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Summer
1971
Vol. 2 No. 4

Alumni Bulletin of The University of Wisconsin Law School

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The Gargoyle

Law School
University of Wisconsin
Madison, Wisconsin 53706

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Following is Dean Kimball's report to the alumni on the crisis in the Law School. It is of general interest to all who are interested in the Law School and its future.

REPORT TO ALUMNI

**By the Dean of the
University of Wisconsin
Law School, May 1, 1971**

Introduction

Previous reports to you have usually been optimistic in tone, or else routine reporting of facts about the school. Today we are faced with problems of great magnitude, and I propose to present the facts about the "crisis" as accurately as I can in brief compass.

The origins lie in the late 1950's and 1960's, when higher education was enjoying favor in the State Capitols, in Washington and with the foundations. But enhanced expenditures went mostly into the sciences and law schools got relatively little of it. One reason was that the increasing enrollments were in other fields, not in law. Our enrollment in 1958 was 494, in 1968 only 587, an increase of about 19% in the decade.

The turn into the 1970's brought changes: the downturn in the economy, the ending of student pressures at the freshman level, disenchantment with the universities, and austerity on the campuses. The budget squeeze finds the universities with heavy commitments to enlarged programs built in better days, from which it is hard to disengage. Now it is the law schools' turn to have exploding enrollments, unfortunately absent the affluent circumstances of the 1960's.

Law schools start from a very low base. They have always been under-budgeted. Long ago we were caught in a pattern of cheap, mass-production education, even though we are training students at the graduate level for the most intellectually de-

manding of the professions, whose complexities increase daily. The basic budget figures tell the story best. In the state's budgeting process for Madison, the following figures are currently used: freshmen and sophomores, \$808; juniors and seniors, \$1,249; master's candidates, \$2,414; Ph.D. candidates, \$2,114; law students, \$1,423; and medical students, \$7,131. Law students average 15 class hours, master's candidates 12, and Ph.D. candidates 7. On a per credit basis, law students are \$95; master's candidates, \$201; and Ph.D. candidates, \$302. At current tuition rates, resident law students pay 42% of the amount the process allows for them, non-resident law students, 149%; master's candidates, 24% and 88% of tuition, and doctoral candidates 28% and 100%. Tuition of law students generates about 60% of the total direct budget of the law school. I trust no one is surprised when I express a feeling that the law school has been systematically short-changed.

I have no personal devils and do not blame any person, except perhaps ourselves. We have been poor advocates. Specifically, I attach no blame to the Madison campus administration which has during my tenure been sympathetic and helpful, though limited in what it can do. Once a unit is in a pattern of cheap education it is hard to break out of it, because the historical costs, whether inadequate or excessive, are built as a base into the whole budgeting process.

The Enrollment Pressure

We had 587 fulltime law students in fall of 1968, 654 in 1969 and 771 in 1970. In addition to regular law students we have traditionally opened law classes to particularly qualified students — usually candidates for graduate degrees in other parts of the University — whose areas of special interest relate to the law courses they wish to take. These days the number of such non-law students in one or more law courses runs to perhaps 50 each semester.

When the new Law Building went through its planning stages in the 1950's, a study of long term patterns indicated that population growth, law school enrollments and the size of the practicing bar all followed more or less the same rate patterns. This suggested that future legal education needs of the State could be estimated perhaps as well from projections of general population growth as from any other factors. Thus relying on the anticipated growth of Wisconsin's population, it was assumed that a Law Building

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Vol. 2, No. 4 Summer, 1971

Ruth B. Doyle, editor

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sufficient for 850 students would meet needs for state supported legal education until 1980 or so. But we hit 1980 ten years early, for with the 771 fulltime law students and 50 more non-law students in our law classes last fall we approached the 850 capacity for which the building was designed. With the prospect of 875 to 900 fulltime law students on hand for fall 1971, despite our strenuous efforts to hold the line on admissions, and the probability of 50 or so non-law students, we will overflow the building and be forced to conduct perhaps a dozen or so classes each semester outside the law building.

The increase in students in two years, from 1968 to 1970, was over 31% compared with 19% in the previous decade, and a pessimistic forecast for next year would add another 19% to the 1968 base, a possible total growth of 50% in three years.

Budget. This increase must be evaluated not only in terms of the inherent problems created by large size and rapid growth, but in relation to resources available. Our direct budget for 1968-69 was \$876,000; for 1969-70, \$982,000; and for 1970-71, \$1,032,000. We have received no clear indication that it will be increased substantially, if at all, for next year, despite our pressing needs. From 1968 to 1969 the increase was less than 12%, and this year it was 6%, for a total of less than 18% on the 1968 base. Inflation robbed us of about 12% of that, so our effective gain was about 6% in the budget for a student increase of over 31%.

Faculty Size. A good faculty like ours comes and goes. There are absentees on leave and research grants and public service jobs, all paid from other budgets. There are varying but heavy administrative tasks. They are hard to count, therefore. A rough measure of effective faculty size is the number of full and part-time teachers teaching classes per semester. That number averaged 30 in 1958-59, dropped slightly in the next two years, and was 37 for each of the last three years. The increase in the decade from 1958 to 1968 was

23% while students increased 19%. But students increased in the last two years by 31%, the faculty not at all. If it increases next year, it will have to be from part-time teachers. Even if we had plenty of money, the market is picked over at this date, and people of a quality commensurate with the distinction of this school at a price we can pay are scarce. For beginning teachers we are almost competitive, but we average around \$3,000 below schools of comparable stature for teachers in their middle years and more than that at the top. There are 39 schools with higher top salaries than ours, though our highest salaried professor is one of the superstars of legal education. Not only does our salary disparity make initial hiring difficult, but it renders us very vulnerable to raids thereafter.

Dean Kimball invites all alumni to meet their friends and classmates in Suite E, Lakelawn Lodge, on Wednesday afternoon, June 16, during the State Bar Meeting.

Other Budget Problems. I will not dwell on other budget problems. They are too many for today. But one problem besides faculty size and salary structure is too crucial to ignore. For 7 years our library book budget has been constant, at \$44,000. This is just over the minimum for approved law schools, and far the smallest in the Big Ten. A reasonable estimate is that it will buy in 1971 about 65% of what it would buy in 1964. Our effective book budget is about a third less than in 1964.

