicted on 17 counts of securities fraud. Mr. Turley previously served as Los Angeles Regional Director for the Federal Trade Commission. He is married to **Barbara E. Arnold** ('76).

**David W. Marquez** ('73) recently became General Counsel of the Alyeska Pipeline Service Co. in Anchorage, Alaska. Alyeska operates the 800 mile long Trans-Alaska Pipeline that transports 25% of America's domestic oil from Alaska's North Slope to Valdez.

**W. Robert Lotz** ('74) has been elected president of the Kentucky Association of

Criminal Defense Lawyers. Mr. Lotz practices in Covington, KY, and is a past president of the Mental Health Association of Northern Kentucky.

**Robert J. Smith** ('74), of the Madison, WI office of Wickwire Gavin, P.C., has been appointed to the Construction Dispute Resolution Panel of the Center for Public Resources, headquartered in New York. The panel consists of 41 attorneys with extensive construction experience deemed qualified to serve as neutrals in significant construction alternative dispute resolution proceedings.

**M. Nicol Padway** ('75) has been re-elected as Chairman of the City of Milwaukee Fire & Police Commission.

**Steve Willborn** ('76) is a visiting professor at the University of Michigan Law School. Prof. Willborn has been on the University of Nebraska College of Law faculty since 1979 and is currently co-authoring a textbook on employment law.

**Juliet P. Kostritsky** ('80) has been promoted to full professor at Case Western Reserve University Law School in Cleveland, OH. Prof. Kostritsky teaches contracts, property, commercial paper and jurisprudence.

**Laurie Levin** ('81) has been appointed to chair the ABA Committee on Law and Medicine. She is Assistant General Counsel of the Harvard Community Health Plan and a member of the National Health Lawyers Association.

**Junaid H. Chida** ('83) recently became a partner at Dewey Ballantine, New York, where he has practiced since graduation. Mr. Chida concentrates his practice in the areas of leveraged lease and project finance.

**Virginia S. Schubert** ('85) has been elected a principal in Gray, Plant, Mooty, Mooty & Bennett, Minneapolis, MN. She practices employee benefits, tax and corporate law.

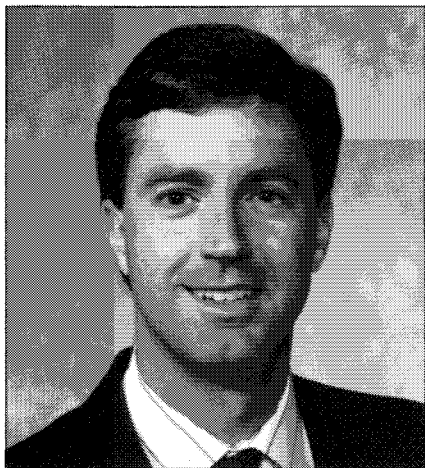
**David Gordon** ('86) has been appointed Assistant Regional Counsel for the Chicago office of the US Small Business Administration. Previously associated with



Gardner, Carton & Douglas specializing in international law, Mr. Gordon has served as a consultant to the ABA on legislation for Eastern European governments. He also serves on the Executive Committee of the Business & Professional Association of the Chicago Symphony Orchestra.

**Gregg C. Hagopian** ('87) has developed a Spanish-English version of Wisconsin's Standard Residential Offer to Purchase for the Milwaukee Young Lawyers Association.

**James Voegeli** ('87) has received the Trademark Attorney-Advisor of the Year Award (1991) from the American Intellectual Property Law Association. Mr. Voegeli with the Patent and Trademark Office of the US Dept. of Commerce.



**Michael G. May**

**Michael G. May** ('90) has joined Marshfield Clinic's development staff. He will serve as legal counsel — planned gifts.

**Florence Y. Searles** ('90) has opened her own general practice law office in Union Center, Wisconsin, the first law office in its history. Ms. Searles also serves as the village's mayor.

**Ken Driggs** (LL.M. '91) is serving as Assistant Capital Collateral Representative in Florida where his clients are death sentenced inmates. Mr. Driggs handles post-conviction matters in state and federal courts. Florida has 320 death-row inmates and has executed 28 since 1977. While working on his masters degree, Mr. Driggs



**Dean Bernstine meets with alumni at the Los Angeles Capital Campaign Dinner. Alumni are (from left): William Sbernoff ('62), Peter Weil ('74) and Victor Temkin ('60).**

was a supervising attorney in the Legal Assistance to Inmates clinical program.

**Christopher D. Anderson** ('91) has joined the Minneapolis firm of Maslon Edelman Borman & Brand where he will practice corporate commercial law. Mr. Anderson is a member of the Bois Forte Band of the Minnesota Chippewa Tribe.

