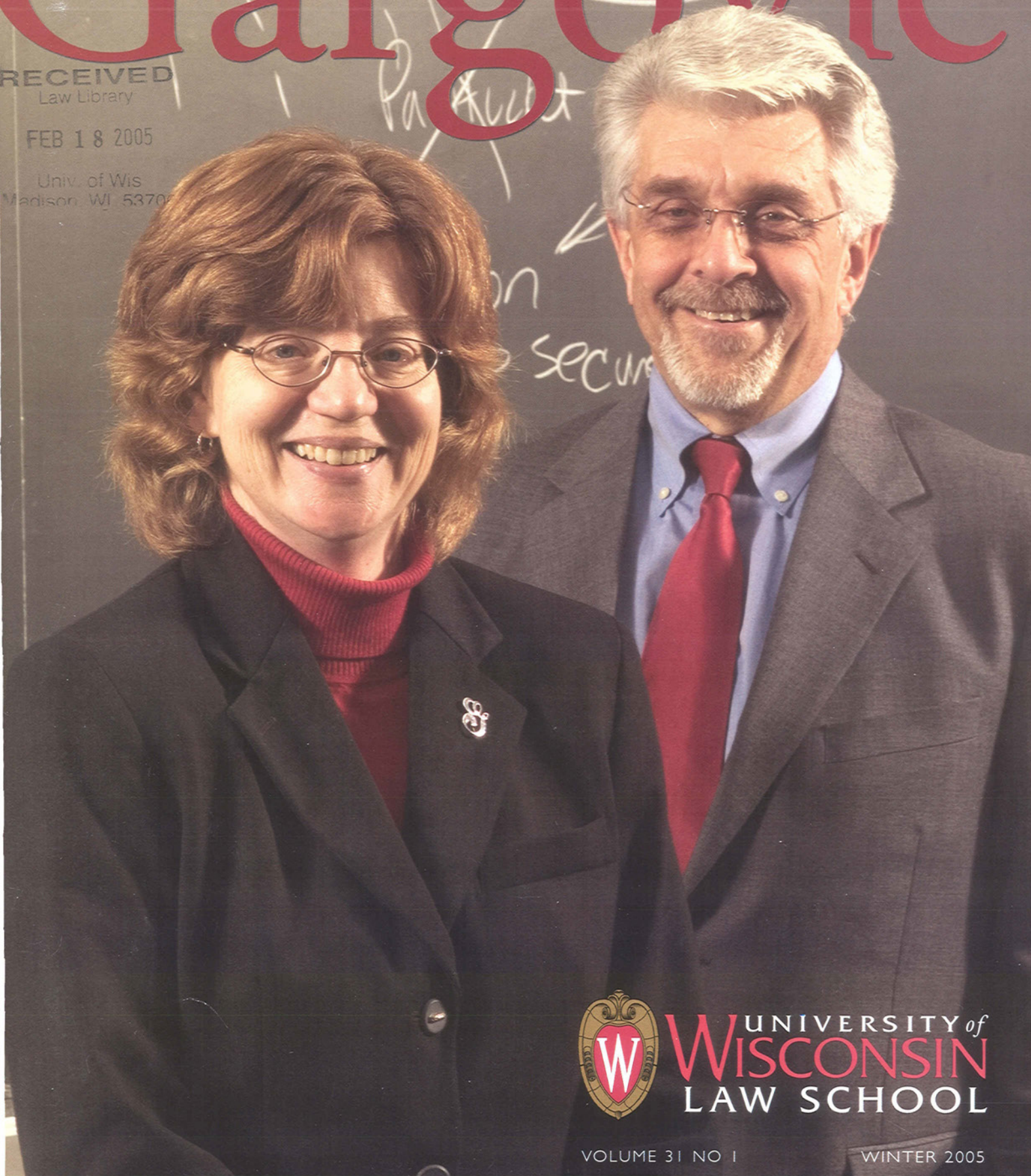


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LAW SCHOOL

VOLUME 31 NO 1

WINTER 2005

Save the Date

- **LEO Banquet**
Saturday, April 9, 2005
Madison Concourse Hotel
Keynote Speaker:
Justice Louis Butler '77

- **Fairchild Lecture**
Friday, April 22, 2005
Speaker:
Senator Russ Feingold

- **26th Annual Wisconsin Town
Lawyers Conference**
Friday, April 29, 2005
UW-Madison Pyle Center

- **Class Reunions**
October 21–22, 2005
For class years ending
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"There is nothing like a dream to create the future."