Admission Pressures

Enrollment pressure is only the top of the iceberg. I have told you of the increase in students we must handle, but not of the applicants we must reject. During the late 1950's and the early 1960's we developed a more restrictive admissions policy. Twenty years ago we had an open admissions policy, but we flunked

out a third to a half of the entering class. The state was then spending large sums and diluting the educational experience for the survivors just to "give everyone a chance", though a stricter admissions policy would have greatly reduced the cost to the State and improved the education of the rest. We are accused of limiting admissions to make a more elite, prestigious and satisfying place for ourselves. That is nonsense. I began teaching two decades ago in a school with a similar open admissions policy. The job was then easy. Though I now know much more, I must spend more time preparing to teach more challenging students than in my first year of teaching, two decades ago. Grading has become a nightmare—when I first began the grades were widely spread from A+ to E—. They were easily distinguished. Now the quality is generally high and differences are harder to measure. The first decade was easy—the last decade has been the hard one. And it gets harder year by year. If our egos need feeding they can most easily be fed by having large numbers of inadequate students to flunk out summarily. But we have forsaken that easy path. The question we ask now is not what kind of student body we would like, but what admissions policy serves the State best. We undoubtedly make mistakes but our criterion is right.

In 1968, the draft kept the entering class down to 256 and many of them disappeared during the year. That year we probably accepted everyone who should have been accepted, though reasonable men may differ on the point at which the probability of success justifies a state subsidy of nearly \$1,000 to teach a resident student.

In 1969, however, we met a new phenomenon, the proportions of which we did not then sense. About 1400 applicants appeared for the 300 seats at our disposal. We aimed at 285 and 307 showed up. Many were rejected who would have been accepted in any prior year. In 1970 we faced even larger demand. De-

spite widely distributed guidelines 1500 self-selected applicants appeared. Our aim was again 285. We got 335. The three classes together produced a student body of 771, which with 50 non-law students from the hill, is just within the size for which the school was built, but well above a suitable number for quality instruction with available faculty, which has not grown with the student numbers.

The phenomenon was a national one. Enrollment in ABA-approved schools jumped 31% from 1968 to 1970. The number taking the Law School Admission Test rose from about 50,000 for the 1968 year to 75,000 for 1970. This year all American Law schools together have been filled to within a thousand seats of total capacity. An increase of 2% in the entering classes would have filled them all. However, some well-informed people thought the peak was near and that demand would level off. After all, there were clear signs of impending saturation of the market for practicing lawyers.

But then came 1971 and the deluge. Instead of leveling off, the steep climb became a tidal wave. The 75,000 test-takers became 110,000 in one year. Our own applicants jumped from 1,500 to 2,000, most of them qualified on the criteria of three short years ago. Another entering class of about 300 would be too large for our resources but a burden that could be managed. However, two classes of 350 would swell it to 833 next year and 864 the year after, while classes of 400 would increase it to 883 and 954. Preserving the quality of education at the Wisconsin Law School under existing and anticipated circumstances demands the 300 figure, and despite many misgivings because of the good students we must turn away, we aimed again at about that figure.

But this year all the predictors have gone awry. Despite cautious administration by the admissions committee, current information points to a class that may mount to 400. It would be easy to go far

higher with students fully qualified by 1968 standards. But it would be irresponsible for us to grow without adequate faculty and facilities, and we see no prospect of making up the sharp recent decline in our position.

Solutions

The Wisconsin Law School does not exist to serve the comfort and convenience of the Faculty. It exists to meet the needs of the State of Wisconsin for lawyers and of Wisconsin residents for legal education. The needs of the state are for good lawyers and of Wisconsin residents for a good legal education. Education and good education are not the same thing. This school has traditionally provided a good legal education, and that is why students want to come here. The problem is how to continue to provide quality legal education for residents of this state.

Elimination of non-residents. The proposal that naturally leaps to the mind when overcrowding is mentioned is that non-residents should be eliminated. The solution is plausible but unsound.

First, we really are part of a nation and free flow of students across state lines is of great value to the state and the nation. The flow goes both ways. A parochial policy in Wisconsin would not only be destructive of this State's vital interest in attracting able people here, some to stay; it would also invite retaliation from other states that now educate Wisconsin residents.

Second, the argument is often based upon a supposed added burden imposed on Wisconsin taxpayers. That is a myth, as the figures I have given show. I do not suggest that a net profit to the state on legal education is an argument for having non-residents, but the fact that non-residents now pay 149% of the direct costs of their Wisconsin legal education negates any argument based on supposed burdens to the taxpayers.

Third, residents and non-residents



Dean and Mrs. Kimball

alike want to go here because it is a quality school. One factor making it good is a reasonable mix of non-resident students with residents. Wisconsin residents get the advantage of a prestigious and broadly based law school without leaving the State. Eliminating or substantially reducing the non-resident enrollment would in short order diminish the quality and prestige of legal education available here for Wisconsin students, and would cheat the very people it was supposed to help—the resident students.

Fourth, eliminating non-residents would scarcely touch the problem. If we eliminated them all we would still have to reject a great many residents who would have been admitted three years ago. More drastic action is needed—the rapid expansion of legal educational facilities in the State to meet the need. This is based on the assumption that as a state we should satisfy the demand of all qualified residents for a legal education, rather than limit the supply of lawyers by a guess at the needs of the practicing bar.

Expansion at Madison. There are only two basic ways to provide additional facilities. The first is expansion at Madison. There are both advantages and disadvantages to this solution. Among the advantages, the first is simplicity. The school is in being, with an experienced faculty and administration. It can be argued that there are still economies of scale to be achieved by further

expansion, though their magnitude is easy to exaggerate. They would be mostly in avoiding the need for duplication of the library.

A second advantage is attachment to one of the great universities of the world.

A third advantage is ease of contraction if the present demand for legal education drops back. There is little indication, however, that the demand will be short-lived. It has many new causes.

But there are disadvantages to expansion in Madison. The first is that there is no prospect for adequate financing in advance of growth, under the budgeting process as I have seen it. We have already been caught in that trap and it has crippled us. Perhaps that could change but I should want assurances of it before considering expansion.

The second is that the present facilities are suitable only for the present student body and faculty, if even for that. Further expansion would require new facilities. This is no absolute barrier, but additional facilities can almost as easily be elsewhere. Additional faculty could as readily be hired for another law school. For teaching staff there are no more economies of scale to be realized. The faculty carries as heavy a teaching load as it could do.

Third, a larger school would make completely impossible administrative tasks that are now difficult and increasingly demanding. At the point we have now reached, those burdens seem to increase faster than size. This is closely related to the fourth point, that a larger school would reduce greatly the kind of community between faculty and students and among each group that is an important component of a quality institution. Effective teaching means contact with students, which is harder to achieve as size increases, even if student-faculty ratios stay constant. Much has already been lost in recent years.

