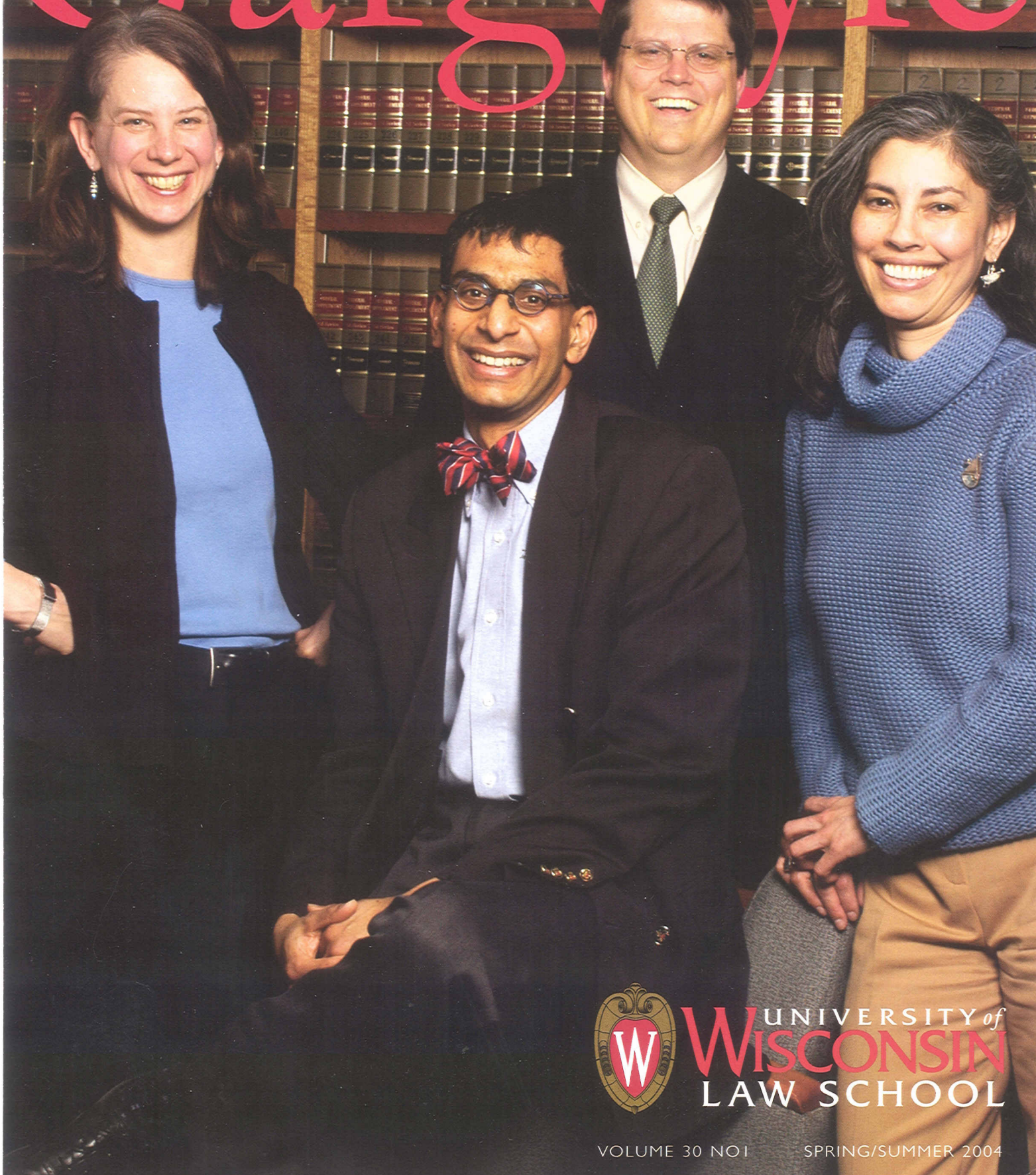


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Gargoyle



UNIVERSITY of
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VOLUME 30 NO 1

SPRING/SUMMER 2004

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- **Estate Planning in Depth**
Co-sponsored by UW Law School and ALI-ABA
June 20–25, 2004, in Madison
- **Class Reunions**
September 3–4, 2004
- **Kastenmeier Lecture**
October 29, 2004
Roger Wilkins, Historian and
Civil Rights Activist
- **38th Annual CLEW Tax Workshop**
October 7 & 8, 2004, Green Bay
October 14 & 15, 2004, Stevens Point
October 21 & 22, 2004, Pewaukee
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In 1962, when the existing Law School was demolished to make way for a new building, Dean of the Law School George Young found and rescued a sandstone gargoyle from the rubble. This figure and its departed twin had sat on the roof of the 1893 building for almost seventy years. While one of the pair had perished in its fall, the second one had landed unscathed.

That rescued gargoyle, which is now permanently installed in the Law School's Atrium, gives its name to this magazine, representing the indomitable strength and spirit of our University of Wisconsin Law School and its many graduates.

For an illustrated history of the Law School's gargoyle, see www.law.wisc.edu/lore/gargoyle.htm.

Gargoyle is the alumni magazine of the University of Wisconsin Law School, 975 Bascom Mall, Madison WI 53706-1399, (608) 262-8554

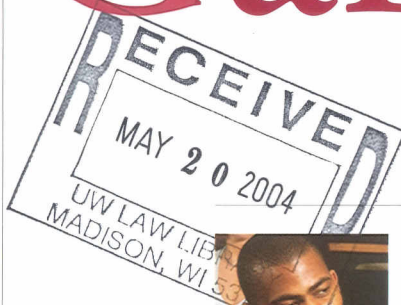
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Art Direction: Wisconsin Alumni Association

Cover photo by Bob Rashid: Four of the Law School's newest professors. From left: Juliet Brodie, Anuj Desai, D. Gordon Smith, and Pilar Ossorio. (See "Why Wisconsin?", page 24.)

Back cover photo by Jeff Miller, University Communications, UW-Madison.

Gargoyle



SPRING/SUMMER 2004
Volume 30, No. 1



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The Law School's Strategic Plan 2004 is now completed and ready to serve as a guide for the next five years. The Plan identifies seven major priorities that will help the school make critical choices and keep us in the top tier of the nation's public law schools.



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They arrive from Michigan and California, Paris and Johannesburg. Why have our new young professors chosen the UW Law School, and what surprised them when they arrived in Madison?



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LAW IN ACTION:

A Dean's View



— Dean Kenneth B. Davis, Jr.

One of the unexpected results of our recent strategic planning process was to capture in a few well-chosen words the unique and special role that Wisconsin plays within legal education. Time and again, the concept of Law in Action came up as we discussed who we are and who we want to be. I remember hearing this phrase often upon joining the faculty in 1978. It signifies that in order to truly understand the law, you need not only to know the “law on the books,” but also to look beyond the statutes and cases and study how the law plays out in practice.

Law in Action also means that in teaching and research, no matter how interesting we find a legal theory, we always need to ask, “How does this affect people’s lives in the real world?” It is an orientation that has led to our national reputation for innovative approaches to both teaching and scholarship. It embraces our preeminence over the years in fields such as legal history, criminal justice, industrial relations, law and society, and comparative institutional economics. And it challenges us to combine our expertise and scholarly traditions with the strengths of the great university of which we are a part, in order to assume national leadership in emerging areas such as globalization, bioethics, and other

dimensions of law and technology.

Law in Action is hardly a new concept, nor did the term originate at Wisconsin. The first reference I’ve found is in a 1910 article by Roscoe Pound, the Harvard Law School dean whose work was a forerunner to the legal realism movement.

But at Wisconsin the concept quickly took hold and developed a distinctive form. It was energized both by the school’s appreciation of the value of other social sciences in understanding how law works and by the Wisconsin Idea—the commitment to service embodied in the slogan that “the boundaries of the university are the boundaries of the state.” According to former Duke Law School Dean Paul Carrington

and Professor Erika King, in their 1997 history of the University of Wisconsin Law School's early years:

"One effect of the Wisconsin Idea was to bring the university's new, young law teachers into contact not only with public affairs, but also with academic colleagues in other disciplines who possessed useful expertise. The law school established a liaison with the political science department in 1907, a liaison designed with the purpose of 'relating' legal instruction 'to modern social and economic conditions.' Between 1904 and 1910, law faculty, Gilmore in particular, similarly collaborated with economics faculty such as John Commons and Richard Ely in a large-scale endeavor to document the history of labor in America By 1915 law school bulletins actively advocated a mixture of law classes with history, economics, political science, and philosophy classes."

The Wisconsin professor is likely to ask, "How might the parties on the losing end of the case respond?" "Will the ruling change their future behavior?" "Who will enforce the rule?"

Over the years, the concept continued to develop and became strongly linked to the UW Law School's identity and fundamental to the teaching methods and research of many faculty members. To appreciate how this Law in Action orientation shapes the work of our Law School today, let's begin in one of our large classrooms, with a basic course such as contracts, property, or constitutional law.

Here, as at law schools everywhere, the focus is on appellate opinions, and students are asked to analyze and evaluate the holding, apply it to other factual settings,

and consider alternative approaches the court might have taken. Yet the Wisconsin professor is also likely to ask questions such as, "How might the parties on the losing end of the case respond?" "Will the rule change their future behavior?" "Who will enforce the rule?" "What was the cause of the underlying dispute?" "Was this lawsuit the most effective way to address it?" Questions like these—designed to ensure that students do not lose sight of the larger context and the lawyer's role within it—are not unique to the Wisconsin classroom. But based on conversations with colleagues at other schools, I am convinced they play a more central and systematic role in the classroom experience at Wisconsin than elsewhere.

Move on to one of our many clinical programs. Wisconsin has long been a national leader in clinical and other types of education that take the student outside



BOB RASHID

the traditional classroom setting. With more than twenty-five full-time clinical instructors on our faculty, students have the opportunity to supplement their classroom education with in-depth experience in a wide range of areas, including criminal, consumer, health, and elder law. They can also take advantage of simulation courses, such as the highly regarded Lawyering Skills Course (formerly known as General Practice), along with more specialized classes focusing on topics such as negotiations, writing for practice, and client counseling.

To be sure, all these offerings provide students with valuable opportunities to hone the practical skills they will need to succeed in the practice of law. That is only the beginning, however. Consistent with our Law in Action philosophy, we see these clinical and skills courses as important settings for students to integrate their first-hand experiences with their classroom coursework to build a much richer appreciation of how the legal system works in practice. This shared commitment to Law in Action means that there is not the gulf between our classroom and clinical offerings that exists at some other law schools. Indeed, many of our clinical professors teach classroom courses as well. My hope is that our students see these two modes of teaching as points along a single continuum rather than distinct philosophies of legal education.

Law in Action has another

important educational advantage. I regularly hear from employers that our new graduates seem better prepared to “hit the ground running” than their counterparts. Perhaps it is because our students are routinely asked to consider the broader implications of the law and to share and reflect upon their practical experiences. Whatever the reason, we firmly believe that our approach equips them with not only the technical skills to succeed, but also a broader sense of perspective and more confidence in thinking for themselves.

Law in Action reminds us that no matter how interesting or elegant the theory or idea, we always need to ask, “Why should this matter to people in the real world?”

Of course, Law in Action is evident in our research as well as in our teaching. I think it fair to say that the kinds of legal scholarship being done today by the nation's leading law schools look much more like what was being done at Wisconsin fifty years ago than what was being done elsewhere. We've already mentioned the school's long history of interdisciplinary work, for example.

Here, though, Wisconsin faces a unique challenge: How do we maintain our edge? It is perhaps Wisconsin's greatest strength that, year after year, our faculty has

continued to produce scholarship that shapes the national discourse among lawyers and legal scholars, and Law in Action deserves no small share of the credit.

Law in Action is a wonderful stimulus for taking emerging ideas from various disciplines and thinking hard about how they might better explain the workings of legal institutions. The great advantage we enjoy, as part of one of the world's great research universities, is being “where it's happening”: in the center of activity as those ideas originate and develop. Our faculty has always maintained close ties to other departments around the campus, and continues to build more all the time.

At the same time, however, Law in Action reminds us that no matter how interesting or elegant the theory or idea, we always need to ask, “Why should this matter to people in the real world?” At Wisconsin, we know that if we don't ask this question of ourselves, one of our colleagues certainly will. I can't tell you how many talks I've heard and papers I've read over the years from scholars at other schools that would have benefited greatly from someone's asking this question early in the project.

In describing what distinguishes Law in Action scholarship, I am sometimes reminded of the distinction between the deductive and inductive methods that we learned in science classes. Much of the research I read today starts with an interesting idea from another

discipline—it might be economics, sociology, literary theory, or even physics—and then looks for legal settings in which to apply it. Law in Action work tends to proceed in the opposite direction: The researcher begins with an observed, real-world problem or phenomenon and then seeks to explain it.

Sometimes that explanation lies entirely within the law library. The work of some of our most talented scholars at Wisconsin continues to rely heavily on the interplay of legal doctrines and philosophies. Often, though, the explanation may lie in the insights of some other discipline. At Wisconsin, faculty members know that even if they themselves are not familiar with what is happening in that discipline, a colleague down the hall is likely to be.

This leads to one of Law in Action's more subtle benefits. It is agnostic. It owes no allegiance to any particular political philosophy, or branch of the social sciences or humanities. The test of a good theory is simply how well it explains the observed phenomena. This no doubt contributes to the sense of collegiality and shared enterprise that has characterized our faculty over the years.

Starting one's research with a real-world problem also explains the strong bond between Law in Action and the Wisconsin Idea. Service to the state, nation, and increasingly the world not only allows our faculty to use their expertise in solving the problems

of others, but also creates an invaluable learning opportunity for the faculty involved. I can point to several of my own research projects over the years that trace their origins to work I did on various corporate law committees or consulting projects.

Law in Action is agnostic. It owes no allegiance to any particular political philosophy. The test of a good theory is simply how well it explains the observed phenomena.

Our rich Law in Action tradition is an important part of who we are, and it will remain an important part of who we become. It is still flourishing and developing after all these years, and it occupies a central position in our Strategic Plan. Law in Action gives us the focus to confront the challenge of remaining one of the nation's pre-eminent law schools. With your help, we will continue building our national reputation for excellence and our commitment to the Law in Action philosophy. It is a philosophy that has served UW Law School graduates well over the past century, and it is one that may prove even more relevant for tomorrow's graduates as they face an increasingly complex, competitive, and challenging world.



BOB RASHID

Announcing Strategic Plan 2004

On October 2, 2003, the UW Law School faculty unanimously approved a strategic plan designed to set a course for the growth and development of the Law School over the next five years.

The 2004 Strategic Plan is an important step for the Law School and will help the school make critical choices about how to direct limited resources and invest the time and effort of faculty and staff. The process, which Dean Kenneth B. Davis, Jr., termed an “exciting process that brought the extended Law School community together to articulate a vision for the future,” took more than two years and encouraged input from many groups with varying ideas about the

Law School’s priorities and future direction.

After collecting and analyzing information from two extensive surveys of recent graduates and employers, called Assessment 2000 (www.law.wisc.edu/alumni/assessment2000/report.pdf or *Gargoyle* of Winter 2000–01), the Law School worked with a facilitator to interview members of several constituent groups, including bar leaders, faculty, staff, current students, and alumni.

Dean Davis then spent several months meeting with alumni groups, both in Wisconsin and in cities around the country. The result of this information gathering was a snapshot of how the many constituent groups viewed the Law School, its students, and the challenges facing legal education and the profession.

This information—along with a critical look at the Law School’s strengths and weaknesses, an assessment of the factors that make Wisconsin Law “unique,” and trends in the legal profession—provided the background information that the Law School’s strategic planning group used to identify seven priorities for the coming years.

The seven priorities, listed below, provide the framework for a plan that Dean Davis believes “will help us meet the challenges of educating future lawyers and keep us in the top tier of the nation’s public law schools.”

While the 2004 Strategic Plan identifies specific goals for each of the priorities, it is a visionary plan, not a blueprint. Thus the Law School is currently working on a detailed operational plan to develop specific programs and initiatives for each of the priorities, set deadlines for implementation, and identify ways to reallocate or increase resources.

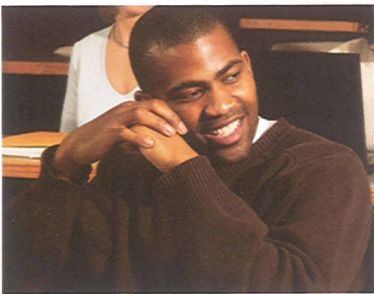
We look forward to having members of our extended community join us in defining and attaining the priorities of the 2004 Strategic Plan. We encourage you to view the complete Strategic Plan 2004 on the Web at www.law.wisc.edu/shared/StrategicPlan.pdf. And we look forward to sharing more information about the initiatives and programs that will help us meet our goals.



Our Strategic Priorities

■ Ensure an Outstanding Student Experience

Our students deserve a comprehensive opportunity to develop the skills, knowledge, and awareness essential to achieve their professional and personal goals, and we will provide the student support services necessary to make that happen. We are committed to excellence in our teaching, yet we also appreciate that much of our students' preparation for their professional careers occurs outside of the classroom. We understand the importance of a diverse student body and will foster an intellectually challenging environment in which students with differing ideas, perspectives, experiences, and backgrounds learn from one another in a collegial and supportive atmosphere.



■ Re-imagine the Curriculum

Legal education is a lifetime commitment, but it is the Law School and its curriculum that provide the foundation for professionalism and all future learning. Our graduates work in an increasingly complex and rapidly changing world and use their legal skills in a wide variety of settings. Their employers expect them to enter the workplace

not only with excellent analytical and communication skills, but also with the judgment and maturity to assume responsibility. We are committed to preparing our graduates for the practice of law and for political leadership, public service, and community participation. We will prepare our students for the legal practice of the future, while holding true to the basic values of a traditional legal education and a Law in Action focus.



■ Foster a Culture of Participation and Shared Enterprise

The Law School is more than the sum of its individual parts. Students build career skills; faculty teach and pursue scholarship; clinics serve the community; and alumni participate and provide support—and none of this happens without the work of a talented, committed, and engaged staff. All do the work of the school, but what is most essential to a thriving law school is the interaction among the school's different constituencies. The school's historic contributions, from Law in Action to "law and society," have all grown out of collective effort. We resolve to counter the inevitable pressures that lead to the separation of these functions or the

isolation of individuals. Our goal is not only to ensure that the Law School is more than the sum of its parts but also to make it a place that no one wants to leave.



■ Anticipate Emerging Areas of Law Practice and Legal Scholarship

Lawyers are increasingly at the center of controversies created by the technological, political, and social transformations around us. Whether it is privacy in the workplace, Internet access in the library, or biotechnology on the farm, legal scholarship and law practice are central to developing the social framework for deciding complicated contemporary issues. Being an integral part of one of the country's great research universities for both the social and natural sciences, the Law School is perfectly situated to anticipate emerging areas of practice and scholarship that require an interdisciplinary approach.

■ Embrace the Opportunities of Globalization

Our Law School has a long tradition of international engagement. From the law and development movement to more recent aspects

of globalization, our faculty members have been active abroad. They have taught, conducted research, and worked to enhance legal education and practice on every continent. The Law School will continue to promote this engagement by building on our international resources, such as our highly successful East Asian Legal Studies Center, our opportunities for international lawyers at the Law School, and our exchange programs with prominent law schools in Africa, Europe, and Latin America. We will explore additional opportunities for faculty and students in international programs on campus and in international institutions and programs based in the United States and abroad.

■ **Build on Our Scholarly Traditions to Create Knowledge for a Changing World**

The UW Law School has long

been at the leading edge of scholarly innovation, and that is where we intend to remain. When most legal scholars were confining their research to the law on the books, we were looking at the law in action. And before interdisciplinary research became fashionable, we were pioneering “law and society.”

We will build on these traditional strengths in new and dynamic ways. We will continue to broaden our interdisciplinary connections, and we will commit the resources necessary to support a thriving culture of scholarship. We will cultivate theory that is grounded in experience, never forgetting both the local and the international dimensions of legal problems and the importance of scholarly analysis.