**Michael D. Martz** ('91) has joined the Columbus, OH office of Vorys, Sater, Seymour and Pease.



**Lisa D. Pick**

**Lisa D. Pick** ('91) has joined the Detroit office of Miller, Canfield, Paddock and Stone. She will work in the Business Services Department.

## IN MEMORIAM

The Law School offers its condolences to the family and friends of these departed alumni:

Barbara Britt, '73  
Sara A. Epstine, '85  
Mary P. Field, '87  
Frank W. Kuehl, '23  
Harold McCoy, '27  
Don A. Olson, '42

At an alumni gathering in Houston in January one of our graduates told me that she always enjoyed reading my note because she could find out what the weather had been like "up north." While, all of you who moved to escape the Wisconsin winters will be disappointed to learn that this has been (so far) the winter that wasn't! We have had more rain than snow and very little of that bone-chilling cold that always seemed to hit during registration week as we trudged back and forth across campus. But then, with the advent of touch-tone registration, there is no trudging. Maybe I've come up with an alternate explanation for the warm weather.

As we press ahead into another presidential campaign, perhaps some of you will remember Sen. Al Gore of Kentucky, one of the Democratic hopefuls of 1988. Sen. Gore was a guest on a Wisconsin Public Radio call-in show recently and mentioned that his mother had once been

a law student "in Wisconsin." With a 50-50 chance that it was at UW, I hot-footed it to the Library and a copy of Who's Who. Learning that Mrs. Gore's maiden name was Pauline LaFon, I went back into the microfiche record cards and, low and behold, there she was: a summer student here for three courses in 1935! Does anyone remember her? Can anyone explain why she traveled up from Vanderbilt almost 60 years ago?

We are about to report our 1991 placement statistics to the National Association for Law Placement. Knowing the level of anxiety among students and recent graduates, and having read all the horror stories about the state of the market, it was with some trepidation that I began assembling the necessary statistics. But, while they are worse than we would like and lower than recent classes, over 93% of the class is placed and in law-related jobs. You can never be satisfied so long as there is one unplaced graduate and the current market

does require some procedural changes. With the Dean's encouragement I soon begin traveling out to employers, employers that regularly hire our graduates, employers that we would like to hire our graduates, and employers that students would like to work for. The purpose of these visits will be to promote the school and to explain the processes available to assist employers with their recruiting needs.

Two other developments should be mentioned with respect to placement efforts. The State Bar of Wisconsin, particularly the Mentor Council, should be congratulated for its assistance. The Mentor Council has arranged a series of panel discussions at each of Wisconsin's two law schools where students can learn about various types of career opportunities from practicing lawyers. They also offer students a one-to-one mentoring arrangement with a practicing lawyer and a "tag-along" program so that the student can observe what happens on a typical day.

We have also stepped-up our services for students interested in public interest careers. Using funds generated by our on-campus interview fees, we have hired a one-third time student assistant to provide public interest information. As the private market has become tighter, the number of graduates turning to public interest opportunities has increased and the availability of additional staff time is most welcomed.

As I write, the first of the "new design" Gargoyles is about to be mailed. Consequently I cannot report whether anyone has successfully identified that issue's mystery picture. For this issue I have chosen one that should be easy. I picked it because one of the people in the picture recently sat next to me at a local middle school program that we both had children in. Members of the Class of 1977, who are these young men and women and what was the occasion for the ties and dresses?



*Mystery Picture*

*The Gargoyle* invites alumni to send news of interest such as a change of status within a firm, a change of association, or selection to a position of leadership in the community or in a professional organization.

We also ask that you notify us of address changes and that you allow us to help you with your hiring needs.

Please fill out the appropriate cards and return them to:

WLAA  
UW Law School  
975 Bascom Mall  
Madison, WI 53706

## Alumni News

Name	Class
Address	
Telephone	
News or Comments	

## Change of Address

Name	Class
Position, Firm	
Office Address	
Office Telephone	
Home Address	
Home Telephone	

## Placement

Anticipated opening for third-☐, second-☐, and/or first-☐ year law students or experienced attorney ☐.

Date position(s) available \_\_\_\_\_

Employers name and address \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Person to contact \_\_\_\_\_ Telephone \_\_\_\_\_

Please attach a job description if applicable.

- ☐ I am willing to serve as a resource or contact person in my area for School of Law students.  
☐ Please list my request for an experienced attorney in the *Alumni Placement Bulletin*.

Submitted by \_\_\_\_\_ Class \_\_\_\_\_