Fifth, unlike graduate students generally, who support themselves through teaching or research appointments, most law students pay

their own way and many are dependent on the local job market to avoid heavy indebtedness by graduation. Our enrollment has grown faster than the Madison job market and it would be desirable to be able to tap a new market for law-related jobs.

A New State Law School. If present demand is to be met, expansion is necessary. It could be elsewhere. Such action has both advantages and disadvantages, which are to some extent the counterparts of those with respect to expansion at Madison.

The first advantage is that a single state law school must try to be all things to all men. A second school would make it possible to narrow the definition of tasks of both schools, which could complement instead of duplicating each other.

Second, by proper location, a second school could bring the advantage of commuter education to a large number of students who find residence in Madison expensive, and thus reduce cost to many Wisconsin residents. To this cost advantage can be added the possibility of tapping a second job market for part-time legal jobs.

Third, a second school would make it possible for many years to admit all qualified resident students who applied, thus restoring the situation that existed in 1968, when the only question asked was whether a resident applicant *should* be given a state-subsidized chance at legal education, not whether there was room. Non-residents, too, could be admitted freely, since they pay the full cost of their legal education.

Fourth, it would preserve the advantage of the present situation at Madison—of permitting a faster pace of learning and thus the production of better lawyers for the state than can take place with undifferentiated students with a wide range of abilities. A second law school should be a good school but it would not at first attract large numbers of the best students, and the pace of instruction would be slower.

There are disadvantages to the creation of a new school.

First, it takes time to do it right. There should be a lead time of two or three years before it opens its doors to its first class. This presents a real problem in view of the urgency of the need.

Second, it requires careful consideration of location, so that it can best meet the needs of the State.

Third, it requires initial investment in plant and library, though such an investment would be trivial compared to many other educational investments that are being talked about. Since expansion at Madison would also require added facilities, the cost of a new school elsewhere is less burdensome than the concept first suggests.

Fourth, if there is any lingering doubt whether the admissions problem we face is permanent, and suspicion that it may diminish as the market for practicing lawyers gets more nearly saturated and placement more difficult, a new school seems harder to justify. There is little doubt, however, that old levels of demand have been left behind for good.

A Satellite. An intermediate solution which makes possible quicker action and also looks toward the creation of a second school is creation of a temporary satellite school elsewhere. It could be expanded into a second school if demand continued, or could be phased out if demand dropped off. Its flexibility and speed of establishment are its great advantages. It could probably be created

Continued on Page 15

WANTED—

**PICTURES FROM YOUR
LAW SCHOOL DAYS —**

Please identify:

**Group; year; occasion;
individuals, if possible.**

**ANY SIZE OR SHAPE CAN BE
USED.**

**WE PROMISE TO RETURN
THEM IN GOOD CONDITION.**

UNIVERSITY OF WISCONSIN
LAW SCHOOL
AWARDS CONVOCATION

Saturday, May 1, 1971

4:00 P.M.

Law School

AWARDS PRESENTED

U.S. Law Week Award:

For the most satisfactory progress during 3rd year..... Maris Rushevics

Mathys Memorial Award for Appellate Advocacy:

Selected at close of arguments on May 1..... Howard Eisenberg
James Barnett

Milwaukee Bar Foundation Moot Court prizes:

Selected at close of arguments on May 1..... Howard Eisenberg
Claude Moulton
Paul Hejmanowski

West Publishing Co. book Award:

For outstanding scholarly contribution to the Law School..... James Clark

William Herbert Page Award:

For outstanding contribution to the Law Review:
For Comment: "The Legislation Necessary to Effectively Govern
Collective Bargaining in Public Higher Education,"
1971, Wis. Law Review, 275..... Thomas Wildman

George J. Laikin Award:

For Note "Securities—Inside Information as a
Corporate Asset"..... Terrence Knudsen

William J. Hagenah Scholarship prize:

To the Editor of Law Review, elected April 30..... Richard A. Primuth
Presentation of Editorial Board, Wis. Law Review

Wisconsin Title Association Jacob Beuscher Award:..... Timothy Fenner

Jacob H. Beuscher Fund Scholarship:..... John E. Knight

Phi Delta Phi Outstanding Graduate:..... Carl Ross

Student Advocacy Award:

Award presented by International Academy of Trial Lawyers.
Student selected by the Faculty for excellence in trial and
appellate advocacy..... Howard Eisenberg

Wisconsin Law Alumni Association prizes:

First ranking student after 45 credits..... Jay Himes
Second ranking student after 45 credits..... Robert Heidt

Joseph E. Davies prize:

To the outstanding member(s) of the second year class: Scholarship
and contribution to the life of the school..... Lucy Gleasman, Jean Zorn

Daniel Grady prize:

To the graduating student—highest standing in studies..... Angela Bartell

Salmon Dalberg prize:

To the outstanding graduating student..... Angela Bartell

Order of Coif:

Bartell, Angela G. B.	Loring, John C.
Bell, Thomas D.	Magyera, Charles P.
Clark, James R.	Schoeffel, Jon M.
Dickey, Walter J.	Schulz, William J.
Frank, James Stuart	Wahlin, John D.
Grimwade, Richard Llewellyn	Weiss, Richard A.
Harring, Janet S. L.	White, William Ambrose
Heiser, Walter W.	Widder, Theodore Carl III
Knudsen, Terrence K.	Zoesch, Thomas J.
Long, James J.	

BOARD OF VISITORS
MARCH 19 MEETING
CURTAILED

The last great snowstorm of this past winter—which will live forever in memory—occurred on March 18 and 19. The Board of Visitors had planned its annual two day visitation for March 19 and 20. Scheduled were class visits, lunch with students, dinner with Faculty members, and a series of reports about the Law School's present state.

Classes were not held. Most of the visitors were unable to be present. The scheduled dinner with Faculty was cancelled. Visitors who were able to be present included Edwin Larkin, Eau Claire; John Tonjes, Fond du Lac; Herbert Terwilliger, Wausau; Justice Nathan Heffernan, John Shiels, A. Roy Anderson, Madison; Glen Campbell, Janesville. The program consisted of informal discussions with Faculty and students.

REPORT TO ALUMNI

Continued from Page 5

for the fall of 1972 if an early decision were made and resources committed. A small library and a building adapted from other uses would do for a start. The administrative headaches of operating two parts of a single school are its greatest drawback. But it does have possibilities worth exploring.

The Need For Action Now

Though my personal preference may be discernible in what I have said, I hope not, for a final judgment is premature. One thing I can confidently urge, however, in concluding this report.