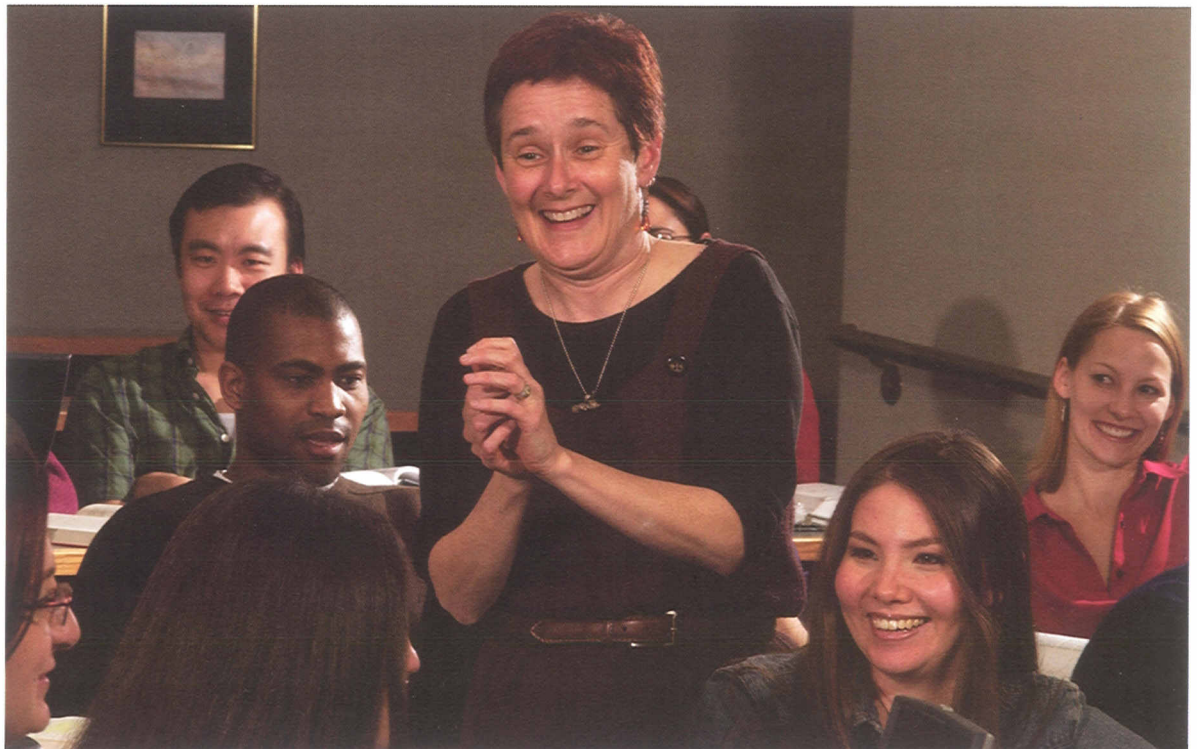
■ **Advance the Wisconsin Idea**

We take seriously the idea that law is a profession grounded in service to society. Our teaching aims to

prepare students to serve all those who need an advocate, and our research aims to develop innovative solutions to societal problems, both at home and abroad. Our students learn through service to the community, and they do it in hospitals, low-income neighborhoods, correctional institutions, and courthouses near and far. At the Law School, the Wisconsin Idea has become the Global Idea—the idea that we serve the university, the local community, the state, the nation, and the world.

We look forward to working with you over the next few years as we implement the 2004 Strategic Plan and continue to make the University of Wisconsin Law School one of the best public law schools in the country. To see the complete Law School Strategic Plan, the Web site to visit is www.law.wisc.edu/shared/StrategicPlan.pdf. ■

Photos by Bob Rashid.



In the spring of her first year at the UW Law School, Sarah Helvey met two classmates who share her passion for child welfare and juvenile justice.

"We all came to law school to do public interest law—and children's law in particular," Sarah says, referring to her colleagues Hannah Renfro-Sargent and Notesong Srisopark Thompson. Because there was no organization devoted to their interests, the three decided to start the Children's Justice Project (CJP).

"We see children's law as an area of law—like contracts law, or constitutional law," says Sarah. "The three of us are really passionate about this." Their goal: to make a place for children's law at the Law School, and to help other students interested in having a career helping children. The CJP Web page mission statement phrases their purpose more formally: "to provide an organizational structure for the promotion of justice for children and juveniles through interdisciplinary advocacy and study including the rights of children and juveniles in the legal, educational, health care, and social services systems." (See the Children's Justice Project page on the Law School Web site: www.sit.wisc.edu/~cjp.)

CJP members have a keen eye for opportunities available in the community, both for themselves and for their colleagues. "For example," Sarah says, "a guardian ad litem conference, job opportunities or volunteer opportunities, clerkships—we put them on our list-serve."

Sarah, Notesong, and Hannah are also Law School liaisons to the board of the Children and the Law section of the Wisconsin State Bar. "It has been a great way to link the Law School to practicing attorneys," Sarah says.

The CJP has hosted several

talks on topics such as juvenile waivers to adult court, and has even influenced the curriculum, working with Clinical Professor Ken Streit of the Remington Center to bring back his course on juvenile justice. The students credit Streit and Clinical Professor Gretchen Viney as sources of great support and inspiration.

How did this specific interest begin for Sarah? She remembers that long before her college years, she felt a special pull when she heard about victims of child abuse.

Later, as a junior majoring in psychology at the University of Nebraska, she was taking a course in Community Psychology when she discovered that juvenile justice is a specific field. "For everyone else in the class it was just another class," Sarah says, "but for me, it was like, 'Oh, my gosh! This is how I see the world, and it has a name!'"

Among the experiences that have enriched Sarah's education since she began her law degree is her concurrent work on a master's degree in educational administration at the School of Education. Last summer, she also worked for the Dane County Public Defender's Office through the Public Defender Project of the Remington Center.

In May 2003, the Law School awarded Sarah its Brown vs. Board of Education Award "for a student who has made an outstanding contribution to equal educational opportunity and social justice." In November, Hannah Renfro-Sargent won the Leonard Loeb Scholarship Award of \$1,000 for excellence in the field of family law in recognition of her work in co-founding the CJP. (See story on page 13.) The Loeb committee was so impressed with the work of all the CJP founders that they conferred an additional \$3,000 on the project.



Sarah Helvey '04:

One of the co-founders of the Children's Justice Project at the Law School, Sarah will make her longtime passion for child welfare the focus of her career.

Hometown: Lincoln, Nebraska

Undergraduate work: University of Nebraska-Lincoln

Undergraduate major: Psychology

Focus in law: Children's Law, Educational Policy Law

Additional graduate degree: Dual degree in Law and Education, May 2004



BOB RASHID (2)

Renee Servance '04:

After a career in music teaching, Renee came to the Law School to fulfill a dream of becoming a lawyer.

Hometown: Raleigh, North Carolina

Undergraduate work: University of North Carolina-Chapel Hill

Undergraduate major: Music
(instrument: double bass)

Focus in law: Litigation, Intellectual Property, Education Law, Employment Law

Additional graduate degree:
Master of Music, Indiana University

Renee Servance graduated from the University of North Carolina at Chapel Hill in 1988, and earned her Master of Music degree at Indiana University in 1991. She had hoped to play the bass professionally in an orchestra, but in the recession year of 1991, orchestras were not holding auditions. Nor did she have the \$10,000 to \$15,000 required to buy a high-quality string bass.

So she accepted a teaching position in the public schools of Fairfax County, Virginia. "Sometimes I taught in a janitor's closet; sometimes I taught in a hallway; sometimes I was lucky enough to have a classroom. Those first few years were hard, and I realized it would take a very long time to save enough to buy a bass."

So Renee started thinking about law school—again.

"I came of age in the 1970s—lawyers were heroes to me. It was news to me when I moved to the D.C. area and found that some people didn't really like lawyers." Still, she didn't think that she would ever be a lawyer—"that was a pipe dream."

Nonetheless, Renee increased the number of private lessons she was giving in order to put some money away. In 2000, she took the LSAT and applied to eight schools, covering all four tiers, because she didn't know where she might get in. "Oddly enough," she says, "I got into them all."

She had never heard of the University of Wisconsin, but "they encouraged me to apply, so I did. Then after I applied, I looked the school up in the rankings, and I thought, 'I'll never get in—it's a top-tier school.' I figured they would want younger students—not someone who had been teaching for ten years and hadn't been in school for a long time."

Renee narrowed her choices down to three schools: two close to her Virginia home, and Wisconsin. "My mom and friends said, 'You should go out to Wisconsin and just see it,' so I did a stealth visit."

"I hoped I would come and hate it," Renee confesses. "It was so far away, and I had heard about the notorious Wisconsin winters. But it was such a pretty town; it's a top-notch law school; and the faculty are on the cutting edge."

She also met with Director of Admissions Beth Kransberger when she was on campus. "Meeting with Dean Kransberger really sealed it," Renee recalls.

By now, Renee is first-call substitute with the Madison Symphony. She intends to keep playing when she enters the law profession, too. "Playing music for me is kind of like breathing; I have to do it."

She has also taken the opportunity to work with the Consumer Law Litigation Clinic and the Neighborhood Law Project. The clinics, says Renee, were "the highlight of my experience here. I saw the Law in Action in the lives of poor people, and it challenged me to look beyond the traditional legal remedies." Renee lights up when she gives credit to "three wonderful profs: Juliet Brodie, Marsha Mansfield, and Steve Meili."

Still other formative experiences: serving on the *Law Review*, working as a law clerk in the Office of the General Counsel for the UW System, and serving as president of the Black Law Students Association.

Renee hopes to find a job on the East Coast after she graduates this May. "I'm looking forward to rejoining the working world and to settling down," she says. And wherever that new home is, Renee knows she will find it a good place to practice both law and music.

Brian Larson looks back to his experiences in editing video, film, and sound as crucial in the chain of experiences that led him to law school. “I’ve always been into editing—closed in a small room for marathon periods of time. I’m drawn to intense working environments. I like working on a project that gets my undivided attention for a period of time.”

As a UW-Madison history major, he brought the same love of intense projects to his research assignments. “I’d get engrossed in it—I loved doing research.”

He might have been headed for a career of solitary productivity if it hadn’t been for quite a different kind of experience after he graduated: He and his now-wife Kris spent a year and a half teaching in Taiwan. They taught all ages, from kindergartners to adults. That was when he learned that he also wanted to work with people.

Another formative experience was Brian’s attendance at Seattle’s large protests against the World Trade Organization (WTO) in 2001. He arrived as a protester—flew directly from Taiwan—but became involved in learning more about the issues. “I gravitated to meetings and teach-ins; trade lawyers from NGOs—mostly from Europe—were saying very intelligent things. Instead of fighting the fight in the streets, they did it with academics and intelligence. I liked the way they were approaching it.”

After that experience, Brian came back to Madison and applied to the UW Law School’s dual-degree program with the La Follette Institute. At the end of his fourth year, he will receive both a J.D. from the Law School and an M.P.A. (Master of Public Affairs) from La Follette.

His first experiences at the UW Law School convinced Brian that he had chosen well: “I think I ended up at the right law school, because from the very beginning—in Professor Whitford’s contract class—it was Law in Action from Day One. That is so what I’m into as far as thinking about law.”

With each new class, he remembers, he saw the Law in Action aspects. “Property—I found that to be fascinating; constitutional law—great.”

Brian’s Law School career also included time spent abroad: He went to Beijing and Shanghai in the summer of 2002 with Professor Ralph Cagle’s negotiation class on a trip organized by the East Asian Legal Studies Center, and in January 2003 a grant from the center enabled him to conduct research in Thailand and Vietnam on international trade issues confronting developing countries.

He also traveled to Geneva to visit the WTO and interview for the same project. The two research trips yielded the information he used in an article on the WTO to be published in the *Wisconsin Law Review*.

This fall semester, Brian was busy as one of the *Law Review*’s two symposium editors, working on its February conference, Freedom from Contract. “This was a big event in contracts scholarship,” he says, “with eleven papers that were presented and then collected for the 2004 Symposium issue of the *Law Review*.”

As for the question of where his dual degree in law and public affairs will lead him, at this point Brian is not sure. “Luckily,” he says, “I have until May 2005 to figure that out.”



Brian Larson '05:

Brian’s interest in international trade issues and the way they affect developing countries has led him to conduct research in Asia and at the World Trade Organization in Geneva.

Hometown: Rochester, Minnesota

Undergraduate work:
UW-Madison

Undergraduate major: History and Communication Arts

Focus in law: International Trade Law, International Public Affairs

Additional graduate degree:
Dual degree in Law and Public Affairs, May 2005



BOB RASHID (2)

UW Law School students (from left) Jenigh Garrett, Vicky Selkove, and Carlos Becerra all won national awards to help them pursue public interest law work.

Three UW Law Students Win Public Interest Law Fellowships

The University of Wisconsin Law School marked a triple achievement last winter in the competitive field of public interest law fellowships. UW law students were the national winners of three highly esteemed fellowships: both of the Fried Frank Fellowships and one Skadden Fellowship.

There are only two Fried Frank Fellowships awarded nationally each year, making the two Wisconsin awards a "sweep" of the field. "We were amazed when the selection committee came up with both winners from Wisconsin," commented Christine Kendall, a representative of the firm of Fried, Frank, Harris, Schriver and Jacobson, which awards the annual fellowships. This achievement by students from the University of Wisconsin Law School places the UW Law School's public interest

program in the company of those at other leading schools such as Harvard, Columbia, and Yale, which have dominated the fellowship competition in past years.

Skadden Fellowships, similarly, are one of the top honors awarded to students entering the field of public interest law. Out of the twenty-six Skadden Fellowships awarded nationally, only four went to students from universities in the Midwest. This was the second time in three years that a UW Law School graduating student won a Skadden Fellowship.

The three UW Law School students receiving the awards were: Jenigh Garrett, winner of the Fried Frank/NAACP Legal Defense and Education Fund Fellowship; Carlos Becerra, winner of the Fried Frank/Mexican-American Legal Defense and Education Fund Fellowship; and Victoria Selkove, winner of the Skadden Fellowship. All are May 2003 graduates.

Fried Frank Fellowships
Fried Frank Fellows participate

in a two-part program, in which the recipient works for two years at Fried Frank in New York City, followed by two years at the fellowship's designated public interest firm supported by funding from Fried Frank. Jenigh Garrett's second two years will be spent at the national NAACP Legal Defense Fund (LDF) office as a staff attorney. Carlos Becerra will work with the Mexican-American Legal Defense Fund (MALDEF), the nation's leading Latino litigation, advocacy, and educational outreach organization.

The criteria for selecting Fried Frank Fellows arise from the uniqueness of the two-part fellowship, says LDF Assistant Counsel Janai Nelson. Recipients are screened for ability to be strong litigators, background of work experience, commitment to public interest work, leadership qualities, and tendency to "challenge themselves" by having a breadth of experiences in multiple areas of law.

"It's quite a coup for the UW Law School to have both national winners," says Becerra.

Garrett's goal for the years that follow her Fried Frank experience is "to impact society as an advocate for the poor and disadvantaged," including such spheres of activity as work in the legislative and judicial branches of government as well as working as a professor of law, in the hopes of educating future leaders.

For Becerra, "One of the most appealing parts of the fellowship is that Fried Frank provides excellent training in litigation, and to take that training into the public interest world will be pretty powerful. If I'm not experienced in litigation now, I will be by the time I finish!" Becerra expects to focus on voting rights and employment discrimination in the fellowship's second half, when he will be working at MALDEF.

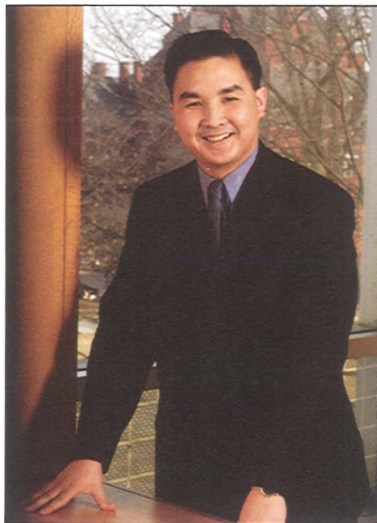
Skadden Fellowship

The Skadden Fellowship Foundation, described as a “legal Peace Corps” by the *Los Angeles Times*, was established in 1988 by the firm of Skadden, Arps, Slate, Meagher & Flom, LLP, to support students who have shown exceptional promise in the field of public interest law. The two-year fellowship gives Fellows the freedom to pursue their interests in public interest work, providing legal services to the poor, elderly, homeless, and disabled, as well as those deprived of human rights or civil rights.

Fellows create their projects before applying. Vicky Selkove’s project is to represent low-income Dane County workers on issues including employment discrimination, unpaid wages, the Family and Medical Leave Act, and access to public benefits.

Director of the Skadden Fellows program, Susan Butler Plum, comments, “Wisconsin has long been regarded as a social laboratory for exploring innovative responses to the challenges faced by disadvantaged communities, and Skadden Fellows from Wisconsin have taken the lead in representing those communities. By sharing their unique experiences and expertise with future public interest lawyers, Wisconsin’s Skadden Fellows also further the program’s goal of building a ‘public interest law firm without walls’ to assist communities nationwide.”

Selkove credits the UW Law School’s Neighborhood Law Project (NLP), directed by clinical professor Juliet Brodie, as having had a significant impact on her.



Alvin Chu '03 Wins Ford Leadership Award

Alvin Chu, a May 2003 graduate of the University of Wisconsin Law School, was named the recipient of a \$10,000 Ford Leadership Award in 2003, the first year the award was offered. The award, given by the Ford Motor Company, recognizes law students in their second or third year who demonstrate significant leadership skills as well as academic excellence, and who make a positive difference for the community.

Chu was awarded three professional degrees simultaneously in May 2003: a J.D., an M.B.A. in Finance, and an M.S. in Educational Administration.

Criteria used to select the winning students nationwide include originality; independent judgment; self-confidence; driving diversity through conduct that is respectful and that values others’ differences; commitment to quality; and maintaining integrity, inspiration, and focus, even under adversity.

Leonard Loeb Fund Honors Children’s Justice Project Founders

University of Wisconsin Law student Hannah Renfro-Sargent has been named the winner of a \$1,000 scholarship from the Leonard Loeb Scholarship Fund in recognition of her work in co-founding the Children’s Justice Project (CJP) at the University of Wisconsin Law School. The Loeb Scholarship was created by the family of the late Leonard Loeb to honor a law student who has demonstrated outstanding activity in the field of family law. Loeb was a 1952 graduate of the UW Law School.

Members of the American Academy of Matrimonial Lawyers and Fellows, who administer the new award, noted that three other nominees had also done outstanding work with Ms. Renfro-Sargent in founding the UW Children’s Justice Project: Sarah Helvey, Notesong Srisopark Thompson, and Alecia Humphrey. To honor their work, the Loeb Scholarship Committee voted to donate an additional \$3,000 to the Children’s Justice Project.

Former State Bar President Leonard Loeb died on March 9, 2003. His contributions to the field of family law included his book *System Book for Family Law* and his work as a co-founder of the Wisconsin Chapter of the American Academy of Matrimonial Lawyers.



BOB RASHID

Everyone connected with our Law School deserves to be extremely proud of this new group of students and of the UW Law School itself for drawing the interest of so many highly qualified individuals.

Introducing The UW Law Class of 2006

*By Assistant Dean Beth Kransberger
Director of Admissions and
Financial Aid*

Once again this fall, the University of Wisconsin Law School welcomed an extraordinary entering class, full of energetic and accomplished students with widely varying backgrounds, interests, and career visions.

Thanks to all of you who referred bright, accomplished people to us as candidates for admission. We truly value the referrals and opinions of our graduates across the country who write to tell us about individuals with the qualities to be successful at this terrific Law School.

It is now my great pleasure to share with you a few facts about this Class of 2006.

We had nearly 3,200 applications, up almost 40 percent over the previous year. The national applicant pool only increased by 18 percent, so this was particularly good news for us. This also meant a more than 100 percent increase in admissions applications over the last five years.

We were aiming for a class of approximately 270, and we achieved this goal with a final enrollment of 268. These J.D. students hail from 34 states and China, and represent 121 undergraduate institutions. They range in age from 21 to the late 50s. Twenty-seven percent received their undergraduate degrees here at the UW-Madison campus.

Fifty-four percent are Wisconsin residents. Twenty students hold graduate degrees. Approximately 65 percent did not come to us directly after their undergraduate studies; they completed their college education one year or more prior to enrolling here.

These J.D. students hail from 34 states and China, and represent 121 undergraduate institutions. They range in age from 21 to the late 50s.

This entering class includes 26 percent students of color, of whom twenty-three are African-American, four are Native American, twenty-five Latino/Chicano, and nineteen Asian-American/Pacific Islanders. This class was one of the academically strongest classes in the last ten years, with the bottom quarter of the class beginning at the 77th percentile nationally on the entrance test. This was a reflection of the significant increase in the academic credentials within the applicant pool. The competition for seats in the class was intense, and the decisions just that much more difficult.

The members of our admissions committee did a splendid job during the last year in working carefully with these hundreds and hundreds of applicant files. The high volume presented some new and thorny challenges.

Everyone connected with our Law School deserves to be extremely proud of this new group of students and of the UW Law School itself for drawing the interest of so many highly qualified individuals.



Did You Know?

Our alumni have free, lifetime access to the Job Bank maintained by the Office of Career Services. To search for available positions or to hire a new lawyer for your firm, see our Web site at www.law.wisc.edu/career/databank.htm and look under the heading "UW Law School Alumni."

Intelligent, Hard-Working Law Students Available Now!

*By Assistant Dean Jane Heymann
Director of Career Services*

Greetings from all of us at the Office of Career Services! I hope the year 2004 is going well for all of our *Gargoyle* readers.

This is the season when the Career Services Office is busy helping many of our students find summer work that will help them gain practical legal experience. I have been so impressed by the quality and enthusiasm of the law students who have spoken with us about seeking work this summer that I decided to address this column to all the employers who might be able to hire one or more of these soon-to-be-lawyers to work in your offices this summer.

Although a full-time, paid position would be ideal for these students, many of them would seriously consider part-time and/or volunteer positions as well. The primary concern for all our students is to obtain valuable, relevant work experience.

If you think you might be interested in hiring one or more of our students this summer, please let us know. We would be happy to assist you in the hiring process by posting a position on our online job bank, by collecting resumes, or by making facilities available in our office for interviewing. I would be delighted to hear from you, either at jheymann@wisc.edu or by phone at (608) 262-6413. You can also contact our Career Services Office at career@law.wisc.edu or (608) 262-7856 if you have questions or want to advertise a summer position.

I do hope that you will offer a summer of legal experience to our talented UW law students!

Judicial Clerkships Are Not Just For New Graduates!

If you are a recent graduate, or someone who has been practicing for a number of years, you should consider applying for a judicial clerkship. In the past few years, more and more federal and state judges have been hiring clerks who have some "real world" experience. Indeed, some judges will consider only applicants who have been out of law school for a year or more. Clerkships can be particularly ideal for those of you who are considering leaving a job, but need a transitional year or two to regain your focus, make new contacts, or learn about different areas of law.