-Victor Hugo



BOB RASHID

Scholarships and fellowships help attract the best and the brightest, like third-year law students Amy Mason and William Estuardo Rosales, to the University of Wisconsin Law School. "My scholarship has enabled me to keep my options open, so I can go into an area of the law that pays less if that's what I want to do," Amy says. William's fellowship waives out-of-state tuition. "I had a lot of debt from private undergraduate school, so I knew that getting in-state tuition and federal loans and grants would make it possible for me to go to law school," he says.



The University of Wisconsin Foundation and the Law School are committed to helping students like these achieve their dreams. The Foundation engages those who care about the UW, its past, its present and, most important, its future. *Create the Future: The Wisconsin Campaign* is building a bright tomorrow for the Law School and the University.

For more information on how you can support the Law School, contact Ann Flynn at 608-263-2202 or ann.flynn@uwfoundation.wisc.edu.

CREATE THE FUTURE

The Wisconsin Campaign

 UNIVERSITY of WISCONSIN
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Why Gargoyle?

In 1962, when the existing Law School was demolished to make way for a new building, Law School Dean 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.

The *Gargoyle* is the alumni magazine of the University of Wisconsin Law School, 975 Bascom Mall, Madison WI 53706-1399. It is funded by private donations.

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Wisconsin Alumni Association

Cover photo by Bob Rashid: Ralph Cagle and Gretchen Viney of the Lawyering Skills Program love to teach students the hands-on skills that every lawyer needs. (See article, page 20.)

Back cover photo by Paskus Studio.

Gargoyle



Winter 2005
Volume 31, No. 1



20 Lawyers Teaching Lawyers-to-be

The Law School's unique Lawyering Skills Program has flourished ever since it was created almost forty years ago. Director Ralph Cagle talks about the program's origin and evolution, and why it has been so successful.



26 Deaf Students Win a First

When Michele LaVigne's mock trial team from the Wisconsin School for the Deaf won the State Bar 2004 regional competition against teams of hearing students, all eyes were on the proud students and their coach.



30 The Vanishing Trial

The number of trials in the U.S. has been steadily declining, and UW Law professor Marc Galanter was the first to discover and document the trend.

- 2 A Dean's View
- 4 Student Life
- 10 Awards
- 14 News
- 36 Profiles in Giving
- 41 Class Notes
- 43 In Memoriam
- 46 From the Editor
- 48 Mystery Photo

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LAW

SCHOOL RANKINGS



— Dean Kenneth B. Davis, Jr.

Each fall the UW Law School, like the other 187 law schools approved by the American Bar Association, responds to surveys by publishers seeking to rank the law schools numerically. Despite general agreement that these surveys are flawed and have little to do with actually identifying the quality of a law school, they have been an outstanding commercial success for several of these publishers, particularly for *U.S. News & World Report*, a magazine now known primarily for its college and graduate school rankings.

Like most law school deans, I have serious concerns about the rankings and have sometimes imagined not responding to the surveys and tossing them in the trash. But, of course, that is not realistic. We are dependent on how outside constituencies value what

we do, and *U.S. News* is one of the current measurement schemes to which many outsiders look. The rankings have become pervasive and influential. Not to be included regularly in what *U.S. News* terms the “top tier” of national law schools would seriously hamper our ability to recruit top students and outstanding faculty, and it also would have an impact on the employers who interview and hire our students. So, each October, we join law schools across the country in responding to the 194 questions on the *U.S. News* survey, and each April we see how the data we supplied have been interpreted.

Don't misunderstand my concern. I believe providing comparative information about law schools is generally a worthwhile endeavor. My problem is with the *U.S. News* methodology. First, it relies principally on only those measures that can readily be quantified. For example, our graduating

students regularly give very high marks to the quality and commitment to teaching by our classroom and clinical faculty. Visiting faculty from other schools say the same thing. But quality of teaching is nowhere reflected in the ranking criteria. *U.S. News* instead looks at measures such as the level of faculty salaries and faculty-student ratios. This means that at Wisconsin, where we have long prided ourselves on doing more with less, we're effectively marked down for using our resources efficiently.