It is important that study be begun at once to develop a plan of action. A committee should study the problem, consisting of representatives of the Law School, the Madison campus and University administrations, and the law alumni. That committee should report its recommendations at an early date, for implementation as soon as possible thereafter.

Alumni Honor Hoyt, Beuscher

Ralph Hoyt, Class of 1912 and Professor Jacob Beuscher, Class of 1930, were honored by the Wisconsin Law Alumni Association with Faculty-Alumni awards at the Alumni Reunion luncheon, held in connection with the Spring Program on May 1.

Mr. Paul Meissner, Class of 1953, made the presentation to Mr. Hoyt, who is entering his 60th year of practice as a member of the firm of Shea, Hoyt, Greene, Randall & Meissner, in Milwaukee. A member of Phi Beta Kappa and Coif, Mr. Hoyt has, with the exception of a couple of years service with the Wisconsin Railroad Commission, been engaged in general practice all his life. He has been acclaimed as a "modest and humble man," a famous trial lawyer, often complimented from the bench for his competence and skill. Younger lawyers who have worked with him consider him the "greatest teacher," and many of his clients have been lawyers.

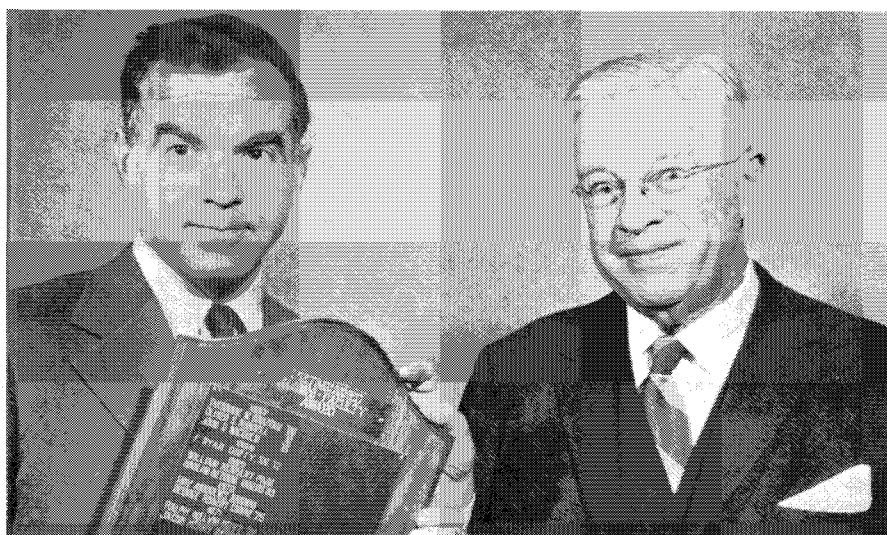
Mr. Hoyt's contributions to the advancement of the Bar have been numerous and influential. In 1936, he conducted an American Bar Association study on the then newly-developing administrative law. His study and comments are still cited in interpreting the comprehensive Administrative Procedure Act which was adopted in 1941. His skill and experience contributed to the broad court reorganization act of the 1950's. His whole career, stated Mr. Meissner in his tribute, is in "the best tradition of the Bar." Mr. Hoyt's son is now one of his partners, and his grandson is enrolled in the Law School.

Prof. George H. Young, former Dean of the Law School, and longtime friend of Jake Beuscher, presented the award to Rosa, Jake's wife. Mrs. Beuscher's response follows:

I believe that it is a great honor at all times for an individual to receive the faculty-alumni award of this Law School. But I feel that it is



George Young, Rosa Beuscher



Paul Meissner, Ralph Hoyt

a very special honor when one who has passed on from our midst—in this case, 4 years ago this coming July 12th—is remembered with such love and respect by his fellow men and women.

As Jake's friends you may be interested in some of the actions taken after his sudden death. First of all, you and many others like you sent in gifts of money for a scholarship to honor his memory. Gus Eckhardt tells me that the Beuscher Scholarship Fund now amounts to a little over \$12,100 dollars. In Jake's behalf I want to thank every contributor.

In 1969 the Wisconsin Law Review published a symposium of articles by some students and fellow workers of Jake that pointed up his many interests. These articles

brought together ideas and law-in-action research, begun or inspired by Jake—in planning, land acquisition and land use, beneficial use of water in a riparian jurisdiction, etc.

The University of Wisconsin Archives under the direction of Mr. Boell assembled Jake's papers. They run over 100 archive boxes with an excellent table of contents, are full of ideas not yet carried out, and are being used and I am sure will continue to be used. For instance, the Village of Shorewood Hills is becoming increasingly sensitive to its metropolitan obligations. In September 1956 Mayor Nestingen established a Madison Metropolitan Development Committee. Jake worked very hard as chairman of the Governmental and Administrative Problems Committee to develop a plan.

At that time neither the city nor the Village of Shorewood Hills were ready for a metropolitan arrangement. Today the climate is a better one, and these ideas and plans are readily accessible in the University Archives.

The Law School has also had a short, excellent "idea" biography prepared by Fran Thomas, a young Ph.D. in English, who worked for Jake for several years. When printed, many of his land use and environmental legal tool suggestions will be made available.

So, thanks to the Law School and Jake's friends, there is still an inheritance of ideas as well as the affection and love in our hearts.

We had a lovely visit with Jake's 94 year old Mother this past Sunday. The honor you are bestowing on her son today warms her heart. For her and the rest of Jake's family I accept this honor in behalf of Jake Beuscher.

BOARD OF DIRECTORS - VISITORS MEET MAY 1

As they customarily do, the Board of Directors and the Board of Visitors met jointly on May 1, 1971, in connection with the Law School's annual Spring Program. The Alumni Reunion luncheon, moot court arguments, an awards convocation and the annual spring dinner dance completed the day's festivities. President Patrick Cotter, Milwaukee, presided.

A proposal to reorganize the Law School Fund to integrate the fund raising activities more closely with the work of the Wisconsin Law Alumni Association was considered and approved. Under the reorganization, members of the Board of Directors of WLAA will become members of the National Committee of the Law School Fund. The President of WLAA will act also as National Chairman of the Fund drive. Additional members of the National Committee will be appointed for specific regions, annually from the reunion classes and for other purposes as needed.