If you are interested in learning more about judicial clerkships, please visit the Career Services Web site at www.law.wisc.edu/career/JudicialClerkships.htm, or contact Kristin Davis in the Career Services Office at (608) 262-6444 or kristindavis@wisc.edu.



Professor James Jones Honored by AALS Section

UW Law Professor James E. Jones, Jr., has been honored by the Labor and Employment Law Section of the Association of American Law

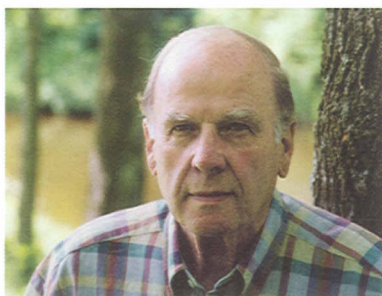
Schools for his outstanding contributions to the field and teaching of labor relations and employment law.

A 1956 graduate of the UW Law School, Jones moved to Washington, D.C., immediately upon earning his J.D. There he performed pioneering work at the U.S. Department of Labor, beginning as a legislative attorney and eventually becoming associate solicitor of labor for the Division of Labor Relations and Civil Rights. He returned to Wisconsin to teach at the UW Law School in 1969, and has remained an active participant in Law School affairs and the legal profession ever since. He took the status of professor emeritus in 1993.

Introducing Jones at the AALS ceremony to honor him in January 2004 was Vicki Schultz, who is Ford Foundation Professor of Law at Yale Law School and who began her teaching career at the UW Law School, teaching labor law with Jones as her mentor.

Schultz cited Jones for his contributions to affirmative action jurisprudence; for drafting the rules and recommended procedures for arbitrators in labor-management relations in federal government employment that were subsequently incorporated into the Civil Service Reform Act of 1978; for framing the University of Wisconsin's basic policy on minority programs, including the Law School's Legal Education Opportunity program (LEO); for initiating the Law School's William H. Hastie Minority Teaching Fellowship in 1973; and for teaching the first known full-semester law course on employment discrimination law.

Schultz told Professor Jones, "You have done so much to develop the fields of labor and employment discrimination law—including your important contributions in the field of affirmative action. I can't think of anyone who is more deserving."



Gaylord Nelson '42 Receives WAA Distinguished Alumni Award

Gaylord Nelson, the founder of Earth Day and a former U.S. senator and Wisconsin governor, has been named a winner of the

Wisconsin Alumni Association's 2004 Distinguished Alumni Award.

Nelson received his LL.B. degree from the University of Wisconsin Law School in 1942. He began his public service in 1948 as a state senator, and was re-elected three times. In 1958, he became only the second Democrat of the century to be elected governor of Wisconsin. After two terms as governor, he was elected to the U.S. Senate, where he served a total of eighteen years.

Nelson has received numerous awards, including the Presidential Medal of Freedom, awarded to him in 1995. The proclamation from President Clinton read, "As the father of Earth Day, he is the grandfather of all that grew out of

that event: the Environmental Protection Act, the Clean Air Act, the Clean Water Act, the Safe Drinking Water Act." The first Earth Day took place in 1970, drawing 20 million participants. Throughout his political career, he sponsored or co-sponsored a variety of bills aimed at promoting conservation and protecting consumers.

Nelson has received a variety of honors for his public service, including the Ansel Adams Conservation Award and two awards from the United Nations Environment Programme: the Environmental Leadership Award in 1982, and the Only One Earth Award in 1992.

Robert Habush '61 Receives Distinguished Service Award

Robert L. Habush, president of Habush Habush & Rottier S.C., has been voted the 2003 recipient of the University of Wisconsin Law School's Distinguished Service Award. The award honors UW Law alumni or faculty who have made outstanding contributions to the legal profession.

The annual winner of the Distinguished Service Award is chosen by a vote of the Wisconsin Law Alumni Association's board of directors. The award was formally presented at the Benchers Dinner in Milwaukee this fall.

In April 2003, Habush was named one of ten Wisconsin Leaders in the Law by *Wisconsin Law Journal*. He has held leadership roles in the Association of Trial Lawyers of America (ATLA),

serving on the board of governors in 1969–1970 and 1983–1986, and as president in 1986–1987. He has also been instrumental in the success of the Wisconsin Academy of Trial Lawyers, serving as its president in 1968–1969 and 1971–1972.

Habush is listed in *The Best Lawyers in America*, *Who's Who in America*, *Who's Who in the World*, and *Who's Who in American Law*, among others. He was named the recipient of the ATLA Harry Philo Award in 1999, and in 2001 he was named one of the top litigators in the United States by the *National Law Journal*.

In 2002, he received the highest award conferred by ATLA—the Leonard Ring Champion of Justice Award, and ATLA renamed its endowment the Robert L. Habush ATLA Endowment.

Habush has taught courses at the University of Wisconsin Law School and also at Marquette University School of Law over the



past twenty-five years. He has authored law review articles and is the editor of *Cross-Examination of Non-Medical Experts* in the Art of Advocacy series by Matthew Bender Company. He has lectured before professional groups throughout the country in the area of trial practice.

Habush practices in the Milwaukee office of Habush Habush & Rottier S.C.

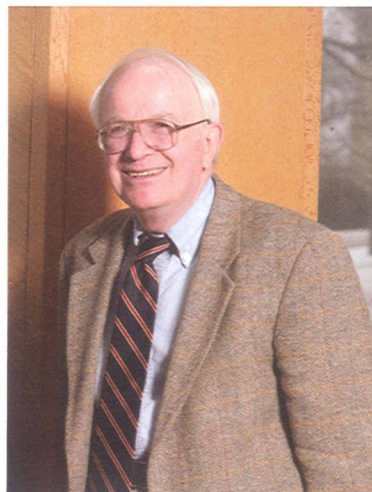
Macaulay Honored as Outstanding Scholar by ABF

UW Law School Professor Stewart Macaulay has won the Outstanding Scholar Award conferred annually by the American Bar Foundation. The highly esteemed award recognizes fellows of the ABF who have engaged in outstanding scholarship in the law or in government.

Macaulay's honor was announced publicly at the ABF's Fellows Annual Banquet in San Antonio on February 7, 2004. Both Macaulay and Professor Stanton Wheeler of Yale University are the 2004 recipients.

Winners of the Outstanding Scholar Award through the years have been the nation's leading legal scholars. Macaulay is internationally recognized as a leader of the Law in Action approach to contracts.

As the ABF noted in conferring the award, "Stewart Macaulay's research transformed the way that scholars think about contracts and the role of law in economic activity. In a series of articles beginning in 1963 and continuing to the present, Macaulay has insisted that scholars must look beyond formal law to see what actually happens to the Law in Action. Indeed, the first authority who would be cited by virtually any scholar on the need to study the Law in Action would be Stewart Macaulay of the University of Wisconsin Law School."





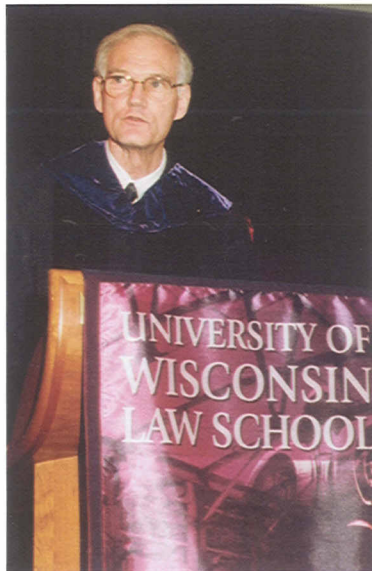
Robert Schnur Named Adjunct of The Year

The Warren H. Stolper Award, recognizing excellence in teaching and a commitment to the UW Law School on the part of one of the Law School's adjunct professors, has been given this year to Robert A. Schnur. Schnur has taught tax law at the Law School since 1988.

This is the second year that the Stolper Award has been

conferred. The award is named in honor of Attorney Warren H. Stolper, who taught at the Law School for forty years as an adjunct professor.

Robert Schnur is a tax partner in the Milwaukee-based law firm of Michael Best & Friedrich LLP, maintaining offices in the firm's Milwaukee and Madison locations. He received an undergraduate degree in Economics from Cornell University and a law degree from Harvard Law School, and is admitted to practice in Wisconsin and Illinois.



Larry Church Receives Teacher Of the Year Award

Professor William (Larry) Church has been voted recipient of the 2003 Teacher of the Year Award from the Wisconsin Law Alumni Association (WLAA). The award, which has been given each fall for

almost twenty years, makes a significant statement about the value and importance of classroom teaching at the University of Wisconsin Law School.

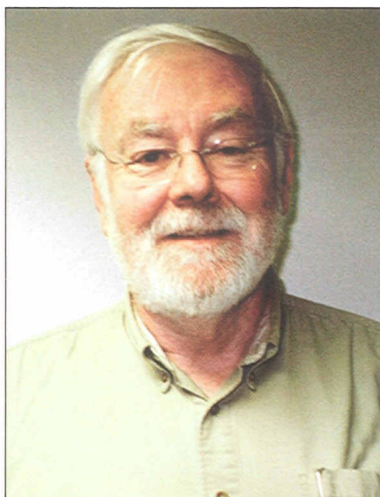
Each year, the WLAA polls the three most recent classes (not the graduating class) for their advice in conferring the Wisconsin Law Alumni Association's Teacher of the Year Award. To be eligible, a law professor must have completed three years of teaching at the Law School, must not have received the award in the past four years, and must be a UW Law School tenure-track faculty member.

Larry Church received his LL.B. degree summa cum laude from the UW Law School in 1963. After teaching at the Haile Selassie University Faculty of Law in Ethiopia, then practicing as an associate with the firm of Foley & Lardner in Milwaukee, he joined the UW Law faculty in 1968. Church holds the chair of Sherwood R. Volkman-Bascom Professor of Law.

Race Judicata Raises \$6,000 To Help Fund Public Interest Law Students

More than \$6,000 in profit was raised by the 2003 Race Judicata, sponsored by the Public Interest Law Foundation (PILF) of the University of Wisconsin Law School on Saturday, October 11, 2003. More than three hundred individuals participated in the 5K run/walk around Monona Bay.

All proceeds will be used to help fund summer grants for law students doing unpaid public interest work.



Ken Casey has joined the Remington Center as director of the Criminal Appeals Project.



Mike Scott is researching and teaching in the area of policing.



Betsy Abramson directs the Law School's new Elder Law Clinic.

Remington Center Welcomes New Faculty

This fall, the Law School's Frank J. Remington Center welcomed three new faculty members, all of whom bring years of experience specific to the work they will be doing.

Following his retirement in June from the Office of the State Public Defender, **Ken Casey** has joined the Center as director of the Criminal Appeals Project, in which students represent defendants on direct appeal cases appointed by the State Public Defender (SPD). Casey graduated from the UW Law School in 1970 and clerked for U.S. District Judge James Doyle. He dedicated the major part of his career to working for public service agencies, including the State Bar's Corrections Committee, Legal Action of Wisconsin, and—since 1981—the SPD, where he worked in both the trial and appellate divisions.

During this period, Casey occasionally taught students in the Law School's LAIP (Legal Assistance to Institutionalized Persons) program and also taught constitutional law. In the early 1990s, Casey and Kate Kruse co-created the Criminal Appeals Project at the Remington Center,

and thus his joining the project as director brings him full circle.

Mike Scott will follow in the footsteps of the Law School's Professor Herman Goldstein by researching and teaching in the area of policing. A graduate of the University of Wisconsin (B.A. 1980) and of Harvard Law School (1990), Scott has served in several police departments, as an officer, legal assistant, and chief. He has a longtime interest in research, and served as the senior researcher for the Police Executive Research Forum.

In 1997, Scott founded the Center for Problem Oriented Policing, Inc., an independent consulting firm through which he has provided police research, training, and management services. Scott brings to the Law School a substantial grant from the National Institute of Justice, which he will use to research, develop, and publish a series of problem-oriented guides for police departments around the nation.

Betsy Abramson has joined the Economic Justice Institute, from which she will direct the Law School's new Elder Law Clinic.

A 1981 graduate of the UW Law School, Abramson is known throughout Wisconsin as an expert in the field of elder law, first at the Center for Public Representation, then as the founder and director of the Elder Law Center at the Coalition of Wisconsin Aging Groups, and, since 2001, as a private consultant.

With support from the Helen Bader Foundation, the Retirement Research Foundation, and the Law School, Abramson is developing an innovative clinical program in which law and graduate nursing students will work on site at geriatric health care clinics. The students will provide legal information, counseling, and assistance to elderly patients on issues such as advance medical directives and financial management tools, guardianships, public and private benefits, and patients' rights. They will also work to educate health care providers on how to identify the legal needs of the elderly and the interrelationship between legal issues and good health care outcomes.



Meredith Ross Honored as Leader in Law

Meredith Ross, clinical professor of law and director of the University of Wisconsin Law School's Remington Center, was named a Wisconsin Leader in the Law 2003 by the *Wisconsin Law Journal*. Ross is one of ten attorneys to receive this honor.

Ross's achievement, as described by the *Journal*, is in leading "the rapid expansion of clinical course offerings available at the UW Law School's Frank J. Remington Center, so law students today have additional options for receiving real-world experience; moreover, the Remington Center is now able to serve hundreds of additional low-income individuals each year."

Ross became director of the Center in 1996. In the approximately seven years of her directorship, the Remington Center's clinical programs have expanded to supplement the original LAIP (Legal Assistance to Institutionalized Persons) program with the Family Law Project, Criminal Appeals

Project, Wisconsin Innocence Project, and Neighborhood Law Project (now joined with the Consumer Law Litigation Clinic in the new Economic Justice Institute).

Ross received her law degree from the UW Law School in 1990. Three other UW Law alumni are among the Leader in the Law recipients: Barrett J. Corneille '80, William L. Gansner '74, and Robert L. Habush '61.

Innocence Project Wins Second Exoneration

The Wisconsin Innocence Project of the UW Law School won its second exoneration in September when a Manitowoc County judge ruled that DNA evidence conclusively proves the innocence of Steven Avery, a man convicted in 1985 of the brutal attack of a woman jogging on a beach near Two Rivers, Wisconsin.

Avery was released from the Stanley Prison in northwestern Wisconsin on the morning of Thursday, September 11, 2003, after serving eighteen years of a thirty-two-year sentence. Avery's is the first exoneration under Wisconsin's new post-conviction DNA-testing statute, which was signed into law in 2001. His case marked the 137th DNA exoneration nationwide and the third DNA exoneration in Wisconsin overall.

During Avery's 1985 trial in Manitowoc County Circuit Court, sixteen witnesses, including Avery's family and friends, a cement contractor, and clerks at Shopko, along with store receipts from Shopko, corroborated Avery's description of what he had done on the day the crime was committed. Nevertheless, he was convicted based almost

entirely on the eyewitness identification testimony of a single witness. Avery had maintained his innocence throughout the entire eighteen years he was wrongfully imprisoned.

For the last two years, law students and their supervising attorneys worked diligently on Avery's case as part of their clinical work at the Innocence Project. Eventually, the students obtained a court order to allow DNA testing of hairs left at the scene of the crime. The tests, conducted by the Wisconsin State Crime Laboratory, proved that Avery was not the perpetrator. They also revealed that the DNA matched that of another man who was then serving a sixty-year sentence for a similar crime committed after the 1985 assault for which Avery was convicted.

UW clinical professors working on the case were Keith Findley and John Pray, co-directors of the Innocence Project, and former Innocence Project attorney Wendy Paul.

"Steven Avery's long-awaited release is a positive event for Avery and the Wisconsin criminal justice system," Findley said. "However, it is also a tragic story of wrongful incarceration. Due to failures in the criminal justice system, Avery lost eighteen years of his life that he will never be able to recover."

Though Avery is the first individual in Wisconsin to be released under Wisconsin's new DNA statute, he is the third person who has had his conviction vacated based on the work of the law students at the Wisconsin Innocence Project.

The Wisconsin Innocence Project, a program of the UW Law School's Frank J. Remington Center, was founded in 1998. Approximately twenty students participate in the program each year.

Progressive Ideas Forum Created to Honor Laurie Carlson

The University of Wisconsin Law School has received a donation to create the Laurie Carlson Progressive Ideas Forum, to honor the memory of the former Progressive Party State Legislator and Dane County clerk of court. The Forum will provide support to university programs that present, explore, and discuss current progressive issues in law, legal institutions, public policy, and social thought.

While the Forum will initiate its own speakers and programs, it also seeks to encourage and assist learning opportunities suggested by others in different formats, including guest speakers, discussion

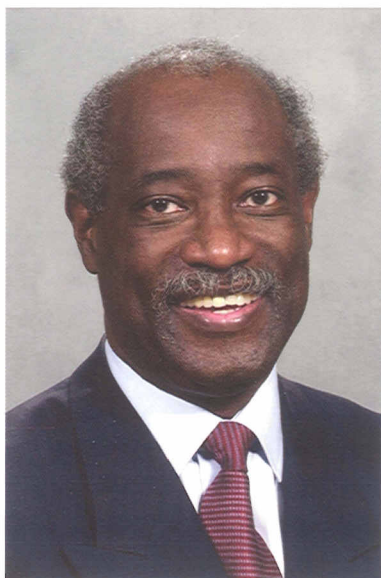
panels, seminars, workshops, and classroom activities. One goal of the Forum is to promote an exchange of ideas that joins the university community with the local community by, among other things, fostering a discussion of current progressive ideas on campus and encouraging public participation in Forum-sponsored events.

Individuals or groups interested in making suggestions for Forum programs should prepare a description of the program and submit it by mail to Ralph Cagle, Clinical Professor of Law, University of Wisconsin Law School, 975 Bascom Mall, Madison, WI 53706; by e-mail at rmcagle@wisc.edu; or by phone at (608) 262-7881.

Laurie E. Carlson was born in Bayfield, Wisconsin, in 1908. His first political involvement was in 1916 when he and his father

traveled Bayfield County in a horse and wagon urging farmers to vote for Bob La Follette for governor. This experience, coupled with later meetings with Bob La Follette, left an impression that would stay with Carlson for a lifetime.

In 1934, Carlson helped form the State Progressive Party along with La Follette sons Phil and Bob, Jr. He won election as a Progressive to the state legislature in 1936 at age twenty-eight and served until 1942, when he retired to devote himself to a business career. In 1969, Carlson was elected clerk of court and served four terms before retiring from public office. Governor Tony Earl honored Laurie Carlson in 1986 with a proclamation declaring him a "state treasure." Carlson died in 1999 at the age of ninety-one.



Burnele Powell '73 Named Dean At University of South Carolina Law School

Burnele Venable Powell, a 1973 graduate of the University of Wisconsin Law School, has been named Dean of the University of South Carolina Law School. Powell is the first African-American dean of South Carolina's law school.

Powell began his legal career in 1973 at the Department of Housing and Urban Development's regional counsel's office in Boston, and later was promoted to associate regional counsel. In 1979, he earned an LL.M. degree from Harvard Law School, and that year joined the faculty at the University of North Carolina at Chapel Hill,

where he taught from 1979 to 1995, serving as associate dean from 1990 to 1993. He then joined the University of Missouri-Kansas City School of Law in 1995, serving as dean there until May 2003.

Powell is chair of the American Bar Association Consortium on the Delivery of Legal Services and immediate past chair of the ABA Center for Professional Responsibility. He is a nationally known authority on legal ethics, and has published widely on topics related to lawyers' professional ethics and federal/state government administration.

Powell assumed his responsibilities in South Carolina at the beginning of the January 2004 semester.

On the Cutting Edge: Where Law Meets Biotech

Law School alumni are part of the UW's ground-breaking Biotechnology Master's Program.

When **Gabe Gross '01** and **Craig Christianson '96** graduated from the UW Law School, they did not expect to be back at the UW within a few years, pursuing another degree.

Why, then, are they both back on campus every other week, from Thursday night through Saturday morning, working toward the UW's new degree of Master of Science in Biotechnology?

Answer: The new program—the first of its kind in the country—is providing them with the scientific and legal knowledge they need for their “day jobs” as

attorneys. “It’s a two-year program designed specifically for working professionals,” Gross says. “It encompasses science, law, business, ethics—vastly different but important disciplines. It’s important to develop the skills set.”

Gross is now in his third year as an associate with La Follette, Godfrey & Kahn. “I became a part-time master’s student one year into law practice,” he says with a touch of wonder. He is full of enthusiasm for what the master’s in biotech program is bringing to his law practice. “This really was fortuitous for me,” he says. “The year I started the program—my first year at the firm—the firm launched an entire practice area around FDA law. So my practice has advanced in parallel with the program. They’ve dovetailed quite nicely for me. I was fortunate that the firm saw the value of the program.”

Craig Christianson has a bachelor’s degree in engineering, and has more than fourteen years of experience working with IBM. He is president of the Agility Corporation, a Madison firm specializing in business and legal consulting for businesses that are growing or transforming themselves. Christianson plans to use his M.S. in Biotech to practice patent and business law in the biotech field.

The program provides a hands-on approach to situations that will arise increasingly in the age of biotechnology. For example, students have role-played the scenario of a biotech entrepreneur seeking capital; they need to be aware of the financial

issues, as well as social and ethical ones, that are called into play by biotech ventures.

“I would encourage anybody who has a basic science background and who has a thirst for emerging areas of as-yet-unsettled law to consider getting in on what is still the ground floor of the transformative technology sectors of this century.”

— R. Alta Charo
Associate Dean for Faculty Research and Development

The program’s faculty include top-rated professors from numerous fields and experienced Wisconsin business professionals. Co-founders are Professors Gail Robertson and Richard Moss from the Department of Physiology, and other core professors include Law School alumnus Carl Gulbrandsen ’81, managing director of the Wisconsin Alumni Research Foundation (WARF) and a specialist in intellectual property, patent law, and business ethics; and Law School Associate Dean Alta Charo, a national authority on biotechnology issues.

Gross and Christianson are both members of the program’s first class, with a ten-person student body. They are the only two attorneys. The second group, which started in Fall 2003, has twenty students, none of them attorneys. Program administrators are hoping to get the word out to bring lawyers and law students into future classes.

“There is an important reason

JEFF MILLER, UW-MADISON, UNIVERSITY COMMUNICATIONS (2)





to have us [attorneys] there, as well as scientists," Gross says. "When local biotech firms need to look at ethics, they need to find attorneys who understand biotech."

Agreeing wholeheartedly with the need for lawyers to gain background in biotechnology is Law School Professor and Associate Dean Alta Charo, one of the originators of the biotech master's program. Charo holds a joint appointment in the Medical School's Department of Medical History and Bioethics.

"Wisconsin is among the top tier of states that are developing the biotechnology sector as part of their state economic strategy," Charo says. "We have tremendous strength in southern Wisconsin in moving basic science research into industrial development. What we do not yet have is a robust professional infrastructure. For the biotechnology sector to succeed, the companies and the scientists need a cadre of professional business managers, lawyers, journalists, and public policy specialists who understand biotechnology, who understand the special business issues raised by start-up companies whose primary assets consist of

patents and licenses, and who understand the political climate surrounding the use of biotechnology and genetics in medicine and agriculture."

Planning for future years includes a joint degree, Charo says. "Right now we aren't able to offer a joint J.D./M.S. in Biotech degree because we haven't worked out the logistics of what courses would be required, but in principle, we would like to see people couple the J.D. and the master's in biotech, and in the future this master's would exist not only as a capstone degree, but as a degree to be taken simultaneously with the law degree."

Charo adds, "I would encourage anybody who has a basic science background and who has a thirst for emerging areas of as-yet-unsettled law to consider getting in on what is still the ground floor of the transformative technology sectors of this century."

Any law students or alumni who think the above call may apply to them will want to visit the Master's in Biotechnology program Web site at www.ms-biotech.wisc.edu.

LEO Banquet Featured Speaker Okihiro

Professor Gary Y. Okihiro, director of the Center for Race and Ethnicity at Columbia University, delivered the keynote address at the Law School's annual Legal Education Opportunities (LEO) Banquet on Saturday, March 27, 2004, at the Sheraton Hotel in Madison.

Okihiro, who is professor of international and public affairs at Columbia, titled his address, "On Common Ground: Making Real the Promise of America." Okihiro is the author of eight books, including *The Columbia Guide to Asian-American History*. He is the recipient of the Lifetime Achievement Award from the American Studies Association, and is a past president of the Association for Asian-American Studies.

The UW Law School's LEO program celebrated its thirty-sixth anniversary with this banquet (the thirty-fifth annual banquet). The annual event is an occasion for alumni and students to meet each other, to meet prospective students, and to recognize the achievements of current and former LEO students. One of the alumni who attended was attorney Michelle Behnke, president-elect of the State Bar of Wisconsin. Behnke will be the Bar's first African-American president.

WHY WISCONSIN?

They arrive from Michigan and California, Paris and Johannesburg. Why do our new young professors choose the UW Law School?

What is that special new energy that is so noticeable in the classrooms, corridors, and professors' offices at the UW Law School in recent years?

"I can't get over how lucky we are," smiles Alta Charo, associate dean for Faculty Research and Development. "Our traditional strength in interdisciplinary approaches to law continues to make us fresh and exciting to people whose interests span the Internet, emerging democracies, biotechnology, and entrepreneurship. They're choosing Wisconsin over other schools because we offer a chance to do research that takes full advantage of our senior faculty and the rest of a first-rate research campus. In turn, they're bringing a positively infectious enthusiasm into the building."

Dean Ken Davis is of the same mind. "I would like to convey to our readers a sense of our talented and energetic faculty," Davis says. "Our building is alive not only with our terrifically talented student body, but with faculty energy and interaction, a lot of which is coming from our faculty who have joined us recently. When we add this new group to the world-class faculty members who have been here longer and whose work has built our top national reputation, we have a powerful combination."

CAMPUS SCENICS BY JEFF MILLER, UW-MADISON, UNIVERSITY COMMUNICATIONS



Juliet M. Brodie
Clinical Assistant Professor of Law
Director, Neighborhood Law Project

J.D., Harvard Law School
Poverty Law, Community Lawyering



Anuj C. Desai
Assistant Professor of Law

Master's in International Affairs, Columbia University
J.D., University of California-Berkeley (Boalt Hall)
Copyright, Trademarks, Cyberlaw



Heinz J. Klug
Associate Professor of Law

J.D., University of California-Hastings
S.J.D., University of Wisconsin Law School
Constitutional Law, Comparative Constitutional Law, Property Law



Marsha M. Mansfield
Clinical Assistant Professor of Law

J.D., University of Wisconsin Law School
Neighborhood Law Project, Consumer Law Litigation Clinic



John K. M. Ohnesorge
Assistant Professor of Law

J.D., University of Minnesota Law School
S.J.D., Harvard Law School
Administrative Law, Business Organizations/Corporations, Law and Development, International Trade Law



Pilar N. Ossorio
Assistant Professor of Law and Medical Ethics

Ph.D., Stanford University (Microbiology and Immunology)
J.D., University of California-Berkeley (Boalt Hall)
Biotechnology Law, Patent Law

These young people are happy to be here, and they have very clear perceptions of how Wisconsin differs from the other institutions where they have studied and taught.”

In order for readers to get to know these professors informally, the *Gargoyle* invited them to talk with each other about what drew them to Wisconsin (both the state and the Law School) and what they found here. A total of twelve members of the newer faculty found time in their busy schedules to sit down and share observations on their experiences.

Q. What did you know about Wisconsin before you came?

Anuj Desai: I didn’t know much about Wisconsin the state, but I had a pretty good sense of the reputation of the school—certainly of the faculty. All my mentors got excited when they found out I had an interview at Wisconsin. That’s a testament to how well it’s regarded.

Bernie Trujillo: I knew about Stewart Macaulay—we read Macaulay in first-year contracts at Yale. There was a lot of respect there for the Law in Action approach to

contracts. Then when I came here for my interview, I was really impressed when Macaulay was on the interview team—it was like rock-star time.

Juliet Brodie: I always knew since I was a teenager that the state of Wisconsin was home to great, progressive social policy—my parents schooled me in that. Gerda Lerner, Bob La Follette ...

We read Macaulay in first-year contracts at Yale. Then when I came here for my interview, Macaulay was on the interview team—it was like rock-star time.

— *Bernie Trujillo*

Greg Shaffer: I had vague ideas about Wisconsin, but I had never visited. I had Lawrence Friedman as a professor at Stanford, and I remember him saying wonderful things about Willard Hurst and the UW approach to legal history—there was a sense of colleagues working together on how to approach legal questions. I don’t remember any other law schools spoken of because of their intellectual tradition.

Pilar Ossorio: I knew very little about Wisconsin—I knew it had some very enthusiastic sports fans who wore cheeses on their heads, and it was very cold. But the Law School—I knew it as the place where quality of scholarship was highly reputed, and where there was a broad range of interdisciplinary studies, which is always very important to me. This was on my radar screen as a place I would be interested in.

Richard Ross: I come from an unusual perspective since I do legal history—Wisconsin has been the home of the dominant approach in my field for over half a century: the Wisconsin School. So it was part of my awareness and part of every legal historian’s—“law and society.”

Gordon Smith: I knew about Stewart Macaulay and Bill Whitford and Marc Galanter and Willard Hurst and Ken Davis (I had actually cited him in some articles).

John Ohnesorge: I knew about the traditions in legal history—legal sociology—personalities like David Trubek and Marc Galanter from the law and development debate, Stewart Macaulay ...



Richard J. Ross
Associate Professor of Law and History

J.D., Yale Law School
Ph.D., Yale University (History)
Legal History, Property Law, Trusts and Estates



David Schwartz
Assistant Professor of Law

J.D., Yale Law School
Employment Law, Equal Employment Law, Constitutional Law



Gregory C. Shaffer
Associate Professor of Law

J.D., Stanford Law School
International Trade Law, European Union Law, International Business Transactions



Leslie D. Shear
Clinical Assistant Professor of Law
Director, Family Law Project

J.D., University of Miami Law School
Family Law



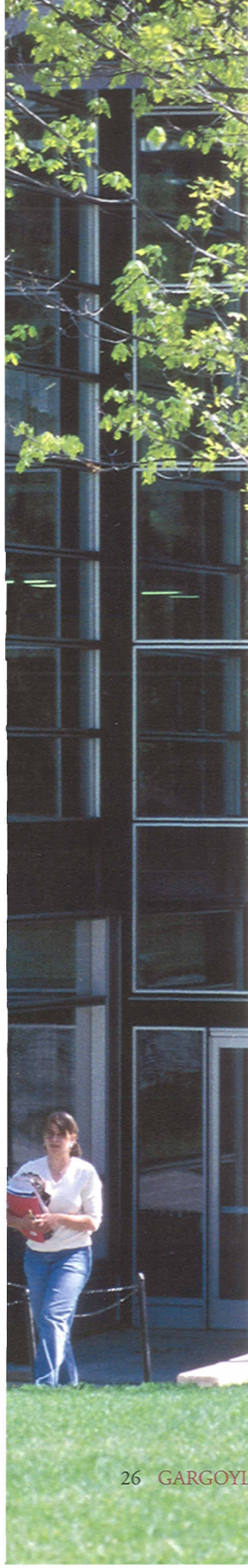
D. Gordon Smith
Professor of Law

J.D., University of Chicago Law School
Business Organizations, Contracts, Law and Entrepreneurship



Bernard R. Trujillo
Assistant Professor of Law

J.D., Yale Law School
Immigration Law, Bankruptcy, Corporate Finance



Gordon Smith: ... for being famous ...

John Ohnesorge: Yes—for being famous.

Q. What are some specific reasons why you chose to come here?

Juliet Brodie: I had been teaching elsewhere, and I wanted to come home. I really missed that progressive Wisconsin Law in Action. Also, I was really impressed with the opportunity to build on what was then a fledgling community lawyering project. I think the UW Law School is such a great place to pursue clinical teaching. There's a deep intellectual tradition of interest in the law as it actually functions. In my view there's no better place to explore that than in a clinical setting, when you're actually watching Law in Action. All the questions that the academic faculty engage students in on the gap between law and everyday reality come together. I say, "This is a great example of Law in Action" practically every day. The law says this—the judge does this.

Leslie Shear: Yes, I have too many discovery motions that didn't come out the way they should have according to the law of civil procedure.

Anuj Desai: Part of it was the sense in which I thought life outside the Law School would be a nice life—State Street, the lakes, the bike path, the Law School right on campus with the rest of the university of forty thousand students—I would never feel like I was cloistered away. At one of the schools I was thinking about going to, the law school was on a whole separate campus—surrounded by beautiful trees, but that was it.

Bernie Trujillo: I was impressed when I came out for an interview. I thought, "These people are not full of themselves—they would be easy to learn from."

I think the UW Law School is such a great place to pursue clinical teaching. There's a deep intellectual tradition of interest in the law as it actually functions.

— Juliet Brodie

John Ohnesorge: Once I got the call for an interview here, I learned about the East Asian Legal Studies Center. It was very attractive to me because it gives me the opportunity to do comparative law projects and also to work with students from Asia, which I'm interested in.

Gordon Smith: There are a lot of reasons why I came here: the chance to teach first-year contracts; a great contracts group that meets weekly to have lunch and talk about it—I thought that would be an amazing experience, and it has been—with John Kidwell, Bill Whitford, Stewart Macaulay; the technology entrepreneurship cluster; and the intellectual environment of the Law School, a sense of intellectual adventure, people open to thinking of new approaches, and people involved in other disciplines. When I presented my paper at my job interview here, the comments were outstanding.

John Ohnesorge: And, I use his book. Gordon co-authored a case book, *Business Associations*, and I volunteered to be the guinea pig.

Gordon Smith: Actually, it's your students who are the guinea pigs.

Q. What surprised you when you first came here?

David Schwartz: The absence of faculty politics ... and how easy it was to take sailing lessons.

Heinz Klug: Snow—but let's not go there.

Greg Shaffer: The biggest surprise was Madison and Wisconsin itself. I came here from Paris, and I had some concern—especially because I'm interested in international issues—concern that I'd lack the exchange of a cosmopolitan place. I remember walking up State Street when I arrived for my interview. I was shocked that this is really a vibrant community, beyond just the university. A town—students and non-students and coffee shops and used bookstores—then walking onto Bascom Hill with all its elm trees. I thought, "This is beautiful! Absolutely stunning."

Heinz Klug: The lake and the physical beauty.

Greg Shaffer: The physical beauty and the city planning that links the university to the state government. It's part of the Wisconsin Idea—tied into a social goal. I'd had no clue. It was a visceral sensation—I felt it. I didn't have to be told it.

Richard Ross: I was surprised at how much the Law School is integrated into the university. A lot of law schools talk a good game, but when you go there, it's a different story. But here—funding comes from the grad school—we're treated as a department of the grad school, and that institutional connection fosters an intellectual orientation.

Pilar Ossorio: I was surprised that

there was more diversity in Madison even than I had expected. The diversity here in this school is not just racial and ethnic. I love that a lot of our students are second-career students—they've had a life, and that brings a lot to the atmosphere of the school and discussions in the classroom. This is very different from any other law school I know of. Intellectually it has more of the feeling of a grad school than a law school. I've been around a few law schools ... Here, outside professors are coming in to give talks—it's more intellectually stimulating. We have talks by our own faculty. I really like that.

John Ohnesorge: I was surprised at the number of faculty members who have taught abroad or who are involved with law and development from the '60s and '70s. Everyone in the field knows about Trubek and Galanter, but the number of people on the faculty doing this is extraordinary: Baldwin in Egypt, Whitford and Church in Africa, Stewart Macaulay in Latin America, Chuck Irish was an adviser to the finance ministry of Zambia.

Gordon Smith: Even in the younger faculty, people have done some of that: Greg Shaffer practiced in France; Heinz worked in South Africa.

John Ohnesorge: I don't think any other American law faculty has this number of professors with real, long-term, foreign experience—and they don't necessarily teach "foreign" subjects.

Gordon Smith: Yes, the international orientation of the entire university. Having grown up in Wisconsin, I think of Wisconsin as a pretty isolated place, but there is so much opportunity to teach abroad—and

international and non-U.S. students and faculty.

John Ohnesorge: Access to the courts is pretty amazing here—the connection between the Law School and the state courts. For our program with the Shanghai judges, the state judiciary was just eager to get involved; the way things are set up here, you can tap into these resources very easily. Other law schools I'm familiar with have almost no connection with the courts.

I don't think any other American law faculty has this number of professors with real, long-term, foreign experience—and they don't necessarily teach "foreign" subjects.
— John Ohnesorge

Marsha Mansfield: I was surprised at how much time the clinical professors spend with students in guiding them through the work. The clinical experience is very intensive; the instructors give a lot of time and energy.

Bernie Trujillo: I was surprised at the fact that I immediately started doing an empirical project. It was surprising that they would even let an untenured person do that kind of work, which can take a long time. They put their money where their mouth is here. They're saying, "Here we care about empirical work—go do it!" And I was surprised at the availability of people like Bill Whitford to answer my freshman questions.

Q. What work are you doing here that you may not have done elsewhere?

Heinz Klug: I have been able to pursue an intellectual agenda that would not have been encouraged as much elsewhere: to link law to social developments and change.

Greg Shaffer: How law works in practice, rather than creating eloquent, theoretical frameworks. I've been applying the "law and society" tradition at the international level. I've been encouraged to do work that no one else in my field is doing.

Bernie Trujillo: Once you start working on empirical work, you can't leave it. It's got to matter in a real-world way. The way I think of immigration law is new. I'm working on the remittance market—low-skilled, undocumented workers who send money home—what legal significance it has. Before coming here, I might have just looked at Supreme Court cases.


David Schwartz: Empirical research. It's not so supported elsewhere.

John Ohnesorge: My work with the East Asian Legal Studies Center. For people who work in these centers or do comparative law, two things can happen: Either they end up running the center from Day One, which pulls you out of being a regular core faculty member, and that's a problem for comparative law people—colleagues see you as marginal, exotic—or you don't get to have anything to do with the center. So this is really nice—I've been able to get involved with the center as much as I've wanted without being the one who runs it.

Q. What kind of experience have you had with your UW Law colleagues?

David Schwartz: People here are so the opposite of "full of themselves."





It's hard to imagine having a group of colleagues so accomplished and at the same time so down-to-earth.

Richard Ross: Having a joint appointment in both the Law School and the history department, I see an absence of interdepartmental jealousies. Nobody is asking, "What are you really?" Everyone understands that people have multiple spheres of interest, and that is encouraged. People are open-minded; the hierarchy is muted.

Pilar Ossorio: There's creativity, also intellectual rigor, very high standards for scholarship. I entirely agree that the hierarchy is very much muted here. I think that is also a Wisconsin attitude toward the world.

Gordon Smith: I think people are incredibly accessible. People are very generous with their time and willing to discuss everything from very basic questions about their field to really profound questions of law. One indication of the intellectual energy of the place is the number of speakers. During the semester there are often three a week, and this summer there was a series of talks by our faculty on the Supreme Court cases. The buzzword is "collegiality"—it's more than just "we don't fight."

John Ohnesorge: And even the most famous people on the faculty have their egos firmly under control. People who are internationally known—Stewart Macaulay, Marc Galanter, David Trubek—are pretty down-to-earth, and for a new faculty member, they're pretty accessible. That's part of the collegiality—it applies to people who are at the top of their profession. I'm not sure the students appreciate how famous some of these people are.

Heinz Klug: Collegiality in the sense of a genuine commitment to colleagues. We have extraordinarily generous colleagues.

Greg Shaffer: Yes, I'd stress the words "collegiality" and "generosity." When I talk with other young faculty at other schools, they've been so surprised at the number of [senior] faculty who have read my work and commented on many of my articles. As a young person finding his way, in many law schools you're left to yourself. Here, people want to read what you've written. Their comments are very detailed. It's invaluable, especially when you're starting out.

It's hard to imagine having a group of colleagues so accomplished and at the same time so down-to-earth.

— **David Schwartz**

Leslie Shear: What I like seems to be the values: down-to-earth. Nobody really seems ...

Juliet Brodie: Stuck up ...

Leslie Shear: Elitist. I see the values of contributing to the community or humanity as a whole. Doing important work for humankind really seems to be what motivates people.

Q. What about the students?

David Schwartz: The students have qualities like the faculty: bright and capable, but not the arrogance that can go with that. I appreciate how interested they are in having interactions with faculty outside of

class. Inside the classroom, they're very open to breaking out of Socratic method into alternative methods.

Anuj Desai: And David is the king of alternative methods. He was nominated for a teaching award from the university as an untenured faculty member.

Heinz Klug: Students here are particularly open to interdisciplinary discussions and ways of thinking about law because of the tradition of the school.

Greg Shaffer: And I think you can see in students something that parallels what we see in faculty: Students are less concerned with class rank, and much more interested in learning in the class environment.

Leslie Shear: I've been really impressed with the depth of their experiences—all the things that they've done. I've looked at these résumés—all they have done already—they're really impressive. They're hardworking, creative, very mature for their age. I have to keep reminding myself how young they are. They've had incredible experiences prior to law school.

Pilar Ossorio: They're grown-ups, and they've had experience.

Bernie Trujillo: The folks in my classes are very committed. I learn a lot from them. There are people I can learn from in every class.

Marsha Mansfield: Their energy, their intensity, their passion—that's what I see with the clinical students. They're so passionate about what they're doing. And I think Wisconsin does a great job of bringing a varied student body.

Q. What is some of the most exciting work being done by your colleagues?

David Schwartz: Thomas Mitchell's research on black land loss in the rural South.

Greg Shaffer: We have a number of young colleagues in policy fields that span the domestic and the international: John Ohnesorge working on corporate governance in the U.S. and Asia; Anuj's work on the Internet—how does one regulate a technology which, by its very nature, is impossible to regulate properly from a national perspective?

John Ohnesorge: Gordon's entrepreneurship work. In comparative law that's a big topic: having to figure out the magic of U.S. venture capital.

Juliet Brodie: The Innocence Project. It's a big, exciting, national thing that is happening, and it's great to see our students be a part of it, be so connected to a major movement in criminal justice—one of the most exciting things a lawyer could ever do.

Leslie Shear: I think the Economic Justice Institute, because it has a vision, a real vision: trying to bring to law students an understanding of the bigger community, looking at a number of ways to impact people's lives, and also teaching the structure of society—how different things impact each other (poverty, economics, the judicial system) and how to make changes that ultimately will impact individuals. That is what lawyers are supposed to do: improve people's lives.

Anuj Desai: I am impressed with how many of the newer faculty are doing some work following in the

"law and society" tradition. Greg Shaffer is doing classic "law and society"/Law in Action in the international trade area. Rather than theorizing about the relationship between developing and developed nations, he is actually talking to representatives of different countries about what their goals are when they go into negotiations.

Bernie Trujillo: Jane Larson's work is very exciting: informal property rights among folks on the Texas-Mexican border—great work. I think Kathie Hendley's work on Russia is pretty cool, too.