The Board approved allocations from the Law School Fund and from the WLAA as recommended by

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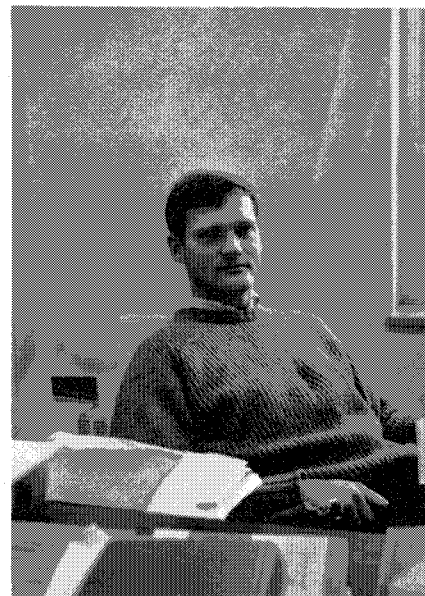
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BOARD OF DIRECTORS - VISITORS MEET MAY 1

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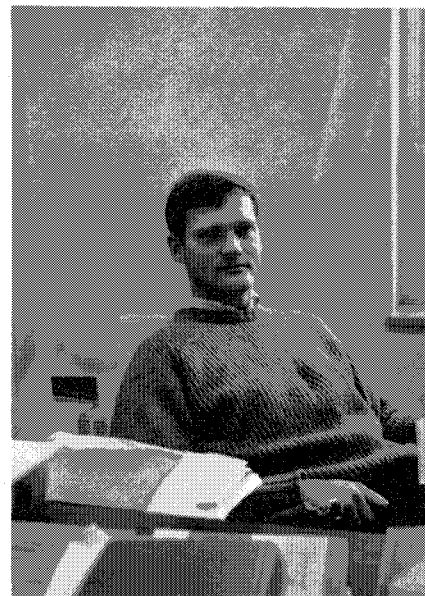
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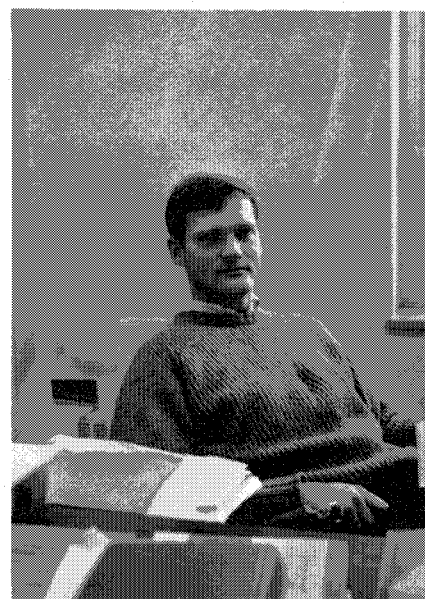
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PAD HOST TO DISTRICT CONCLAVE

Ryan Chapter, Phi Alpha Delta, served as host to the annual conclave of District VIII on April 2 and 3, 1971 in Madison. Special guests included Chief Justice E. Harold Hallows, Governor Patrick J. Lucey,

Justice Nathan Heffernan, Federal Judge John W. Reynolds, Milwaukee, and Clyde Cross, President elect, Wisconsin Bar Association. PAD District Justice Garnet Fay, Chicago, also attended. Conclave Justice James Czakowski, U.W. '71, presided. Judge Reynolds was named PAL Alumnus of the Year.



Judge Reynolds



Peter Humleker, Chief Justice Hallows, Garnet Fay, Chicago, District Justice PAD



Clyde Cross, James Czakowski

SPRING PROGRAM 1971



Coif Initiation, 1971

REUNION CLASSES CELEBRATE



WLAA President Patrick Cotter, Judge Peter Passas, La Crosse, Class of 1946, Dean Kimball, Carroll Calahan, Columbus, Class of 1931.



DOROTHY WALKER— GIRL PROSECUTOR

The trip on I-94 between Madison and Portage is pleasant, and it was a welcome spring day when the *Gargoyle* visited Dorothy Walker, Class of 1921.

Miss Walker's office, where she has practiced alone since 1938, is next door to Woolworth's and three doors from the First National Bank. It is a spacious, comfortable suite up a single long flight of stairs. Her own office looks out on the street.

She is a trim, small woman, simply dressed and coiffed. Her manner is direct and friendly; she smiles frequently and laughs easily.

Her nearly 50 years of practice have all been in Portage. For the first 18 years, she was associated with Grady and Farnsworth, a leading trial firm. Her work was closely associated with that of Walter Farnsworth, and it was after his accidental death in 1938 that she established her own practice.

Born in Columbus, Miss Walker credits her high school courses in Economics and Commercial Law with sparking her interest in becoming a lawyer. After two years in liberal arts, she spent one year at the Law School at the University of Southern California. The education there she found immensely practical; about 20 trial court judges, plus some federal judges, taught law courses at USC. There were a number of women in her class. She returned to Wisconsin as a second year student, becoming the sole female in the Class of 1921; she describes herself as an "average" student.

It was during the spring vacation of her last year in Law School that her permanent career choice was made. On the street in Columbus she met one of her elementary school teachers, who was the sister of one of Portage's most colorful citizens, Mr. Dan Grady. At Miss Grady's suggestion, she made an appointment with Mr. Grady. He offered her a job, and she accepted. She



Dorothy Walker

moved to Portage in June of 1921, although she was not admitted to the Bar until February, 1922. She was made a partner in her second year.

She has never left Portage. She has always been a trial lawyer, because that was what Grady and Farnsworth trained her to be.

She has had no regrets.

She works full-time. A brief case accompanies her home every evening. Part of each weekend is devoted to her practice. Vacations are seldom and short, usually involving relatively short trips within the United States. Her work is her life and her life is her work.

"I'm glad I came along when I did," says Miss Walker. "There was no discrimination then." Young women in Law School will be astonished to learn that early in her practice, at the urging of her senior associates, she ran and was elected District Attorney of Columbia County, serving two terms. She was twenty-three years old at the time, probably the first female Prosecutor in the United States. Her responsibilities included serving as counsel for the County Board as well as Chief Prosecutor for the County. Most crime at that time consisted of violations of the Prohibition Laws. It was a part-time job, run from her

office at Grady and Farnsworth. Although most of the members of the County Board were older farmers, and all were male, they respected her professional competence and accepted her advice. Nor did she encounter any difficulties because of her youth or sex with Columbia County juries.

"I'm glad I settled where I did," she also says. In a small community, she feels one can become known as a person with unique qualities, and not be generally categorized by age or sex. Almost as soon as she started practice, people from Columbus began coming to Portage to bring her their legal problems.