Gordon Smith: And Pilar is doing some very interesting policy work.

Their energy, their intensity, their passion—that's what I see with the clinical students. And I think Wisconsin does a great job of bringing a varied student body.

— **Marsha Mansfield**

Q. What would you name as the most exciting service project going on here?

David Schwartz: The LRAP got launched this year. [Loan Repayment Assistance Program; see pages 34–35.]

Heinz Klug: The Neighborhood Law Project is very exciting—really out and active in the community.

Bernie Trujillo: The work the Consumer Law Clinic does with payday loans.

Marsha Mansfield: Yes, Steve Meili's

work. And Community Service Day—that's a wonderful way to get law students involved in the community. It serves many functions.

Pilar Ossorio: The Innocence Project—one of those things that I felt like everybody in the entire Law School could feel so very proud of, what these students had done. In terms of the impact that it had in the world, it is huge. It raised the esprit de corps. And the work the Consumer Law Clinic is doing with the pharmaceutical companies that are trying to keep their prices high—it's a great thing for students to be working in the real world.

Leslie Shear: Michele LaVigne's work with deaf students.

Greg Shaffer: There are multiple projects, from state to national to international. A lot of people's scholarship is linked to service—dealing with social policy problems which are now being debated and have a major effect on people's lives. ■



A Conversation with

SUSAN STEINGASS

Former judge and State Bar president takes the reins as director of the Law School's new Communication and Advocacy Program.

Susan R. Steingass, formerly a Dane County circuit judge and president of the State Bar of Wisconsin, has been named director of the University of Wisconsin Law School's new Communication and Advocacy Program. The new program is the UW Law School's response to an in-depth survey of recent graduates and their employers, in which the strong opinion of both groups was that oral and written communication skills join legal reasoning as the most important skills to be learned by today's law students. Steingass, a shareholder in the firm of Habush Habush & Rottier, will continue to be of counsel with the firm.

As classes began this fall, Professor Steingass found time to answer questions about the new program and talk about why she is excited to be directing it.

What prompted your interest in this position at this time in your career?

Many things came together: I've always taught here; I love teaching; and I've always kept in contact with the Law School. I wanted to get back to teaching and wanted to contribute as I could to the exciting new advocacy communications program at the Law School. As a judge and a lawyer, as well as a teacher of law students for quite a

number of years, I've seen both sides of legal education: the law school learning experience and the challenges that new lawyers face in their careers after law school. I knew that I wanted to help move the program in the direction of being a learning-by-doing and a reality-based program—based on the work that lawyers really do.

Did you know instantly when you saw the position description that this was a challenge you wanted to take on?

When the position was posted, I was particularly interested in the integrated approach to communication: oral and written—pulling together all the parts.

What did you do to prepare for the task of reinventing the program?

First of all I read a lot—about legal writing and communication

programs around the country. I talked to people in the Legal Research and Writing program, because there's a lot of experience and wisdom in that program. Aviva Kaiser, my predecessor, has an important continuing role as an instructor of advanced legal writing. Mary Barnard Ray has been working here for twenty years—she knows the national scene, what works. I talked with law faculty and members of the profession. And I reviewed our survey of alumni and



BOB RASHID (4)

employers, Assessment 2000, which identifies written and oral communication as the most important skills a lawyer needs.

Would you like to put into words for readers what your vision is for this program—what it is going to accomplish?

“To build on what we have and to move forward to help students learn what they need to know.”

The Assessment 2000 survey told us that the three areas that are the most important are the ability to do legal reasoning and the ability to communicate the results of that legal reasoning in writing and orally.

We’re trying to give students the tools to successfully articulate in writing and orally the results of their legal reasoning—and we’re doing that—by doing it!

If you have excellent teachers and an excellent curriculum and individual help, as we do here, you ought to be able to produce excellent communicators.

How is the program unfolding: What changes are already in place?

There are four major areas of change:

First, we had in mind more reality-based writing assignments—more like those that students will face in their clerkships and their careers. We have designed a completely new curriculum to reflect this core value.

For example, all 279 first-year students had a first assignment that was meant to set the tone. We sent them in teams of four to State Street to identify and report on skateboarding and street obstruction ordinances on State Street. They had to understand the rules, then analyze what they saw in light

of those rules—a critical analytical skill.

We asked them to be silent observers, as if they were law clerks asked to do a report. We did encourage them not to make any citizens’ arrests!

The statutes are ambiguously written, and this was to make the important point that law in a void doesn’t mean much—a lot of interpretation is needed.

All our assignments were redesigned, under the leadership of Laura Dunek, to be reality-based.

Second, we also wanted to integrate the program with substantive courses. We have put in place several changes designed to advance this integration, and we hope to expand efforts over the next several years.

Taking advantage of the fact that all Legal Research and Writing sections have no more than fifteen students, and each entering student is assigned to one of his or her substantive courses in small groups of no more than twenty, we have paired six of the twenty-one Legal Research and Writing sections with substantive-course small groups.

In those pairings, we are trying to pass the message that the analytic process without the ability to communicate that analysis orally and in writing does not complete the circle: Each is part of a necessary whole. We hope to have more pairing for the next class, with more interaction between substance and communication.

Third, we worked hard on teacher training before the semester began. We also turned to one of our very best teachers, Virginia Hayes, to work with writing teachers on how to teach skills and concepts.

Susan Steingass received her undergraduate degree from Denison University in 1963, her M.A. in English literature from Northwestern University with honors in 1965, and her J.D. degree magna cum laude from the UW Law School in 1976. After graduation from Law School, she served as law clerk to Nathan S. Heffernan, chief justice of the Wisconsin Supreme Court.

Steingass was an associate and then a partner at Stafford, Rosenbaum, Rieser & Hansen in Madison from 1977 to 1985. She was a Dane County circuit judge from 1985 to 1993, and was elected Wisconsin Trial Judge of the Year in 1993 by the Wisconsin chapter of the American Board of Trial Advocates.

In 1994, she joined Habush Habush & Rottier, where she has focused her practice on personal injury and commercial litigation, and is now a shareholder. She remains of counsel with the firm.

Steingass was the 1998–1999 president of the State Bar of Wisconsin. She has been named one of the Best Lawyers in America, and is a recipient of the Marygold Melli Achievement Award, given by the Legal Association for Women. In 2003 she was named chair of the Wisconsin Sentencing Commission, and continues to receive numerous honors and appointments.



Fourth, we wanted to recruit some more lawyers from the community—lawyers who are good writers and good teachers. We now have six new teachers as a result.

These are changes already in place.

What other changes can we look forward to?

This year we are re-thinking the entire course. No new idea is out of bounds.

That doesn't mean that we are going to throw the baby out with the bath water. We are looking at what's good in the program—at what our students need and how we give it to them.

This winter we invited a group of faculty members, alumni, students, practitioners, and Law School administrators to brainstorm about how best to teach writing. Our course redesign will come from these ideas, refined and developed by the Legal Research and Writing faculty.

We're looking to move the program forward.

Despite the fact that you may be known more in the legal community for your work as a judge, attorney, State Bar president, etc., you have years of experience in the teaching profession, don't you?

Yes, I've done a lot of teaching. Before I went to law school, I was a college English teacher. I've taught

here at the Law School: Evidence, Civ Pro I and II, Environmental Law, Negotiation, Trial Advocacy probably ten times. I also do a lot of national and international teaching. I've been on the board of the National Institute for Trial Advocacy for years. And I've done a lot of continuing education with the State Bar.

What have you learned from these teaching experiences that you brought to the project of creating the new program?

What I've learned over the years is that teaching adults is a collaborative process: Adult learning comes from the interaction between students and teacher. With courses like Civil Procedure you give a lot of information, but when they really learn it is when they engage with the ideas. For me, engaged learning comes from interaction.

One thing that people may not know about this job is that I was hired not only to direct the program, but also to teach. I taught Civil Procedure in Fall semester, and I'm teaching Evidence and Oral Communication Spring semester. Teaching across subject areas is one way of integrating the Communication and Advocacy Program into the substantive life of the Law School.

What are the major challenges for you as you begin this work?

Change is very difficult for people—

for all of us—whether it's a positive change or a negative change. People also get committed to doing things a certain way. Then there's the budget—budget is always a challenge here. We are working with very limited means in these times.

But on the other hand, I've found people ready and willing to change. It's difficult, but not insurmountable.

Did anything surprise you when you began this position?

I had worked all summer with a team from the Legal Research and Writing department designing the curriculum and syllabus—I was pretty grounded in this program. I was glad to see the commitment of the people in this program—and they certainly have it.

I was also glad to see the entire Law School faculty's commitment to improving and expanding the communication and advocacy training and programs.

Are there any other facets of your new job that you would like to share with readers?

I want to stress the amount of support I've received from the Law School—from Dean Davis right on down. People have been not just welcoming, but encouraging. I have confidence we're going to do good things together.

Law School Receives Major Bequest

By Dennis Chaptman,
University Communications

A gift of more than \$7 million to create an endowed deanship at the Law School at the University of Wisconsin-Madison—a first for the university—was provided in the estate of Frederick W. Miller, former president and publisher of the *Capital Times*.

“Fred was always a devoted friend of the university, and this generous gift will go far to ensure that his name will always be associated with excellence in the Law School,” said Chancellor John D. Wiley. “He was always interested in topnotch academics, and his philanthropy reflected that.”

The Miller donation is the largest ever received by the Law School, and it will endow the first named deanship on the campus. The post, held by Kenneth B. Davis, Jr., will be known as the Frederick W. Miller Dean of the Law School.

Davis says the gift demonstrates that Miller, who died last December at age ninety-one, placed a high value on the education he received at the Law School. Miller graduated from the school in 1936, went on to help set up the state’s first unemployment compensation program, and spent forty-one years as a state government attorney and administrative law judge.

“This gift is a reflection of Fred Miller’s dedication to the school and his wish that it continue to be a vibrant teacher of future generations of attorneys,” Davis said. “We are incredibly grateful for his vision, his generosity and his unbending attention to academic achievement.”



The donation will cover the costs of the deanship and provide other support for legal education at UW-Madison.

“This gift is a reflection of Fred Miller’s dedication to the school and his wish that it continue to be a vibrant teacher of future attorneys.”

— Dean Kenneth B. Davis, Jr.

“This is a wonderful gift and will permit us to make significant progress in realizing the goals of our strategic plan,” Davis said. “Fred Miller was universally admired. That he would choose to recognize and support the Law School’s mission in this way is truly moving.”

Gordon and Marjorie Davenport, trustees of the Miller trust and longtime friends of the newspaper executive, say Miller always held the university in high regard.

“He frequently talked about the university and how proud he was of it,” Gordon Davenport said. “His aim in this gift was to help to make the Law School pre-eminent in the nation. It’s his pride in the

Law School that is behind this.”

Miller was an enthusiastic supporter of the university and took a leading role with both the William T. Evjue Charitable Trust and the Evjue Foundation, Inc., which has been a substantial contributor to UW-Madison over the years. Evjue was the founder of the *Capital Times*.

Wiley notes that Miller had a particular interest in the Wisconsin Idea—the notion that the boundaries of the university are the boundaries of the state—and was instrumental in creating the William T. Evjue Chair for the Wisconsin Idea, now held by chemist Bassam Shakhshiri.

The Evjue Foundation gave forty-five gifts to the university in the last year, ranging from a \$1 million pledge for renovation of the communications center at Camp Randall Stadium, to a gift to the African Studies Program to support South African teacher training, to a *Capital Times* scholarship.

Miller’s ties to the university were long-standing. He graduated in 1934 with a political science degree before going on to Law School. As a freshman, he participated in the first basketball game ever played at the UW Field House, and lettered in the sport in 1931, 1932, and 1933. In his first year as a law student, he also coached the freshman team.

Andrew “Sandy” Wilcox, president of the UW Foundation, said Miller’s philanthropy left a profound mark on the university community and Madison at large.

“This latest gift guarantees that Fred’s influence will continue to be felt at UW-Madison, as it is throughout our community,” said Wilcox. “His support of the Law School is a lasting tribute to his commitment to higher education.”



Profile in Giving: Bill Schwenn '41 Finds Special Way To Give Back

Willard (Bill) Schwenn '41 has been living in the Portland, Oregon, area for more than fifty years, but he has never forgotten the UW Law School and his Wisconsin roots. Over the years, he has made many trips back to Madison and his hometown of Middleton, and he has given generously to the university that granted both his undergraduate degree and his law degree.

"I am very cognizant of the fact that if it hadn't been for the University of Wisconsin, I never would have had an education. This is our way of giving back."

"Our" refers to Schwenn's wife, Martha, another firm believer in stepping forward with financial contributions to help the university—and especially in difficult economic times. Bill and his brother Sterling '48 are longtime contributors to the Law School Fund, and Bill and Martha have endowed a fund for need-based scholarships to cover tuition and fees, housing,

books, and other academically related supplies.

When Bill received his law degree in 1941, his first job (with Employers Mutual of Wausau) took him to St. Louis for about eighteen months, during which time he met Martha, a graduate of Washington University in St. Louis. Bill then accepted a position with the company's branch in Portland, Oregon, and later, after passing the Oregon Bar exam, he went into private practice in nearby Hillsboro. Fifty-two years later, he retired as senior partner in Schwenn, Bradley, Batchelor & Bailey.

Bill and Martha have made their home in the Portland area ever since they married in 1943.

Now, Bill says, he is "very much enjoying retirement. I'm playing golf." He volunteers information about his age: "When people ask me how old I am, I say, 'Do you know the number of keys on a piano? That's how old I am—eighty-eight.'" Actually, as this issue of *Gargoyle* is going to press, he has already turned eighty-nine. "I'll have to think of something else to tell people," he notes.

Nothing has interfered, however, with Bill's perfect record of attending Rose Bowls when the UW was playing. An avid sports fan, he began attending the UW's Rose Bowl appearances in 1953, and forty years later, in the 1990s, he was there in person once again.

Bill now has his sights set on the year 2005, when Oregon State will play at Wisconsin, and he hopes to attend. "Everything is on hold until Oregon plays Wisconsin in 2005," he says.

Bill Schwenn enjoys sharing his memories from those college years of more than sixty years ago, but he is also looking toward the future. An example of his forward-looking contribution to the Law

School and its graduates is his recent decision to allocate a portion of the Schwenn Fund to the Law School's Loan Repayment Assistance Program (LRAP).

"Two years ago, Ken Davis came to me with the idea of using money from the fund to help support the LRAP. Ken had signed on very early to that approach," Bill recalls. Thus, a big boost from the Schwenn Fund, along with generous individual contributions from students and faculty members, has launched the UW's LRAP, which awarded its first six grants in 2003. (See the opposite page to learn more about students whose LRAP grants have helped them to pursue work in public interest law.)

An LRAP grant provides assistance in paying back approximately six months' worth of their Law School debt to graduates who accept jobs in the sphere of public interest law. LRAPs are a major help to students who might not otherwise have been in a financial position to accept public interest work.

The Law School plans to award the LRAP grants on an annual basis as it works to establish a full-scale LRAP, which would pay back more debt for longer periods than the current grant program. By instituting the grant program and working toward an LRAP, the UW Law School has joined approximately fifty other law schools with similar programs.

"We've had some letters of thanks," Bill comments. Indeed, students have thanked the Schwenns eloquently for giving them a chance to pursue long-held dreams of working in public interest law. (See page 35, at right.)

Altogether, for Bill Schwenn, his involvement with the UW Law School is a winning combination: pride in the past, and a hand in building the future.

Dear Mr. Schwenn ...

LRAP grant recipients
thank the man who
helped make it happen

Excerpts from letters to Willard Schwenn '41, the principal donor of funds for the Loan Repayment Assistance Program, from the first six recipients of LRAP grants:

Dear Mr. Schwenn,

I would like to thank you for helping me to pursue my goal of working in public interest law, a goal which would have been much more difficult to achieve without your generosity. I work for the Illinois Migrant Legal Assistance Project in Chicago We have been very successful in representing our clients with all types of claims, including employment disputes, housing violations, discrimination, and health issues.

*Michael Keberlein Gutierrez
Illinois Migrant Legal Assistance
Project*

Dear Mr. Schwenn,

I am deeply committed to public interest law, and yet I have been faced with some tough choices. It is very hard to continue to do this work with a looming educational debt, while positions at law firms offer the possibility of paying off debts and greater financial security. The Loan Repayment Assistance Program allows persons to work in a capacity that is greatly needed in our society so that qualified people with the desire to do public interest can do this work.

Thank you very, very much.

*Farrah Wilder
Equal Rights Advocates*

Dear Mr. Schwenn,

Thank you so much for the generous grant from the Willard C. and Martha P. Schwenn Scholarship Fund. Your kindness is heartwarming, and has assisted in my pursuit of a legal aid career in Appalachian Ohio Our office, in my placement town of Portsmouth, represents Ohio's three poorest counties

*Jessica L. Lane
Southeastern Ohio Legal Services*

Dear Mr. Schwenn,

I am the son of deaf parents. Growing up, I had to help my parents negotiate the hearing world. There were limits to my abilities. When my parents needed legal advice or assistance, there were no attorneys who could effectively communicate with them or understand their unique situation. Even as a child, I could see that my parents were denied effective access to the legal world.

I elected to enter the UW Law School to become an attorney who could serve the differently abled segment of our population. I currently serve as a law clerk for the Madison Equal Opportunities Commission I know this experience is preparing me for a career in serving the interests of Wisconsinites who would otherwise have limited legal alternatives.

*Terry Kent
Madison Equal Opportunities
Commission*

Dear Mr. Schwenn,

My experience in public interest law has been extremely rewarding. Most of our clients require protection from domestic violence, decent housing

accommodations from their landlords, and protection from businesses that violate consumer-rights statutes. Other cases that I have worked on were related to clients who were mistreated in nursing homes, clients who were harassed by water and gas companies, and by public schools denying children special-education facilities.

As a father of two young girls, it is quite difficult for me to work in public interest-area law without any assistance to pay monthly Law School loan debts. My family and I are deeply grateful for your generosity.

*Adnan A. Latif
Southeastern Ohio Legal Services*

Dear Mr. Schwenn,

Thank you for your support of the LRAP program and of my work. It has made a big difference in my career planning this year. I have pursued public interest work the entire time I was in Law School, almost all of which was unpaid, leading to a greater Law School debt than had I worked at a private firm during my summers. By assisting with my loan repayment, the LRAP grant not only helps me pursue my current work, but also goes to support the public interest path that I have taken until now. It is very affirming to have the financial and symbolic support of this grant.

*Emilia Sicilia
Democracy Program
Brennan Center for Justice
New York University Law School*

Donor Profile: O.K. Johnson '55

By his own admission, Orland K. Johnson, Jr.—“O.K.” to everyone—did not apply himself fully to his own education.

Nevertheless, Johnson graduated from Lawrence University and in 1952 arrived in Madison to begin Law School. “I went through orientation and almost immediately made up my mind that there was a lot more to school than going to class,” he said. While a law student, Johnson tended bar, drove a cab, worked for a C.P.A., catered private parties, and waited on tables in a sorority.

Johnson’s father was a Milwaukee banker, and he helped O.K. get a summer clerkship with a prominent Milwaukee law firm. But practicing law was not the direction Johnson would choose. His orientation became clear as he took Law School courses in commercial law, banking, accounting, and negotiable instruments. O.K. remembers a faculty member in one of these

courses commenting, “Johnson, I know you know this stuff cold, and I don’t call on you because the others in the class need the experience!”

Johnson began his professional career at a bank in Racine. From that first day until he retired as an executive officer of a large Milwaukee bank in 1995, Johnson assumed progressively more important roles in both banks and banking organizations. “I’m sorry I didn’t make more out of what the Law School offered. But it did give me the background for banking and an opportunity to work with many fine lawyers,” he says. “Had I not had a generalized Law School background, I would not have had ... the success I have enjoyed!”

After retiring, Johnson began pondering the role both his Law School and his undergraduate institution had played in his life. Perhaps he could help some students like himself to focus more on their educational opportunities if he could fund a scholarship at each institution. “As I’ve become older and a little bit wiser, I recognize people should ‘pay their dues’ when they can. It seemed a useful gesture I could



make for generations yet to come, saying thank you for what the Law School did for me,” he says.

Johnson made an initial gift several years ago to create the O.K. Johnson Scholarship at the UW Foundation and another at Lawrence. He is now adding to his UW Law School scholarship. After his death, the earnings from very substantial assets, professionally administered through a charitable lead trust, will make even more scholarship assistance available to law students. Several students have already benefitted from Johnson’s largesse, and generations to come will find their financial burden a little lighter because of him.

Ann Flynn '93 Is Named Director of Development



Ann J. Flynn, a 1993 graduate of the UW Law School, has been named to the position of director of development. Flynn has

conducted a solo practice in Madison for the last eleven years, and has worked in the field of fund-raising for a local nonprofit organization.

“Ann was selected through an intensive search after our previous development director, Ken Krueger, accepted a new position within the UW Foundation,” Dean Ken Davis told the Law School community in announcing Flynn’s appointment. “Ann’s experience as an attorney in Madison, her knowledge of the Law School and the State Bar of Wisconsin, and her breadth of

interests augur well for her success in engaging an increasing number of alumni to stay connected with the Law School.”

Flynn comments, “I’m looking forward to getting to know many more of my fellow alumni, and I would be pleased to work with anyone who may have thought about giving a gift to the Law School but wants to learn more about the different options available for giving.”

Ann Flynn can be reached at (608) 263-2202 or by e-mail at ann.flynn@uwfoundation.wisc.edu.

How European Law Affects U.S. Business Practice: The Case of Data Privacy Regulation

By Gregory Shaffer
Associate Professor
University of Wisconsin Law School

Typically, we Americans think of U.S. regulation as extraterritorial or unilateral. We do not think of other parties exercising influence within the United States. In fact, however, much of my work concerns the impact of the policy of the European Union (EU) on the United States, in matters ranging from the regulation of pharmaceutical production, medical devices, and telecommunications equipment, to the standards for commercial use of data about us.¹ In the pages that follow, I will focus on the issue of data privacy protection.

In a globalizing world, economic regulation is bound to have effects across borders. The U.S.-EU dispute over data privacy regulation and their efforts at cooperation demonstrate the inherent interrelation between social regulation and open trade policies where regulation (or the lack thereof) has external effects.

Alleged U.S. underregulation of data privacy protection can jeopardize the privacy interests of Europeans. Alleged EU overregulation can limit the commercial operations of U.S. enterprises. In an interdependent, transatlantic economy, U.S. and EU authorities inevitably must attempt to manage the ensuing conflicts and mesh, where possible, their divergent regulatory systems.

Data privacy protection is a transatlantic issue because of the growing interdependence of the U.S. and European economies and

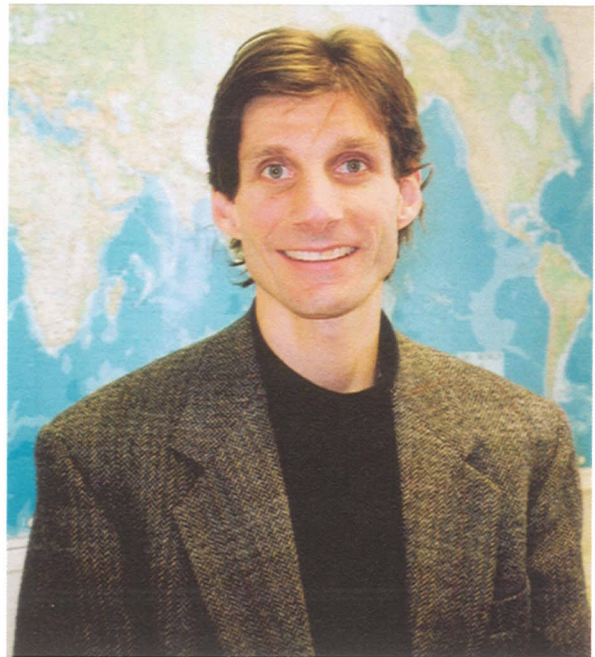
the rising importance of information technology. Companies depend on information flows not only with third-party suppliers, customers, consultants, marketers, and other service providers, but also internally, within their complex networks of transnational affiliates, joint ventures, and partnerships.

The president of the European Parliament even called the Safe Harbor approach a “template for the future,” serving as a model for regulation in other policy areas.

On October 24, 1998, Directive 95/46/EC on the Protection of Individuals with Regard to the Processing of Personal Data and the Free Movement of Such Data became effective. The EU directive is noteworthy for its broad scope of coverage; its standards for individual consent, use, transfer, and access to information; and its enforcement mechanisms.

Article 25 of the directive provides that EU member states shall prohibit all data transfers to a third country if the European Commission finds that the country does not ensure “an adequate level of protection” of data privacy.

Since it appeared that the United States might not provide for “adequate” data privacy protection under the directive’s criteria, U.S. and EU authorities engaged in intensive negotiations to avoid a ban on data flows to the United States, culminating in their agreement on “Safe Harbor Principles.”



Professor Gregory Shaffer teaches courses in international trade law, international law, international business transactions, public corporations, and European Union law. He received his B.A. from Dartmouth College and his J.D. from Stanford Law School. Prior to joining the UW Law faculty in 1996, he practiced law in Paris for more than seven years.

Shaffer’s publications include two books and more than thirty articles and book chapters on international trade law, global governance, and globalization’s impact on domestic regulation. His work applies a socio-legal approach to such topics as public-private networks in international trade litigation; comparative institutional approaches to handling trade-social policy conflicts; and the regulation of data privacy and genetically modified foods.

Shaffer has received grants from both the National Science Foundation and the International Centre on Trade and Sustainable Development, based in Geneva, to study WTO dispute settlement and developing countries. In February 2004 he was named a UW-Madison Vilas Associate in recognition of scholarly achievement.

MILESTONES

AWARDS & HONORS

Richard Bilder, Foley & Lardner emeritus professor of law, was honored at the annual Wisconsin *International Law Journal* Symposium, Speaking Law to Power: International Law and Foreign Policy, in March. The conference was dedicated to Bilder, who has taught international law at the Law School since 1965.

Nina Emerson, director of the Resource Center on Impaired Driving, was profiled in *Wisconsin Traffic Safety Reporter* as a Highway Safety Partner, helping to improve traffic safety in Wisconsin. The Center, which celebrated its eleventh anniversary in September, provides a wide range of alcohol-related data and legal information on impaired-driving issues to judges, prosecutors, defense attorneys, law enforcement officers, educators, legislators, and citizens.

Keith Findley and **John Pray** were jointly named the ACLU Wisconsin Civil Libertarian of the Year for their work in directing the Wisconsin Innocence Project. Findley and Pray were also selected by the *Wisconsin Law Journal* as Leaders in the Law as this *Gargoyle* was in preparation.

Michele LaVigne has been selected to receive the Gordon Sinykin Award for excellence in law-related education from the Wisconsin Bar Foundation for founding and coaching the mock-trial project at the Wisconsin School for the Deaf.

Gordon Smith's article "Toward a New Theory of the Shareholder Role: 'Sacred Space' in Corporate Transactions," 80 *Texas L. Rev.* 261 (2001) (with Robert B. Thompson), was selected as one of the Top 10 Corporate and Securities Law Articles of 2002 in a poll of law teachers conducted by the *Corporate Practice Commentator*.

Louise Trubek was honored in September for thirty years of service to the Center for Public Representation and the people of Wisconsin. Trubek also won an award from the Wisconsin Public Health and Health Policy Institute recognizing excellence in a peer-reviewed publication for her article "Achieving Equality: Healthcare Governance in Transition," co-authored with Maya Das, 29 *American Journal of Law and Medicine* 395 (2003).

The U.S. Department of Commerce issued its first draft of Safe Harbor Principles in November 1998, within a month of the directive becoming effective.

In July 2000, the United States Department of Commerce and European Commission formalized a set of Safe Harbor Principles (the Principles) on data privacy protection, under which U.S.-based firms may certify themselves in order to avoid European restrictions on data transfers to the United States.

The Principles constitute a unique development in the governance of U.S.-EU economic relations. To some, they represent the EU's exercise of coercive market power in an extraterritorial fashion in an attempt to leverage up privacy standards within the United States. To others, they represent a capitulation by EU trade bureaucrats to U.S. trading concerns through a weak agreement filled with loopholes. To others, including this author, they represent a compromise through new institutional development pursuant to which free transatlantic information flows may be preserved, while satisfying legitimate EU concerns about the use of personal information concerning European residents in a technology-intensive, interdependent globalizing economy.

The Principles go beyond current regulatory requirements in the United States and thereby constitute a regulatory floor with which trading firms must comply if they wish to receive data from Europe without threat of challenge. This harmonization, however, is designed to affect only trading firms, and otherwise to create no legal obligations within the United States.

The United States and EU thereby may claim that they formally retain autonomy to enact

whatever privacy legislation they deem appropriate. However, any firm that engages in cross-border exchange is subject to pressure to abide by the Principles. In this way, Europe's regulatory approach can have spillover effects within the United States.

Companies join the Safe Harbor program by annually certifying to the U.S. Department of Commerce that they will comply with the Principles. The Department of Commerce then places the company's name on its Web site list of certifying firms.

The firms' primary benefit from certifying is that EU member states may not challenge them under member state law or otherwise condition any data transfers to them.

Moreover, U.S. law applies to the Principles' interpretation, and U.S. courts and administrative bodies hear all claims (although European courts and administrative bodies may still challenge the online collection of information from European residents by U.S.-based firms).

Self-regulatory organizations, backed by the U.S. Federal Trade Commission, offer the primary means for the Principles' enforcement. If a company adopts the Principles and fails to comply with them, it subjects itself to challenge by the FTC for "using unfair or deceptive acts or practices in or affecting commerce" under U.S. consumer protection law.

In a letter to the Commission dated July 14, 2000, the FTC committed itself to "give priority to referrals of non-compliance with self-regulatory guidelines ... [and] Safe Harbor Principles" respectively referred to it from certifying organizations and EU member state authorities. In this backhanded way, the directive informally shapes U.S. data privacy requirements, potentially becoming a baseline

standard. Yet, it does so in a relatively flexible manner that respects U.S. legal sovereignty and use of private oversight bodies.

The Safe Harbor Principles should not be viewed in isolation, since the directive provides other ways to comply with it—in particular through obtaining “unambiguous” consent from the “data subject” in Europe (art. 7) and the signature of a “model contract” with data privacy authorities in member states (art. 26).

Firms also can sign ad hoc contracts with individual member state data privacy authorities, or sign contracts with affiliates when transferring personal information, such as information contained in personnel files. Whether or not they certify to the Safe Harbor Principles, U.S. companies engaged in transatlantic business operate in the shadow of the directive’s potential enforcement.

Data privacy regulation in Europe has informed not only the tenor and context of debates in the United States; it has shaped interest groups’ appreciation of their options. Under the directive, U.S. businesses face potential litigation before European courts and administrative bodies unless they adhere to the Safe Harbor Principles.

Playing off the U.S.-EU regulatory conflict and its media coverage, privacy advocates have increased pressure on U.S. federal and state politicians, regulatory authorities, and businesses. Even though privacy advocates have criticized the Safe Harbor Principles, privacy advocates will use them as part of their larger strategies.

For example, in August 2002, Microsoft entered into a consent decree with the Federal Trade Commission, resulting in Microsoft’s agreement “to be monitored for twenty years” by the Commission, under the threat of severe civil

penalties. The government charged Microsoft with not abiding by its privacy policies for users of its .NET Passport system. These privacy policies, in turn, were shaped by Microsoft’s agreement to adhere to the Safe Harbor Principles. The context in which U.S. domestic debates over data privacy protection take place has been altered.

The directive, in particular, has increased the demand for privacy services within the United States. The Center for Social and Legal Research, a “privacy think tank” based in Hackensack, New Jersey, works with multinational companies in drafting codes of conduct incorporating the directive’s requirements. The Better Business Bureau OnLine created a privacy seal program that incorporates the Safe Harbor Principles. The Electronic Frontier Foundation, a San Francisco-based public interest organization, has associated with information technology companies to launch a program named TRUSTe to rate the privacy protection of Internet sites, which program is certified under Safe Harbor.

Legislation, in this case foreign legislation, has helped raise the standards to be certified and spurred more companies to use seal programs with oversight and sanctioning mechanisms.

The directive also has spurred the creation of a new corporate position: the chief data privacy officer in companies’ human resources divisions. These company employees attend conferences on the directive and U.S. privacy legislation, write memoranda on privacy issues that they distribute within firms, and generally increase firm awareness of privacy issues.

Finally, outside law firms provide advice to firms regarding the directive and the Safe Harbor Principles, again promoting

MILESTONES

PUBLICATIONS

Selected list of recent publications by the UW Law faculty, representative of the faculty’s breadth of interests.

Betsy Abramson, “Ethical Considerations in Potential Elder Abuse Cases,” *NAELA Quarterly, The Journal of the National Academy of Elder Law Attorneys*, Fall 2003.

R. Alta Charo, “Research Uses of Human Biological Materials,” with David Lazer (ed.), *DNA and the Criminal Justice System* (Oxford U. Press, 2004).

Michele LaVigne, “An Interpreter Isn’t Enough: Deafness, Language, and Due Process,” with McCay Vernon, 2003 *Wis. L. Rev.* 843.

John Ohnesorge, “China’s Economic Transition and the New Legal Origins Literature,” 14(4) *China Economic Review* 285 (2003).

Gregory Shaffer, *Defending Interests: Public-Private Partnerships in WTO Litigation* (Brookings Institution Press, 2003).

Gerald Thain, “Consumer Law,” Chapter 25 in *The Oxford Handbook of Legal Essays*, ed. Cane & Tushnet, (Oxford U. Press, 2003).

June Weisberger, *Public Sector Employment: Cases and Materials* (West 2004), co-authored with Joseph Grodin and Martin Malin. The book is part of a series produced by scholars of the Labor Law Group, who donate all royalties for educational undertakings. Law School professor **James Jones** has played a prominent role in the Labor Law Group.

Jane Schacter, “Form, Function and Feminist Law Journals,” *Columbia Journal of Gender and Law*, Vol. 13, No. 1 (2004).

David Schwartz, “Understanding Remedy-Stripping Arbitration Clauses: Validity, Arbitrability, and Preclusion Principles, 38 *U.S.F.L. Rev.* 49 (2003).

Michael Scott, *The Benefits and Consequences of Police Crackdowns* (U.S. Department of Justice, 2003).

adaptation of U.S. business practice. This conjunction of lawyer, consultant, and “privacy officer” advice, rendered in the context of the Safe Harbor Principles, shapes business practice regardless of changes in U.S. law.

European officials have indicated that they are willing to entertain the adaptation to the European context of less-centralized U.S. regulatory mechanisms for data protection. The president of the European Parliament even called the Safe Harbor approach a “template for the future,” serving as a model for regulation in other policy areas.

In a world of increased economic interdependence, the Safe Harbor Principles point to the importance of regulatory coordination across borders involving public and private actors. From a practical standpoint, the separate goals of protecting individual privacy on the one hand, while ensuring trade liberalization on the other, are inseparable.

The Safe Harbor Principles are an example of an instrument for reconciling these regulatory concerns with the goals of liberalized trade. They represent a form of compromise that recognizes different institutional approaches and social values, yet nonetheless sets baseline rules where domestic values are affected by trade.

To make them work, however, will require sustained, cross-border cooperation. New institutional development requires creative problem-solving and political will. These new experiments in governance are a much preferred way to proceed than through litigation before a supranational court, such as that of the World Trade Organization.

Overall, transatlantic institutional adaptation has been slow (and often creeping), but where it

has occurred, the United States has made most of the changes. Although Europe certainly has learned and borrowed from U.S. experiences with regulation, as in the fields of competition, consumer, and environmental law, more recent transatlantic regulatory change has tended to adopt important aspects of an EU model.

These new experiments in governance are a much preferred way to proceed than through litigation before a supranational court, such as that of the World Trade Organization.

Unlike their U.S. counterparts, EU regulatory authorities have operated for over a decade under a dual mission of ensuring public safety on the one hand, and ensuring free movement of goods within the EU’s single market on the other. They consequently are more experienced in managing the coordination of distinct national regulatory systems than their U.S. counterparts. The EU experience has offered workable models to be considered, and possibly adapted, for the transatlantic context.

Yet, regardless of one’s views of the EU model’s appropriateness, the EU exercises significant market leverage in determining transatlantic standards and regulatory structures on account of the size of its single market. The EU has the largest market in the world. Following the EU’s expansion in 2004 from fifteen to twenty-five member states, the EU’s population will be greater than the combined populations of the United States, Canada, Japan, Australia, and New Zealand. The shift of European regulation to the EU level has strengthened the EU’s ability to represent the interests of European constituents vis-a-vis the

United States. In pooling their sovereignty, EU member states now speak with a more powerful voice transatlantically.

The timing of the United States’ reaction to the threat of bans on data transfers from Europe demonstrates this. When the threat of bans on data transfers moved to the EU level, the United States took the threat more seriously. As the EU enters into data privacy protection arrangements with other OECD countries, such as Canada, Japan, Australia, New Zealand, and Switzerland, and as these countries adapt their systems to interact with the EU model, the pressure on the United States to adapt its own regulatory structures should increase. Consciously or unconsciously, the EU is steadily exporting its system globally. The 2000 Safe Harbor Principles so attest. ■

¹ *This analysis is expanded in the author’s edited volume Transatlantic Governance in the Global Economy (Rowman & Littlefield, 2001) and his articles “Globalization and Social Protection: The Impact of EU and International Rules in the Ratcheting up of U.S. Privacy Standards,” 25 Yale J. Int’l. L. 1 (2000), and “Reconciling Trade and Regulatory Goals: The Prospects and Limits of New Approaches to Transatlantic Governance through Mutual Recognition and Safe Harbor Agreements,” 9 Columbia Journal of European Law 29 (2002).*

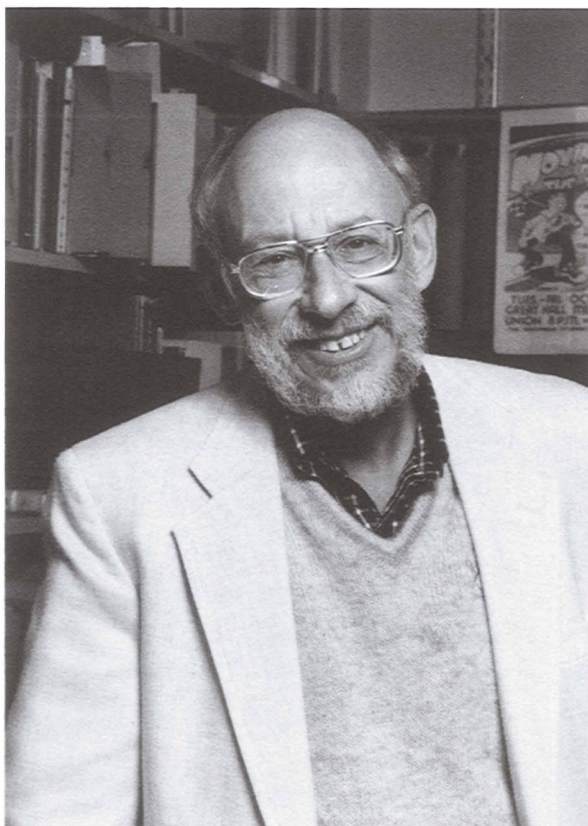
Zig: A Tribute

Excerpted from the Law School's official tribute to the late Professor Zig Zile, written by Gordon B. Baldwin, Evjue-Bascom emeritus professor of law.

When a colleague with the character, vigor, and value of Zigurds Zile dies, it leaves our school more barren and less interesting. No member of our faculty possessed a broader experience and background for law teaching and research. His teaching and his research covered a wide range—torts, civil procedure, land use planning, Soviet legal studies, comparative and international law.

Foley and Lardner-Bascom Emeritus Professor of Law
Zigurds L. Zile died on November 26, 2002, after a short but acute bout with cancer. He had agreed to return to teaching a first-year law course three months earlier to fill an unexpected vacancy and had nearly completed that assignment when felled.

Zig was born in Riga, Latvia, in 1927. His family suffered under a year of Soviet occupation and three years of domination by Germany. During his unusual schooling in Latvia and Germany, he achieved fluency in Latvian, German, Russian, and French. (Later in his career he gained knowledge of Spanish and some Finnish.) He spoke and wrote cultivated and direct English. For nearly two years, the International Refugee Organization employed him as a translator before he entered the American army in 1950. He achieved the rank of



Zigurds L. Zile

sergeant and became a naturalized U.S. citizen in 1953. His family moved to Milwaukee, and Zig supported himself as a sheet metal worker and carpenter. The University of Wisconsin-Madison awarded him a B.A. in economics with Phi Beta Kappa honors in 1955, and his law degree in 1958. He served on and published in the *Wisconsin Law Review*. An LL.M. from Wisconsin followed in 1959, and a fellowship at Harvard Law School culminated a few years later in their award of an S.J.D.

The law faculty marked Zigurds as a potential teacher early in his studies, and he was appointed an assistant professor of law in 1961 after completing his residency at Harvard. Already he had published four highly regarded law review articles on land planning in Wisconsin and France. He was

awarded tenure early in 1964, and elevated to professor in 1966. He took emeritus status in 1990, but continued to teach half time for several more years.

The Law School appointed Zigurds with the expectation that he would devote himself to the comparative law arena, with special emphasis on the Soviet legal system. Zigurds did this, and more. He became highly successful as a teacher and an expert on the law of torts and product liability. Doubtless his popularity in teaching a basic, first-year torts class stimulated many students to undertake comparative law studies with him thereafter. The Student Bar Association

awarded him the honor of Teacher of the Year in 1977. His mentorship also spawned teachers. Several former students became accomplished scholars of Soviet and Russian law.

An extensive research contract on Soviet Law from the United States Arms Control Agency (which produced a book), and a Fulbright professorship in Finland in 1977 confirm Zigurds's broad interests and extraordinary competence. He returned for an additional appointment in Finland in 1982, where he examined materials on Latvia unavailable to him in Latvia itself. His skills and knowledge of that civil law system brought him a Ford Foundation-sponsored program to improve legal education at the Pontifical Catholic University of Peru. There he encapsulated his basic disposition "to rejoice with caution and despair with restraint."

Zig: A Remembrance

From remarks delivered at a memorial gathering for Professor Zigurds Zile on December 1, 2002.

*Robert L. Rabin
Professor of Law
Stanford University*

When I arrived at the University of Wisconsin Law School in early September 1966, just hired as a novice torts teacher, my initial stroke of good fortune was totally unexpected in character—the location of my office. Next door was the pre-eminent legal historian Willard Hurst, whose sheer presence was a source of great inspiration to a young man in his mid-twenties, embarking on an academic career. And immediately across the corridor—indeed, when our office doors were open we looked directly at each other—was a fortyish, rather decorous-looking scholar of Soviet law (and more importantly for me, a torts teacher as well), whose life is being remembered today, Zigurds Zile. Willard would play a mentor's role at that early stage in my career. Zig would become a colleague and a friend (“buddies,” as he would say in later years) for life.