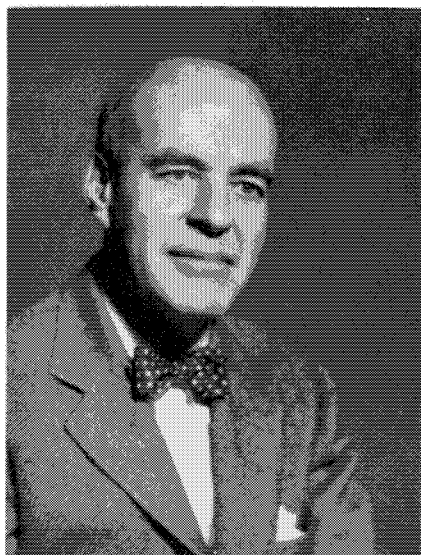
After two terms as District Attorney, she retired from politics, never to re-enter, although she has been a self-styled, rock-ribbed Republican all her life. Only once since her prosecutor days has she re-entered the arena. That was when she was appointed as Special Prosecutor by Judge Van Pelt in a murder case.

There are two people whose influence she credits with her success. Her partner, Walter Farnsworth, was able and thorough, and her eighteen years of work with him, during which they shared completely their professional responsibilities set the pattern for her work alone. She also recalls the great and continuing encouragement she received from Circuit Judge Chester A. Fowler. (He later became a Wisconsin Supreme Court Justice.) When sitting in Portage, he stayed at the hotel where Miss Walker kept an apartment, and she often ate dinner with him, and learned about law from their conversations. In recent years, realizing that she "can't do everything," she has limited her practice to trials and probate. Her clients are both male and female, from all walks of life and all age groups. Her trial work involves all types of civil litigation.

Miss Walker is skillful at shifting the conversation from herself to other women of note. She recalls the successful women practitioners of her generation in the cities of Wisconsin. She recalls her associations with Portage's illustrious natives —

Zona Gale and her husband, William Breese, and the many writers who gathered in Portage for vacations, helping to set a cultural tone which made Portage different from other small cities.

For over 30 years she has lived in a charming house built on a high point overlooking the Wisconsin river. It is a restful and a peaceful spot, but one has the impression of a woman hard at work, who only occasionally looks up from her desk to enjoy the view.



Lloyd K. Garrison

WHATEVER HAPPENED TO —LLOYD K. GARRISON

"I was happily practicing law in New York when one day Glenn Frank, whom I had never met, invited me to come and see him in his hotel. I went, and out of a clear sky he offered me the deanship at Wisconsin," recalls former Dean Lloyd Garrison as he remembers how he came to be involved in legal education. "... My wife and I went out to Madison for a short visit, and after returning to New York we finally concluded to take the plunge. So we moved out with our three little children and spent there the ten happiest years of our lives." The year was 1932. Newspaper accounts indicate that his salary (\$10,-

000) was the highest in the University, except for the President and the football coach. He reports that when he arrived to assume his post, his salary was cut substantially.

During his ten years as Dean, the expansion of the Law School was such that, at his departure after 10 years, he figures that about 1/2 of the members of the Bar of Wisconsin had been students in the Law School during his tenure. So immediate was the impact of his leadership in legal education that he was soon elected President of the Association of American Law Schools. In 1934, he reported in detail to the AALS on an intensive survey of the Bar of Wisconsin conducted under his supervision by 30 lawyers paid with funds provided by the Civil Works Administration over an intensive six month period. It was a precomputer analysis of the income of lawyers going back to 1880. The development of the business of the legal profession was traced by examining all the records in the Register of Deeds' offices throughout the state, all the court decisions, all the incorporation and bankruptcy records, all the lawyers' income tax returns and all other indices for a 50 year period. The effort was to trace the growth of the Wisconsin Bar to determine the volume and potential volume of business, to compare the practice of law by community, by age group and by the length of experience. The Survey also provided detailed information on the correlation between academic success in Law School and success in the practice of law, which was considerable.

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and hence consigned to starvation as practitioners. Dean Garrison concluded that, as of 1932 and 1933 (although times were hard, and income was reduced) that there was no over-production of lawyers.

Clearly no one before, and probably no one since, has had such a broad and detailed understanding of the Bar of Wisconsin as Dean Garrison and the staff who conducted the survey.

His intense interest in the nuts and bolts of the life of lawyers was balanced by his broad view of the societal role of the lawyers and the mission of the law schools. In an address to the AALS Section on Legal Education and Admission to the Bar in 1936, he said, "Clearly . . . the task of the law schools is to instill in students not only a scrupulous sense of the ethical requirements of the profession but a dynamic sense of its social responsibilities. The student must be made to see that the maintenance of an independent judiciary depends upon public respect for the profession, and that public respect for the profession depends upon something more than the serving of clients without dishonesty. . . .

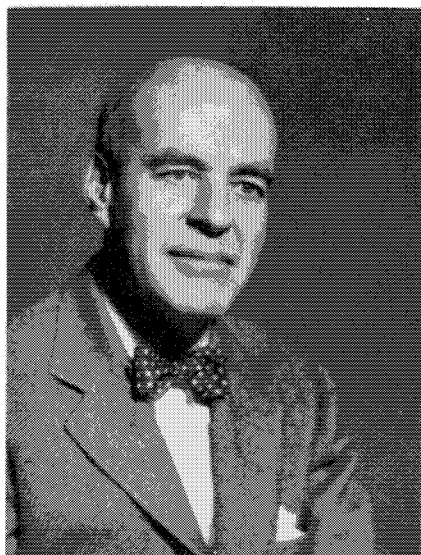
"The students must learn also that, by virtue of the public offices which they fill and in their capacity as advisers, lawyers are the dominant political class in the society, and for that very reason, are obligated to acquire a thorough and sympathetic understanding of the social forces of their time and to act in public affairs as dispassionately, courageously, and generously as the nature of man will permit. . . ."

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social responsibilities which go with the privilege of practice."

Later in the same speech, he said, "... the typical law student should be heartened by realizing that the profession he is about to join is not a mere aggregation of self-sufficient atoms but is an ancient and honorable body dynamically charged with public obligations, that there is work a-plenty to be done in the public interest, and that within the profession there are many leaders who have set their shoulders to the plow and are eager for assistance from the ranks."

From his general views of the place of the lawyers, he could become very specific on proposals to improve the law schools. In his presidential address to the AALS in 1937, he proposed increased opportunities for Faculty sabbaticals for research or to gain practical experience. He urged greater scholarships for students, as well as the exploration of new job opportunities for lawyers—clerkships with trial and appellate judges, for example, which were limited in 1937 largely to the Supreme Court. He urged the development of legal services bureaus to provide services to the poor, continuing surveys of the Bar to provide the real facts to lawyers as they sought to settle. He urged an undergraduate pre-legal curriculum to acquaint students with the profession and to discourage those unsuited. A preceptor system to provide associations for students with highly qualified members of the Bar, and an internship program for young lawyers in administrative agencies were also included—not only to provide public service, but to provide professional experience and livelihood for the young graduates.