I cannot remember precisely how long it was before I began bringing my sandwich to his office at noon, and turning what commenced as an occasional shared lunch hour into a daily routine. But before long, we were more than colleagues hashing out torts issues. Our lunchtime conversations ranged over the troubles on campus (it was, one must recall, the late '60s), our home lives, and the world at large: the tragic, the mundane, and the absurd, at a level of easy intimacy that would become the hallmark of our relationship.

I want to emphasize the absurd, because Zig had a marvelous eye for the preposterous pretensions of self-important types from every walk of life, whether in Washington

or closer to home. He followed the news avidly and was a keen observer of the social scene. But always there was a sense of distance. He remained grounded in a set of core values—finding a center in repose and reflection far from the crosscurrents of everyday life, perhaps best exemplified by his love for the untrammelled expanses of northern Wisconsin.

Zig in Latin America

*Joseph R. Thome
Emeritus Professor of Law*

Since I think I am the only person on this faculty who saw Zig in Latin America, perhaps a few words are in order.

In 1968, our Law School was selected to work with young professors from the Law School of Catholic University in Peru. Its very dynamic dean, Jorge Avendaño, decided that instead of having American professors come to Latin America, as was the norm, he would send young professors to Wisconsin for about a year to learn a version of the Socratic or case-study teaching methods. Zig, perhaps because he was quite familiar with the civil law system prevalent in both Europe and Latin America, was selected as our faculty person responsible for this program.

At one point, Zig traveled to both Peru and Chile with Avendaño, to study the law and development programs there. I became their host for their week or so in Chile. That week was a very valuable academic experience. But much more interesting for me was to witness the incredibly close relationship that developed between Zig and Jorge. On the surface, you couldn't think of two more different personalities. Jorge was very urbane, a sophisticated bon vivant, but brilliant, upper-class Peruvian. Zig was, well ... Zig: down-to-earth, frank to a fault, and not very tolerant of pretentious people.

I always thought that this bonding was one of the reasons for the success of our program with Católica of Peru. Many young professors came over for several years, Zig worked them hard, but they learned and loved the experience and actually applied what they learned to their classroom teaching and research back in Peru. To this day they are known in Peru as the “Wisconsin boys,” a term which those who came carry proudly.

Zig never went back to Latin America until 1998, when Católica of Peru celebrated the thirtieth anniversary of the Católica-Wisconsin program, and Dean Zolezzi, himself a Wisconsin boy, specially invited Zig to come to Peru for the event. I think Zig enjoyed it to the fullest, and I know the “Wisconsin boys” were delighted to have him back.

Zig as a Refugee

*Lawrence M. Friedman
Professor of Law
Stanford University*

I have lots of memories of Zig, and all of them are pleasant. Zig was somebody who went through a lot when he was young. He was, literally, a “DP,” or displaced person, after the Second World War. He was one of those refugees who ended up, as so often happens, really enriching the United States.

Zig was a wonderful person—and he had a great, somewhat mordant sense of humor. That humor was directed against anything that was stuffy, arrogant, or self-important. Zig tried to teach me Russian (I've since forgotten almost all of it), and we actually wrote an article together. The Russians had stolen his country and driven him from his home; he took his revenge by becoming an expert on Russian law, which he dissected mercilessly and accurately. I remember him very, very fondly.



Spencer L. Kimball
Dean of the UW Law School
1968–1972

Spencer Le Van Kimball, legal scholar, insurance lawyer, Law School dean, and professor, died on October 26, 2003, at the age of eighty-five. Kimball was dean of the University of Wisconsin Law School from 1968 to 1972,

and also received his S.J.D. degree from Wisconsin.

Kimball, born in Thatcher, Arizona, in 1918, made notable contributions to the field of law during his lifetime and was recognized both nationally and internationally for his work. He was director of the Wisconsin Statutes Revision Project, and his work remains a model for insurance codes to this day. Kimball was one of the co-founders of AIDA, an international insurance law association. He was also the author of many works on insurance law and regulation.

In addition to his work at Wisconsin, he served as dean of the University of Utah Law

School, law professor at the University of Michigan and University of Chicago, and executive director of the American Bar Foundation in Chicago.

Kimball's wife of fifty-one years, Kathryn Murphy Kimball, died in 1990. They had six children, in addition to sixteen grandchildren and six great-grandchildren. In 1994, he married Virginia Barrus Johnson, who died one month before he did. With this marriage he added more children, grandchildren, and great-grandchildren to his family.

After the death of his wife Kathryn, he retired to Salt Lake City, Utah, to live by the mountains and his siblings.

1920s

W. Roy Kopp '28
in Naples, Florida

James C. Geisler '42
in Madison

Leonard Loeb '52
in Milwaukee

David A. Saicheck '64
in Milwaukee

1930s

George C. Berteau '33
in Neillsville

Roy B. Hovel '42
in Sun Prairie

Robert J. Schmidt '52
in King, Wisconsin

Robert D. Heidel '68
in Middleton

Robert T. Murphy '35
in Pompano Beach, Florida

James F. Clark '47
in Poynette

Lloyd A. Barbee '55
in Milwaukee

Robert Whitney '74
in Madison

Doris Vaudreuil '36
in Kenosha

Philip S. Habermann '47
in Madison

John MacIver '55
in Milwaukee

Gerald R. Falk '76
in Milwaukee

H. Wilson Gray '37
in St. Louis, Missouri

Norman H. Quale '47
in Sarasota, Florida

David H. Bennett '56
in Portage

Jerome M. Ott '76
in Mt. Horeb

Willis E. Hoard '38
in Beloit

Albert McGinnis '48
in Madison

Richard E. Nelson '56
in Wauwatosa

1970s
Ronni Gale Jones '85
in Madison

E. Radcliffe Park '38
in Falls Church, Virginia

Norman Rosen '48
in El Paso, Texas

Spencer L. Kimball '58
in Salt Lake City, Utah
(see article above)

1980s
Richard Moncada '94
in Pewaukee

Gerard H. Van Hoof '38
in Appleton

1950s
Mark H. Makhholm '50
in Marshfield

Sverre O. Tinglum '58
in Green Valley, Arizona

2000s
Jessica M. Vianes '02
in Milwaukee

1940s
Martin W. Peterman '41
in Albuquerque, New Mexico

Byron Ostby '51
in Madison

1960s
James R. Cwayna '62
in Bloomington, Minnesota

CLASS NOTES



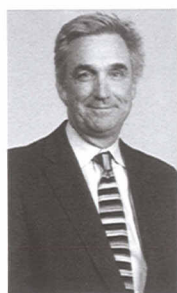
Joel Hirshhorn '67



Lawrence J. Jost '69



Linda Roberson '74



Robert M. Larsen '79

1930s

Frederick C. Suhr '35 has retired from the Boardman Law Firm, formerly known as Boardman, Suhr, Curry & Field, in Madison. He had been with that firm since 1936.

1940s

Harry F. Franke '49, of the Milwaukee firm Cook & Franke, was recently honored by the State Bar of Wisconsin with the Belle Case La Follette Outstanding Professional Award during its Public Service/Pro Bono Volunteer Lawyers Recognition Celebration.

1950s

Galen Winter '50, Shawano, is the author of *The Best of the Major*, a collection of hunting and fishing tales which have run in *Shooting Sportsman* magazine over the last ten years.

Robert Bruce Murray '51 has published *Legal Cases of the Civil War*. Murray lives in Colorado Springs, Colorado.

Larry R. Henneman '59, a partner in Rider, Bennett, Egan & Arundel in Minneapolis, has been included in the 2003-04 edition of *The Best Lawyers in America* for his work in the trust and estates area.

1960s

William M. Shernoff '62, partner in Shernoff Bidart & Darras in Claremont, California, has won the first Trial Lawyer of the Year Award from the Consumer Attorneys of California. He was specifically recognized for his efforts to secure insurance benefits for thousands of Holocaust survivors.

Daniel W. Hildebrand '64, an attorney at DeWitt Ross & Stevens S.C., was elected to serve a three-year term on the board of governors of the American Bar Association. Hildebrand has been named a 2004 Leader in the Law by the *Wisconsin Law Journal*.

Judith Lichtman '65, of the National Partnership for Women and Families in Washington, D.C., recently won a case before the U.S. Supreme Court establishing

the right to bring damage suits against states under the Family Medical Leave Act.

San W. Orr, Jr. '66, chair of the Wausau-Mosinee Paper Corporation, has joined the board of the Wisconsin Alumni Association.

Tommy G. Thompson '66, U.S.

Secretary of Health and Human Services, was awarded a 2003 Distinguished Alumni Award by the Wisconsin Alumni Association.

Joel Hirshhorn '67, a member of the Law School's board of visitors and a partner in the Coral Gables, Florida, firm of Hirshhorn & Bieber, has been appointed to the Review Committee of the Wisconsin Bar of Bar Examiners. Hirshhorn serves on the board of governors of the State Bar of Wisconsin and is president-elect of the Non-Resident Lawyers Division of the State Bar of Wisconsin.

John C. Klotsche '67, former chair of Baker & McKenzie, has been appointed senior advisor to IRS Commissioner Mark Everson. Klotsche will assist in IRS efforts to prioritize enforcement initiatives and enhance compliance with tax laws.

Paul J. Cherner '68 has joined the Chicago firm Hinshaw & Culbertson, where he will practice labor and employment law.

Lawrence J. Jost '69, a partner in the Milwaukee office of Quarles & Brady, has been inducted into the American College of Mortgage Attorneys.

Ellen Kozak '69 reports that her book, *Every Writer's Guide to Copyright and Publishing Law*, has recently been published in its third edition by Henry Holt & Company. Kozak is a Milwaukee lawyer doing copyright, publishing, entertainment, and media law, and is the former chair of the State Bar's Intellectual Property Law section.

1970s

John W. Rowe '70, chair, president, and CEO of Exelon Corporation in Chicago, was awarded a 2003 Distinguished Alumni Award by the Wisconsin Alumni Association. Rowe delivered the keynote speech at the Law School's May 2003 graduation ceremony.

Cletus R. Willems '70 has been named vice president and general counsel for JHT Holdings in Kenosha. JHT is an international provider of transportation services for auto and truck manufacturers.

Howard Schoenfeld '71 has joined the Milwaukee office of DeWitt Ross & Stevens.

Patricia Banks '72, a Cook County (Illinois) circuit judge, has been elected chair of the National Bar Association's Judicial Council.

Frederick Hardt '72 has been named a circuit judge in Naples, Florida. Hardt had been a partner in Roetzel & Andress prior to taking the bench.

Mari M. Shaw '72, of counsel with Obermayer Rebmann Maxwell & Hoppel in Philadelphia, has received a Woman of Distinction Award from the *Philadelphia Business Journal*. In addition to practicing in the firm's litigation and intellectual property groups, Shaw has been active in the arts, legal education, and professional service groups.

Thomas R. Hefty '73, retired chair and CEO of the Cobalt Corporation in Milwaukee, was awarded a 2003 Distinguished Alumni Award by the Wisconsin Alumni Association. Hefty has also become a member of Reinhart Boerner Van Deuren of Milwaukee, where he will help develop the firm's government-relations practice.

Kathryn Oberly '73, vice-chair and general counsel of Ernst & Young, has been named one of Corporate America's Five Most Influential Women General Counsels by the *Corporate Legal Times*.

David Ullrich '73, former deputy regional administrator for the U.S. Environmental Protection Agency, has been named executive director of the Great Lakes Cities Initiative, which will work to promote and preserve the Great Lakes.

William D. Harvey '74 has been named president and chief operating officer of Alliant Energy Corporation in Madison. Harvey had been executive vice president-generation and president of Alliant Energy-Wisconsin Power & Light Company.

Richard J. Langer '74, a partner in the Madison office of Michael Best & Friedrich, was recently featured in the *Wisconsin State Journal* in its "Know Your Madisionian" column.

Rod Nilsestuen '74, longtime president of the Wisconsin Federation of Cooperatives, has been named secretary of agriculture by Wisconsin Governor Jim Doyle.

Linda Roberson '74, a partner in the Madison firm Balisle & Roberson, has been designated president-elect of the Family Law Council of Community Property States.

Andrew M. Barnes '75, a partner in the Milwaukee office of Quarles & Brady, has been included in the tenth edition of *The Best Lawyers in America*. Barnes practices bankruptcy and creditor-debtor law.

Peter Gaines '75 has joined the Minneapolis office of Faegre & Benson LLP as a partner in the banking and bankruptcy law department. Gaines comes from the London office of Vinson & Elkins, where he focused on international finance.

John E. Lange '75 has been appointed deputy coordinator in the U.S. State Department's Office of the Global AIDS Coordinator. Lange is a career Foreign Service officer and former ambassador to Botswana.

David D. Leeper '75 has been appointed assistant dean and director of the Plowshares Peace Studies Project at Earlham College in Richmond, Indiana. Leeper also teaches a course in negotiation skills.

Pamela Baker '76 has been named co-managing partner at Sonnenschein, Nath & Rosenthal, Chicago. She has been with the firm since 1980, practicing employment benefits and executive compensation law.

Peter Christianson '77, a partner in the Milwaukee-based firm Quarles & Brady, has joined the board of the Wisconsin Alumni Association.

Judith Neumann '77, who served eleven years as legal counsel for the Massachusetts Teachers Association, has been named chair of the Wisconsin Employment Relations Commission.

Les Abramson '78 has received the 2003 Trustees Award at the University of Louisville, where he teaches in the Law School. The award is presented to the faculty member who has had an extraordinary impact on his or her students.

Karen L. Strombom '78, a superior court judge in Tacoma, Washington, since 1990, has been appointed federal magistrate judge for the western district of Washington.

Christian Halabi '79 has been named to head the real estate investment group for Zurich Financial Services Group in New York City.

Robert M. Larsen '79 has been named managing director of the Sulloway & Hollis law firm in Concord, New Hampshire. He continues an active trial practice and recently taught a session on trial tactics for the NITA program.

1980s

Tom Barrett '80 took office as mayor of Milwaukee in April 2004. Barrett previously served as state representative, state senator, and five-term U.S. Congressman from Wisconsin's 5th District.

Betsy J. Abramson '81 has joined the clinical faculty at the UW Law School. She was also recently honored with the Dan Tuchscherer Outstanding Public Interest Law Attorney Award by the State Bar of Wisconsin.

Susan Bauman '81, former mayor of Madison, has been appointed to serve on the Wisconsin Employment Relations Commission. Bauman had sixteen years of private practice experience in labor and employment law before being elected mayor.

Ann B. Burns '81, a partner in the Minneapolis office of Rider, Bennett, Egan & Arundel, has been included in the tenth edition of *The Best Lawyers in America* for her work in trusts and estates.

Philip Lebowitz '81 has joined the Philadelphia office of Duane Morris, where he will continue his practice in health-care law.

Judith Sperling-Newton '81 has opened The Law Center for Children and Families in Madison. The firm focuses on issues including adoption, guardianship, visitation, custody, and assisted reproduction.

Burneatta Bridge '82 has been appointed chair of the Wisconsin Public Service Commission.

Jonathan Stein '82, of St. Petersburg, Florida, has been appointed director of regulatory affairs for Raymond James Financial, a diversified financial services holding company.

Julie Werner-Simon '82 of Santa Monica, California, wants her friends to know that she had a really good time at her twentieth reunion last year. So good, in fact, that nine months later, Dasha Flor Simon Rothblatt, a new "Badger" was born in June! Her husband now remarks, "Who knew that bratwursts had aphrodisiac properties!"

Joel D. Bertocchi '83, former solicitor general for the State of Illinois, has joined the Chicago office of Mayer, Brown, Rowe & Maw, where he will be a partner concentrating on appellate matters.

Stephen K. Postema '85 has been appointed city attorney for Ann Arbor, Michigan.

Laura E. Schuett '85, a shareholder in the Milwaukee firm Cook & Franke, has been named to the Lakefront Task Force by Milwaukee County Executive Scott Walker. The Task Force will draft standards for development on Milwaukee's Lake Michigan shoreline.

Jennifer Lee Edmondson '86 has been named to the board of directors of the Appleton Education Foundation in Appleton, Wisconsin.

Hugh R. Jones '86 has been elected to the board of the National Association of State Charity Officials. Jones is a deputy attorney general for Hawaii.

Jo Pasqualucci '86 has received the 2002 John Wesley Jackson Outstanding Faculty Award at the University of South Dakota Law School. The award recognizes excellence in the classroom, research, writing, public service, and contributions to the academic environment. She received tenure at the school last spring.

Nancy C. Wettersten '86 has been promoted to shareholder in DeWitt Ross & Stevens, Madison. Wettersten practices family and juvenile law in addition to criminal defense.

Lynn J. Bodi '87 and **Carol M. Gapen '88** are founding partners in The Law Center for Children and Families in Madison. The firm focuses on issues including adoption, guardianship, visitation, custody, and assisted reproduction.

Jay R. Starrett '87 has been elected to the board of directors of the Trucking Industry Defense Association, a national organization devoted to the defense of the trucking industry. Starrett is a shareholder at Whyte Hirschboeck Dudek S.C., Milwaukee, and focuses his practice on transportation law, product liability, and legal malpractice defense.

Lorna Hemp Boll '88 has joined Thompson Plumb Trust Company as vice president and trust officer in Madison.

Katherine P. Lloyd '88 has taken a position as general counsel and director of charitable planning at the Hawaii Community Foundation and is an adjunct professor at the University of Hawaii Law School, teaching federal income tax law.

Elizabeth M. Bruch '89 has accepted a faculty position at Valparaiso University Law School, where she will teach international law. Bruch has been a practitioner-in-residence at American University, Washington College of Law.

1990s

Michael Boykins '90, a partner at McDermott Will & Emery, was part of a panel for UW law students presented by the Chicago Committee on Minorities in Large Law Firms.

Roberta Cordano '90, formerly an

assistant attorney general in Minnesota and now director of disability services at the University of Minnesota, has received the Hubert H. Humphrey Public Leadership Award from the university for her contributions to the common good through public leadership and service. Cordano co-founded two bicultural/bilingual schools for deaf, hard-of-hearing, and deaf-blind children.

Mark R. Sewell '90 has been promoted to shareholder in DeWitt Ross & Stevens, Madison's largest law firm. Sewell focuses on estates, real estate, and business law.

Lynne Boehringer '91 has been named to the healthcare sector and legal practice of TMP Worldwide Executive Search, Inc. in Chicago.

Lisa Keys '92, a partner at King & Spalding, Atlanta, Georgia, is the chair-elect of the board of Planned Parenthood of Georgia. She practices technology law.

J. Timothy Lovett '92 has joined the Milwaukee office of DeWitt Ross & Stevens. Lovett practices in the areas of land use, zoning, and development law.

Marcia MacKenzie '92 has been appointed corporation counsel for Dane County.

Aurene M. Martin '93, a member of the Bad River Band of Lake Superior Chippewa, has been named acting assistant secretary of Indian affairs by Secretary of the Interior Gale Norton.

Jennifer Mirus '93 has been named a partner in the Boardman Law Firm, Madison, where she practices employment and health law.

Marta Meyers '93 has joined the Boardman Law Firm in Madison. She will practice in the areas of family law, commercial litigation, trust and estate litigation, and guardianships.

Arthur Gollwitzer '94 has been named a partner at Kirkland & Ellis in Chicago, where he practices intellectual property and commercial litigation.

Pamela Krill '94 has been named a partner in the Madison office of Godfrey & Kahn. Krill is a member of the securities team.

Warren Nelson '94, a partner in the Irvine, California, office of Fisher and Phillips, practices labor law for the firm.

Shannon B. Farrell '95 has been sworn in by the U.S. Foreign Service. She has been assigned to Addis Ababa, Ethiopia. Farrell was previously with Foley & Lardner.

Shawn D. Guse '95, a member of the Madison office of Quarles & Brady, has been selected as a Fellow of the Business Law Section of the ABA and as a state delegate for the organization.

Theresa Hottenroth '95 has become of counsel to the Boardman Law Firm in Madison. She will focus on health law, administrative law, litigation, and governmental relations.

Steve Przesmicki '95 has become a partner at Cooley Godward in San Diego. Przesmicki practices corporate law for the firm.

Paul W. Stenzel '95 has joined the Indian law section of Von Briesen & Roper, Milwaukee. Stenzel had been a staff attorney with the Stockbridge-Munsee Indian Community.

Wendy W. Citron '96 has been elected a shareholder in the Minneapolis firm of Briggs and Morgan. Citron practices labor and employment law for health care clients.

Kevin Grossman '96 is a detective with the Seattle Police Department's Sexual Assault and Child Abuse Unit.

Kathleen Meinerz Johnston '96 has been named a principal of Lake Capital, a private investment firm in Chicago.

Joseph W. Byrne '97 has been named a partner at the Boardman Law Firm in Madison. Byrne practices in all areas of intellectual property.

Jude Cisneros '97 has joined the San Francisco firm Kenney & Markowitz, where he tries cases in business and commercial law.

Mark Grapentine '97 is the new legislative counsel for the Wisconsin Medical Society in Madison.

Kayla K. Hiller '97 has become a partner at Nowlan & Mouat in Janesville. Hiller concentrates in business, real estate, municipal, and estate planning.

Michael E. Martinez '97 has been named a partner at Bell, Boyd & Lloyd, LLC in Chicago. He concentrates his practice in antitrust and complex commercial litigation.

M. Elizabeth Winters '97 has been named a shareholder at DeWitt Ross & Stevens. Winters devotes her practice to commercial litigation, representing management interests in employment relationships, and working with local government.