Dean Garrison left the Law School in 1942 to become Chairman of the War Labor Board. He never returned to Madison. His leaving was always in the cards. In 1934, he left temporarily to organize the National Labor Relations Board. All during his time here, he was mentioned prominently for almost all

Continued on Page 13



This picture hangs on the wall of Lloyd Garrison's New York office.

Baseball was big during Garrison's tenure. Sometimes the Law Faculty combined with the Supreme Court and other agencies to make a team. This picture hangs on the wall of Garrison's New York office. Faculty members pictured are: First row—Feinsinger, second from left; Stedman, third from left; Wade Boardman, lecturer, fourth from left; Garrison, Campbell, Gausewitz. Second row—Beuscher, on the left; Boesel, second from left; "Dean" Harris, building custodian, 3rd from left; Profs. Bunn, Smith, Hall. Prof. Oliver Rundell on the far right.

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prominent pending appointments—from President of the University after the ouster of Glenn Frank to U.S. Supreme Court Justice, had President Roosevelt's plan to add to the size of the court been approved.

* * *

Although one of his considerations when he came to Wisconsin was his concern over the provincialism of New Yorkers, it was to New York that he returned, and it is in New York that he has remained for the last 25 years. With his friend and associate, Randolph Paul, former Assistant Secretary of the Treasury, he joined the reorganized, but still small firm (8 partners) now called Paul, Weiss, Goldberg, Rifkind, Wharton and Garrison. It has grown every year, and in 1970-71, there are 45 partners and 90 associates. Their offices are located—high, overlooking the river—at 345 Park Avenue. It is a new building, with a Cadillac agency on the first floor. Although the partners try to discourage litigation because of the prohibitive costs and inevitable delays, and although a firm committee must approve all new business, the firm has an enormous trial practice.

His “indulgent partners”, Mr. Garrison says, have permitted him a good deal of time to devote to civic affairs, and he has been deeply involved in many good causes. His association with the National Urban League began in the 20's, when he was Treasurer. After the war, he spent many years as a trustee, and was President for 7 years. He served 14 years on the Board of Trustees of Sarah Lawrence College, and acted as Chairman for 5 years. He has been a trustee of Howard University and of two Foundations, concerned with removing the ravages of poverty and improving relations between the races—the Taconic Foundation and the Field Foundation.

As a result of his service as trustee of the Institute for Advanced Study at Princeton, he acted as counsel to its Director, Robert Oppenheimer, during the security proceedings brought against him by the Atomic Energy Commission, which

he describes as a “tragic miscarriage of justice, the memory of which haunted me for years afterward.”

During the late 1950's, Mr. Garrison, along with Eleanor Roosevelt, former Governor Lehman, and others undertook to reform the Democratic Party of New York. Believing in grass roots political control, they sought to supplant the Tammany Hall district leaders. He, along with Dorothy Schiff, publisher of the New York Post, was elected from their district to the Democratic State Committee. He served for several years, and many of his associates from the reform movements are now legislators and members of Congress.

Perhaps the most important of his public services was the seven years he spent as a member of the New York Board of Education, from which he has recently retired. Appointed first by Mayor Wagner and reappointed by Mayor Lindsay, he served as President of the Board in 1965-67. The educational establishment in New York (as everywhere else) is inter-twined and inter-related with all the problems of the city. Because conflict is more newsworthy, he contends, many of the great educational innovations undertaken in New York go unnoticed and unheralded. During his service on the Board, his many years experience as a mediator and arbitrator were put to use during two teachers' strikes. Since a no-strike law appears unenforceable, and the costs of these strikes are so enormous, particularly when the increases granted under pressure are considered, he has come to favor compulsory arbitration of these disputes.

* * *

He is now retired, or so he says. By arrangement with his partners, he is handling one case. It is the suit of a group of conservationists against Consolidated Edison over the construction of a reservoir on Storm King Mountain, up the Hudson from New York, to generate electric power in the peak periods. His clients contend that the project will unnecessarily result in the de-

facement of an area of great natural beauty. During the summer of 1971, he will appear for the second time in the U.S. Court of Appeals (2nd Circuit) requesting that the license granted by the Federal Power Commission to Con Ed be set aside—for the second time. This is one step in the long and arduous task of preserving the natural beauty of New York state.

So he works full-time in a cause to which he is committed, as he has all his life. On weekends, he and Mrs. Garrison live at their little Westchester County home. She gardens, and he does the woodchopping and trimming trees. “When the ice comes,” he says, “we figure-skate, which we learned to do in Madison and which is not the least of our happy memories of that delightful community.”

ALUMNI

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William G. Rice, Jr.
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Rice Receives U.W. Honorary Degree

Emeritus Professor William Gorham Rice, Jr. will be granted an honorary LLD degree by the University which he served for almost his entire professional life at Commencement exercises at the University of Wisconsin-Milwaukee on June 13.

Prof. Rice retired in 1963 after 41 years as a member of the Law School faculty. He is an internationally recognized authority in the fields of labor and international law. On leave from the Law School, he served as the first General Counsel of the National Labor Relations Board, and served as a member of the National Defense Mediation Board from 1941-45, and subsequently as Assistant General Counsel of the United Nations Relief and Rehabilitation Administration.

He joined the Faculty after serving as Law Clerk to the late Justice Louis D. Brandeis. A graduate of Phillips Academy, he earned four degrees at Harvard. He served as an ambulance driver for the American Field Service and as a first lieutenant in the Army during World War I.

Long a champion of the causes

of equal opportunity and civil rights, Professor Rice has devoted most of his retirement to the work of the Wisconsin branch of the American Civil Liberties Union. He is presently the Legislative Chairman.

He has been active politically—first in the Progressive Party, and later in the growing Democratic movement after the second World War. He was a candidate for Congress in 1946 and for the Legislature in 1956.

Alumni over the 40 years all know him well. He taught almost every course offered in the Law School at one time or other.

Alumni Legislators

On occasion the *Gargoyle* has listed and discussed the numerous public services and services to the University performed—usually without compensation—by the members of the Faculty.

Important as these projects are, they can not match the cumulative value of the public service performed by the Law School Alumni in their roles as leaders in all the communities in which they live and work. It would be impossible to catalogue their numerous activities and responsibilities.

For example, consider the impact of the Law School Alumni who serve in the Legislature and who have served in the 103 years since the founding of the Law School.

Eight Senators and 14 Representatives in the current Legislature are alumni of the Law School:

Senators

Allen Busby, R, Milwaukee, Class of 1928

Arthur A. Cirilli, R, Superior, Class of 1942

Henry J. Dorman, D, Racine, Class of 1947

Ernest J. Keppler, R, Sheboygan, Class of 1950

Dale McKenna, D, Jefferson, Class of 1966

Roger Murphy, R, Waukesha, Class of 1951

Jack D. Steinhilber, R, Oshkosh, Class of 1955

Carl W. Thompson, D, Stoughton, Class of 1939

Representatives

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James N. Azim, R, Muscoda, Class of 1965

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John W. Slaby, D, Phillips, Class of 1958

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Jon P. Wilcox, R, Wautoma, Class of 1965

In addition, there are 3 Senators and 6 Representatives who are graduates of other Law Schools. Two Representatives are currently law students.

The present Chief Clerk of the Assembly is a member of the Class of 1971, Thomas Fox, of Chilton.

Among the other elected officials, now serving, we find Attorney General Robert Warren, Class of 1956, and United States Senator Gaylord Nelson, Class of 1942. U.S. Representatives John Byrnes, Glenn Davis, Robert Kastenmeier, and Vernon Thomson are Wisconsin Law School alumni. So are Justices Beilfuss, Connor Hansen, and Nathan S. Heffernan of the Wisconsin Supreme Court.



William G. Rice, Jr.
Courtesy of Capital Times

Rice Receives U.W. Honorary Degree

Emeritus Professor William Gorham Rice, Jr. will be granted an honorary LLD degree by the University which he served for almost his entire professional life at Commencement exercises at the University of Wisconsin-Milwaukee on June 13.

Prof. Rice retired in 1963 after 41 years as a member of the Law School faculty. He is an internationally recognized authority in the fields of labor and international law. On leave from the Law School, he served as the first General Counsel of the National Labor Relations Board, and served as a member of the National Defense Mediation Board from 1941-45, and subsequently as Assistant General Counsel of the United Nations Relief and Rehabilitation Administration.

He joined the Faculty after serving as Law Clerk to the late Justice Louis D. Brandeis. A graduate of Phillips Academy, he earned four degrees at Harvard. He served as an ambulance driver for the American Field Service and as a first lieutenant in the Army during World War I.

Long a champion of the causes

of equal opportunity and civil rights, Professor Rice has devoted most of his retirement to the work of the Wisconsin branch of the American Civil Liberties Union. He is presently the Legislative Chairman.

He has been active politically—first in the Progressive Party, and later in the growing Democratic movement after the second World War. He was a candidate for Congress in 1946 and for the Legislature in 1956.

Alumni over the 40 years all know him well. He taught almost every course offered in the Law School at one time or other.

Alumni Legislators

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UNIVERSITY OF WISCONSIN
LAW SCHOOL
AWARDS CONVOCATION

Saturday, May 1, 1971

4:00 P.M.

Law School

AWARDS PRESENTED

U.S. Law Week Award:

For the most satisfactory progress during 3rd year..... Maris Rushevics

Mathys Memorial Award for Appellate Advocacy:

Selected at close of arguments on May 1..... Howard Eisenberg
James Barnett

Milwaukee Bar Foundation Moot Court prizes:

Selected at close of arguments on May 1..... Howard Eisenberg
Claude Moulton
Paul Hejmanowski

West Publishing Co. book Award:

For outstanding scholarly contribution to the Law School..... James Clark

William Herbert Page Award:

For outstanding contribution to the Law Review:
For Comment: "The Legislation Necessary to Effectively Govern
Collective Bargaining in Public Higher Education,"
1971, Wis. Law Review, 275..... Thomas Wildman

George J. Laikin Award:

For Note "Securities—Inside Information as a
Corporate Asset"..... Terrence Knudsen

William J. Hagenah Scholarship prize:

To the Editor of Law Review, elected April 30..... Richard A. Primuth
Presentation of Editorial Board, Wis. Law Review

Wisconsin Title Association Jacob Beuscher Award:..... Timothy Fenner

Jacob H. Beuscher Fund Scholarship:..... John E. Knight

Phi Delta Phi Outstanding Graduate:..... Carl Ross

Student Advocacy Award:

Award presented by International Academy of Trial Lawyers.
Student selected by the Faculty for excellence in trial and
appellate advocacy..... Howard Eisenberg

Wisconsin Law Alumni Association prizes:

First ranking student after 45 credits..... Jay Himes
Second ranking student after 45 credits..... Robert Heidt

Joseph E. Davies prize:

To the outstanding member(s) of the second year class: Scholarship
and contribution to the life of the school..... Lucy Gleasman, Jean Zorn

Daniel Grady prize:

To the graduating student—highest standing in studies..... Angela Bartell

Salmon Dalberg prize:

To the outstanding graduating student..... Angela Bartell

Order of Coif:

Bartell, Angela G. B.	Loring, John C.
Bell, Thomas D.	Magyera, Charles P.
Clark, James R.	Schoeffel, Jon M.
Dickey, Walter J.	Schulz, William J.
Frank, James Stuart	Wahlin, John D.
Grimwade, Richard Llewellyn	Weiss, Richard A.
Harring, Janet S. L.	White, William Ambrose
Heiser, Walter W.	Widder, Theodore Carl III
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BOARD OF VISITORS
MARCH 19 MEETING
CURTAILED

The last great snowstorm of this past winter—which will live forever in memory—occurred on March 18 and 19. The Board of Visitors had planned its annual two day visitation for March 19 and 20. Scheduled were class visits, lunch with students, dinner with Faculty members, and a series of reports about the Law School's present state.

Classes were not held. Most of the visitors were unable to be present. The scheduled dinner with Faculty was cancelled. Visitors who were able to be present included Edwin Larkin, Eau Claire; John Tonjes, Fond du Lac; Herbert Terwilliger, Wausau; Justice Nathan Heffernan, John Shiels, A. Roy Anderson, Madison; Glen Campbell, Janesville. The program consisted of informal discussions with Faculty and students.

REPORT TO ALUMNI

Continued from Page 5

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The Need For Action Now

Though my personal preference may be discernible in what I have said, I hope not, for a final judgment is premature. One thing I can confidently urge, however, in concluding this report.

It is important that study be begun at once to develop a plan of action. A committee should study the problem, consisting of representatives of the Law School, the Madison campus and University administrations, and the law alumni. That committee should report its recommendations at an early date, for implementation as soon as possible thereafter.

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