Jonathan S. Goodman '98 has joined the Chicago office of Wildman, Harrold, Allen & Dixon, where he will do litigation.

Nia Enemuoh-Trammell '98 has been appointed to the city of Madison's Equal Opportunities Commission. Trammell is a litigation associate in the Madison office of Michael Best & Friedrich.

Lisa R. Foerst '99 has joined the Madison office of Whyte Hirschboeck Dudek, where she will focus on business and corporate matters.

Stuart Kim '99, an attorney in the legal regulatory department of Abbott Laboratories in Abbott Park, Illinois, recently won the "Let It Ride" poker tournament in Las Vegas, defeating 450 other hopefuls.

Chad Walker '99, an associate in the Chicago office of Michael Best & Friedrich, was part of a panel for UW law students presented by the Chicago Committee on Minorities in Large Law Firms.

2000s

Anthony J. Lucchesi '00 joined Balisle & Roberson in Madison, where he will practice family law, probate and estate law, and appellate litigation. Lucchesi previously clerked for Judge Charles Dykman, Wisconsin Court of Appeals, and Justice Ann Walsh Bradley, Wisconsin Supreme Court.

Stephanie Bedi '01 has been appointed as a deputy public defender with the Los

Angeles County Public Defender's office.

Jane Hong '01, an associate at Katten Muchin in Chicago, was part of a panel for UW law students presented by the Chicago Committee on Minorities in Large Law Firms.

Traci L. McClellan '01 has joined the National Indian Health Board as its legislative director. She is an enrolled citizen of the Cherokee Nation and specializes in federal Indian law and policy.

Eric S. Grodsky '02 has joined the Cleveland office of Calfee, Halter & Griswold, where he will do business litigation.

Erik R. Guenther '02 has received the Volunteer Attorney of the Year award from the American Civil Liberties Union. He has also received the *Racine Journal Times* Award for "making a difference in Racine County." Guenther is an associate at Hostak, Henzl & Bichler in Racine, where he practices business and employment law and employment discrimination litigation.

Laurel A. Kent '02 has joined Balisle & Roberson in Madison, where she will practice family law, probate and estate law, and appellate litigation.

Christopher M. Toner '02 has joined the Green Bay, Wisconsin, firm of Metzler and Hager. Toner will practice business and civil litigation, employment law, municipal/zoning law, and landlord/tenant law.

Marta Kline Chou '03 has joined Robins, Kaplan, Miller & Ciresi as an associate in the firm's Minneapolis office.

Noleta Jansen '03 has joined the Milwaukee office of Whyte Hirschboeck Dudek, where she will be a member of the trusts and estates practice group.

Kristin A. Rozum '03 has joined Stellato & Schwartz in Chicago. She will practice civil litigation defense.

Rachel N. Schepp '03 has joined von Briesen & Roper, Milwaukee, where she will be a part of the general litigation and risk-management practice group.

Send your news to ereisner@wisc.edu.



Jennifer Mirus '93



Michael E. Martinez '97



Marta Meyers '93



Anthony J. Lucchesi '00



Paul W. Stenzel '95



Laurel A. Kent '02



Shawn D. Guse '95



Christopher M. Toner '02



Joseph W. Byrne '97



Rachel N. Schepp '03

Save the Date For Your Reunion Weekend!

If you are a member of any of the graduating classes listed below, it's time to save the weekend of September 3–4, 2004, for your class reunion.

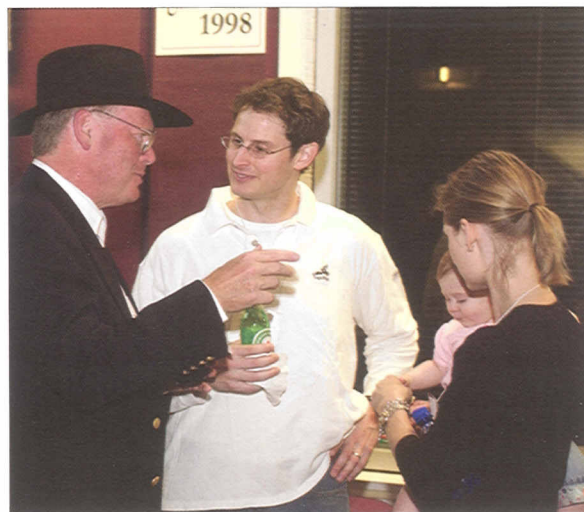
This year's reunion classes are 1954, 1959, 1964, 1969, 1974, 1979, 1984, 1994, and 1999.

Events will include:

- CLE program on ethics
- tailgate before the "Hall of Fame Game," featuring the Badgers against the University of Central Florida's Golden Knights
- individual class dinners
- and a reception for all classes.

It's not too early to begin encouraging your classmates to attend, too. Please visit the reunion Web site during the next few months for event updates and individual registration information: www.law.wisc.edu/alumni/reunion/index.htm.

If you would like to be a member of your class committee or to have more information on reunion events, contact Lynn Thompson, reunion event manager, at the UW Law School's Office of Continuing Education and Outreach at: (608) 262-4915 or by e-mail at LFTThomp1@wisc.edu.



The Law School's September 2003 class reunions brought approximately 400 participants to reconnect with friends and professors from Law School days. From the CLE program on ethics to the individual class dinners and tailgate party for the Badgers (who won their game against the North Carolina Tar Heels 38-27), the weekend provided numerous opportunities for getting back in touch.

Several Law School professors made guest appearances to speak at class dinners. Chuck Irish spoke to the Class of 1953; Larry Church spoke at his own class reunion dinner (1963); Jane Schacter—Class of 1968; Frank Tuerkheimer—Class of 1973; Stewart Macaulay—Class of 1978; and Dean Ken Davis achieved the feat of visiting all of the dinners.

Chairs for the reunion classes were: Francis Croak, Sheldon Lubar, and Walter Raushenbush (Class of 1953); Richard Olson, George Stephan, and James Vance (Class of 1958); William Eich and Timothy Frautschi (Class of 1963); Jeffrey Bartell, David Hanson, and John Kramer (Class of 1968); Bruce Loring and Howard Pollack (Class of 1973); David Charne and Gretchen Viney (Class of 1978); Meg Gaines and Sylvan Sobel (Class of 1983); Kelly and Michael Grebe, and Stephanie and Gregory Monday (Class of 1993); and Sonja Larson Carter and Chris Dickerson (Class of 1998).

Reunion Weekend 2003 photos by Jay Salvo

*Edward J. Reisner
Assistant Dean for
External Affairs*

Log Cabin Cane

There are two historic canes in the law building. One was the late Dean George Young's. It resides in a glass case in the George Young Room on the seventh floor. It has twenty-four brass bands, each engraved with a year when George led the Cane Parade at Homecoming. The other—much less formal, a bit scarred, and not yet possessing its own display case—also has a unique story.

On the afternoon of Saturday, October 19, 2002, just before the UW football team came out onto the field for the start of the game, two hundred Law School seniors gathered under the north goal post awaiting the start of one of our most unique traditions—the Cane Parade. Since sometime early in the twentieth century, senior law students have rushed the length of the field, tossed their canes over the goal posts, and attempted to catch the canes, thus guaranteeing success in their first cases.

Candace White Halverson, a 3L and president of the Student Bar Association, was carrying a cane that was a little different, and a lot older, than those of her classmates. In so doing, Candy was reviving a sub-tradition, one begun in 1949. In that year, Richard Williams '50, also a senior, was working at the old Log Cabin bar on State Street.

Dick bought his cane to participate in the Cane Parade, but when he was done, decided that the cane should be hung over the grill at the Log Cabin “so that a law student next year could use it.” Before hanging it, however, Dick scratched

his initials and the year on the cane. The cane continued to reside at the Log Cabin long after Dick graduated. Over the years another sixteen names or initials were added to the cane.

Time passed, the Log Cabin moved and became the old Brathouse, and finally, in 1988, the Brathouse itself closed. The last name was added in 1988, and the whereabouts of the cane, from then until 2002, is murky. Last year the cane turned up at the Boot Barn, another State Street business.

One of the owners mentioned the cane to his barber, adding that he thought the cane had once belonged to Dick Williams. In a stroke of luck, the barber knew Dick's son, Dave, now a retired Madison police officer, and offered to deliver it to Dave's home. In another stroke of luck, the cane arrived just before Dave finished packing to move from Madison! Dave brought the cane to the Law School with instructions that we should put it back into use by some willing student. Enter Candy White Halverson, the president of our Student Bar Association.

If you can shed light on some of the names, let me know. It is probable that some of the names are not Law School grads, but I'd love to know who used this cane over the years.

The cane will soon reside in a wall case here in the law building, to be taken out once each year for a trip to Camp Randall. At some point it will probably become too crowded with initials, and it will have to be cloned. The story is too good, the tradition too appealing, to let it lapse just because there isn't enough wood to carve on.

Note: The cane took another trip across the field on October 18, 2003.



*Current SBA
President Mike
Hall carried it and
then added
his initials!*



Law School legend declares that any senior law student who successfully tosses a cane over the goal posts at the Homecoming football game will win his or her first case. The battle-scarred Log Cabin Cane (above left), first used in the 1949 Cane Parade, crossed the field again in 2002 with Candace White Halverson '03 (above).

Other names or initials listed on the cane include:

- | | |
|---|--|
| 1. Cy Butt '52-'53:
attended Law School for
six years, graduating in
1955. Died in 1968. | 6. Gehrig '57: Donald E.
Gehrig graduated in 1958. |
| 2. Byrne '84? | 7. P.H. '88? |
| 3. T.C.? | 8. Howington? |
| 4. W. Eich '63: William Eich
graduated in 1963 and
went on to a distinguished
career as a commissioner
of the Public Service
Commission and as a
judge. | 9. B.H. '86? |
| 5. Flaten: Milo Flaten '52,
one of the first American
soldiers to reach the
beach in Normandy on
D-Day, has practiced
law in Madison since
graduation. | 10. Hoff '51? |
| | 11. D. Johnson: Donald
"Deacon" Johnson
graduated in 1961. |
| | 12. McG. '83? |
| | 13. M. Myers '77 or '79? |
| | 14. R. Pohle: Robert Pohle,
Class of 1959, is now
living in Connecticut. |
| | 15. Rubbert '60? |
| | 16. Ryan '56? |

*If you have information
about any of these names or
initials, please contact Ed
Reisner at (608) 262-8554
or ereisner@wisc.edu.*

SBA Presidents

In my continuing quest to document as much Law School history as I can, I was surprised recently to learn that no authoritative list of presidents of the Student Bar Association seems to exist. I was also surprised to learn that the Student Bar does not seem to have existed prior to 1938. How did all those student-faculty mixers get organized during the Roaring Twenties? Who organized the food drives during the Depression? Who came complaining to Dean Richards when there wasn't enough coal for the stove in the lecture hall?

In case you are curious, I graduated in 1972 and no, I can't remember who the SBA president was for my own class. Rather than blaming it on a "senior moment," I contend that there was just too much going on around here that year—things like Watergate, a war in Southeast Asia, and exams!

Using a variety of resources at hand, and with the valuable assistance of Mary Beth Shiels Lubing, Law School registrar, we have put together the following incomplete list of SBA presidents. Perhaps you can correct an entry or two; someone else surely can fill in a blank here or there. I look forward to hearing from you on this as well:

2003–4 Mike Hall
2002–3 Candace White Halverson
2001–2 Candace White Halverson
2000–1 Richard Holland
1999–0 Tonya Wilkes
1998–9 Alison Spakowitz
1997–8 Laura Halferty
1996–7 Chris Jackson
1995–6 Greg Davis
1994–5 Reed Peterson
1993–4 Oscar Herasme
1992–3 Terrance Thomas
1991–2 Waverly Booth
1990–1 Pierre Abarca
1989–0 Stan Stallworth
1988–9 Ted Tremunde
1987–8 Mary Sue Feldmeyer

1986–7 Valeria Taylor
1985–6 Sean Duffy
1984–5 Manny Regala
1983–4 Christina Mondragon
1982–3 Mark Borns
1981–2 Eric Christenson
1980–1 Jill Goodman
1979–0 Cindra Carson
1978–9 Terry Mead

1976–7 Mark Bradley

1970–1 Tom Donohue
1969–0 Patricia Nelson Colloton
1968–9 Jim Miles
1967–8 Chuck Pellino
1966–7 Bill Mett
1965–6 Bob Moberly
1964–5 George Whyte

1962–3 Jim Huber
1961–2 Dick Meyer

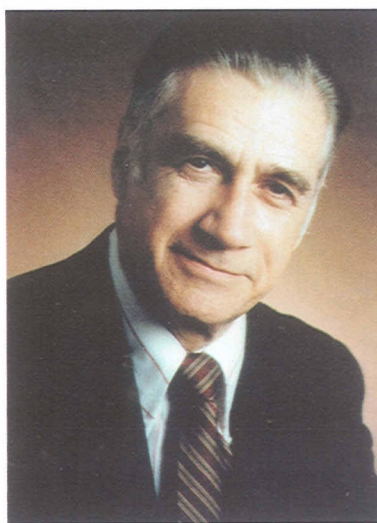
1957–8 Bob Aberg

1952–3 Norm Fons
1951–2 Don Haberman

The Man with The Highest Grade Point

Our Law School officially does not maintain class ranking. Perhaps this is why the topic of who had the highest average is so popular when classmates gather. After twenty-seven years of working with our alumni, I have heard hundreds of names mentioned—and more, if you count those mentioned for the bottom of the class!

Some years ago I began collecting the names of persons mentioned having outstanding academic records. When possible, I checked their record cards and began to compile a list of truly



Marvin A. Klitsner '42 was famed for his intelligence. Even the notoriously belittling Professor Herbie Page once said to Klitsner, "If you told me the sun rose in the west, I would get up to check!"

remarkable law students. But one name stood clearly above all his fellow graduates. Almost one full grade point above his closest competitor, I think I have found the graduate with the highest grade point average in our long history.

One caveat, however: The earliest student records from our school, from 1869 to 1904, were kept at the offices of the Wisconsin Supreme Court, in the state capitol. You have to remember that the earliest classes were given in a room in the capitol building, and the justices of our court were frequently involved in instruction, even into the 1970s. When the capitol building burned on February 27, 1904, these early records were lost.

Records from 1904–05 until 1948 have been reduced to

microfiche and are sometimes very difficult to read. Nevertheless, I have a “top twenty” list of grade point averages comprising graduates from 1932 to 1988. From time to time, a new name is added and someone drops off. But, for at least a decade, one name has remained at the top of the list.

Marvin A. Klitsner was born in a small, northern Wisconsin town in 1918. While he was in high school, his family moved to Lancaster, where they ran a department store. After graduating from high school in Lancaster, Marv attended nearby Platteville State Teachers College for three years before transferring to UW-Madison, where he graduated in 1940 after completing his first year at our Law School. (Many UW-Madison undergraduate students took advantage of the rules that allowed them to finish their undergraduate degrees with the first year of law study.) In his senior year, Marv was editor-in-chief of the *Law Review*.

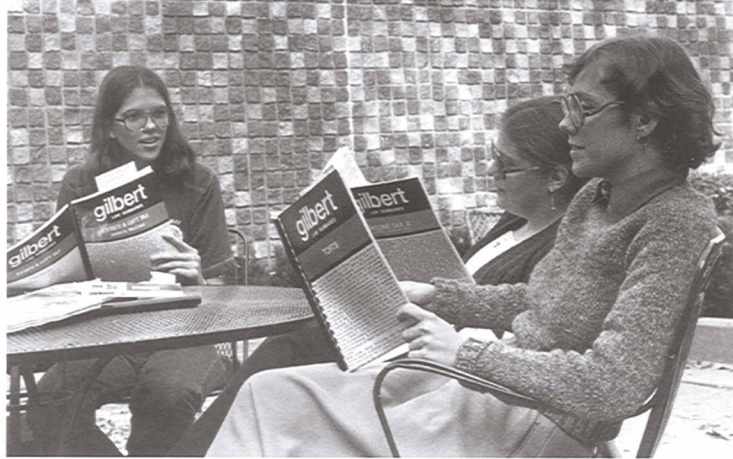
After graduating from Law School in June 1942, Marv enlisted in the navy. On the day he arrived at his posting, Bill Goodrich, who had been a year behind Marv and who had been teaching a course, was leaving. Bill’s superiors wondered who could replace him. Bill told them, “I know Klitsner just got here, but hand him the book and he can teach it!”

After the service, Marv joined the Milwaukee firm that today is Foley & Lardner and began a storied career trying cases and advising clients. Eventually he retired and moved to Jerusalem, where he died in 2001 at the age of eighty-two.

Marv’s lowest grade in Law School was a 92 in Tax. He had one 99 and eight 98s. But his highest grade came in second-semester Torts, taught by Professor Richard Campbell.

As Jack DeWitt ’42, Marv’s

Mystery Photo



For this issue I have chosen what may have been a staged photo. Surely three students would not have gathered in the old (pre-1993) courtyard to review their Gilbert’s outlines! Not that using Gilbert’s is rare, but each of these three students has a Gilbert’s for a different subject. Who are these folks, and why are they trying to relate estate tax, income tax, and torts?

Please contact Editor Ed Reisner, ereisner@wisc.edu or (608) 262-8554, if you have information (or even guesses) about the Mystery Photo.



Five alumni provided information on the last Mystery Photo: **Chuck Hinners ’73, Dave Nelson ’77, Lisa Smith ’77, Nancy Splain ’77, and Arthur Thexton ’77.** Nancy could actually give first-hand information since she was one of those pictured with George Young in the spring of 1977. Sharp-eyed Dave Nelson points out that Nancy scored an “unprecedented *Gargoyle* trifecta!” by appearing in three different photos in the same issue (The bill is in the mail, Nancy.) Alumni identified include, from left, Nick Loniello, Kirby Knutson, Jean Hanson, three as-yet-unidentified individuals, and Nancy Splain.

lifelong friend, remembers it, Professor Campbell explained, “I never thought I’d give a student a grade of 100. But Marv answered every question correctly and put in a couple things that I had to check to see if he was correct. He was. I didn’t see how I could give him less than 100!” He graduated Order of the Coif and with high honors. His cumulative GPA was 96.70, the highest GPA I have been able to locate.

Academic achievement was not the end of Marv’s distinction, however. When Tim Frautschi ’63 joined the Foley firm, it was organized in teams—the litigation team, the estates team, etc. Except for the team that Tim joined—the Klitsner Team. The Klitsner Team was organized around those clients loyal to Marv. While he often tried difficult cases, he also advised small-business clients, did estate planning, and served his community.

Marv clearly had an ability in the courtroom that was beyond that of mere mortal lawyers. He was particularly adept at cross-examination. John Skilton ’69, recruited for the Klitsner Team when he graduated, related the old adage that you never ask a question on cross that you don’t already know the answer to. Marv didn’t observe that rule, although his judgment stopped him from asking questions he knew would damage his case.

“He did ask high-risk questions,” John remembers. “It wasn’t necessarily that he knew what the answer was going to be. But he knew that he could deal with whatever answer was given and deal with it in a way to turn it against his opponent if necessary. He had thought through each alternative answer prior to walking into that courtroom!”

But it was not only in the courtroom that Marv’s brilliance was demonstrated. He used his total charm to assist in settling disputes before they could reach court. Marv could go into a conference with both sides to a dispute, armed with a number of solutions of his own design. If, however, the parties could not accept his solutions, Marv would abandon them and strive to create new approaches, often based on the suggestions of the parties themselves.

Jack DeWitt said, “Marv saw things differently than most of us. We saw a problem and a solution, maybe two or three solutions. But Marv was going to see four or five!” A Madison businessman who engaged Marv in a difficult negotiation observed, “This guy is so smart it almost scares me!”

Such a reputation might suggest an individual who was not likable. All the evidence, however, suggests that Marv was not only admired for his abilities, but also well liked by his acquaintances, colleagues, clients, and friends.

Jack DeWitt remembers that Marv was a guard on his high school football team, and they played together on an intermural basketball team that Marv had named the “Five Furious Fighting Flat Feet.”

In Law School, Marv helped Jack with a *Law Review* article and was “as helpful as one of the faculty. He’d sit there and help guys like Adrian Cassidy and Bill Collins who were his principal competitors as students. He was just a regular guy.”

John Skilton called him “a fine man; an honest, humble fellow. He would never brag about himself. His lifestyle was quiet and unassuming. He had a deep, resonant voice and a commanding presence, but he was also quiet and never

yelled or got mad—a remarkable combination of grace, dignity, and strength of character.”

It makes me proud to be a graduate of the same school that Marv Klitsner came from. It makes me grateful to have met him once, on the occasion of his fiftieth class reunion, if only briefly. It makes me sad that he is gone and that I didn’t know more about his life and accomplishments before it was too late.

Phil Habermann

The In Memoriam column of each issue has the names of more of my own friends and acquaintances. I cannot write a personal note about all of them, but I cannot let the death of Phil Habermann go without a brief, personal observation.

In 1972, as I neared graduation, I was referred to Phil, then executive director of the State Bar of Wisconsin, to interview for a possible job. So began a relationship that lasted until Phil passed away last year. That might not be remarkable, except that I worked for Phil for only two years before he retired; he was a private man thirty years my senior; and we seldom shared the same side of a political question.

Nevertheless, our friendship continued all these years, and I miss our occasional visits and more frequent phone conversations. Shortly before his death, Phil invited me over to his house while he “cleaned” his basement workshop. He sent me home with a number of his hand tools—tools I will treasure now because they were his.

— Ed Reisner

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