I am likewise baffled by the idea that someone can assign specific weights to the various factors and arrive at a seemingly scientific numerical “score” for each school. Ask yourself — is an additional \$1,000 of student financial aid 1.5 times as important for the school's overall quality as an additional ten books in the library? Or is it only 0.5 times as important? You get the idea. Most troublesome of all is

that I have never heard of a single legal educator being consulted about what the various factors and weights should be. To the best of my knowledge, they are entirely the product of the magazine's editors.

Legal academics have long taken the position that the formula *U.S. News* uses with its various weightings is impossible to rationalize in any principled way and that the rankings suggest a much greater difference in quality among the schools than actually exists. They have also pointed out that more than half of the criteria that go into the final score can be manipulated and that more than a third of the criteria favor small and private schools and penalize large and public schools. Nevertheless, increasingly as I meet with alumni and friends, I am asked about the *U.S. News* rankings and how we are ranked. It is an important topic for many.

The *U.S. News* methodology, which uses twelve different factors in five different categories, has varied a bit over time but has remained relatively constant since 1999.

The most heavily weighted individual factor in the survey is *Academic Reputation*, which is based on a survey that asks the dean and three faculty members at each school to rate schools from "marginal" to "outstanding" on a 1-to-5 scale. That factor, combined with a survey in which a small number of judges and large-firm lawyers are asked to rate schools, make up the *Quality Assessment* category that accounts for 40 percent of the survey weight.

The other heavily weighted area is the *Selectivity* category. This category includes the entering class's median LSAT score, its median undergrad GPA, and the proportion of applicants who were accepted.

The remaining categories are *Placement Success*, which is determined by employment rates at

graduation and nine months after, and by bar passage rate, and *Faculty Resources*, encompassing a number of factors, including student-teacher ratio, financial aid, average expenditure per student, and library resources.*

For me, the most frustrating aspect of the rankings is that they do not reflect the fact that this is a time of great strength at the University of Wisconsin Law School.

In the more than fifteen years that *U.S. News* has ranked law schools, the University of Wisconsin Law School's overall score based on the survey's twelve criteria has remained relatively consistent, as has our *Academic Reputation* — ranking 6 or better among public law schools. Nevertheless, our overall numerical ranking has bounced up and down. We have been ranked as high as 21 and as low as 43, with a great deal of fluctuation from year to year. Currently, we are ranked 31 out of the 177 law schools included, and we are sure to bounce up and down again over the next few years.

We have chosen to focus our limited financial resources on educating our students, rather than playing the *U.S. News* publicity game that now involves sending multiple glossy brochures, wall posters, calendars, and even toys and trinkets to other deans and the voting partners in big firms.

In addition, our size, the continuing state budget crisis, our small endowment, and our policy of using not just an applicant's LSAT score and grade point average but a variety of criteria indicative of long-term success make it difficult for us to maintain a consistent position at the top of the rankings, although we continue to strive for that.

For me, the most frustrating aspect of the rankings is that they do not reflect the fact that this is a time of great strength at the University of Wisconsin Law School. We have had record numbers of applications, our young faculty is as strong as at any time in the Law School's history, our students have successfully competed for the most prestigious fellowships and jobs, and the current learning environment and student culture are outstanding.

Nor do the rankings measure what makes Wisconsin such a great place to study law — a faculty that is creative, knowledgeable, and committed to classroom teaching and to mentoring and nurturing students; a rich curriculum that includes small classes, hands-on learning, and extensive opportunities for supervised practical experiences; highly qualified students from a variety of backgrounds who contribute to an academic and social atmosphere that is supportive and conducive to learning; and, of course, our Law in Action approach to teaching and learning the law.

Over the next few years, I know that we will talk much more about these magazine rankings and their impact on our Law School. It is a complex and challenging issue. Nevertheless, I want to assure you that although our rankings may go up and down, the quality of your Law School, its faculty, and its students is getting stronger every year on multiple fronts that are too complex to be measured by the *U.S. News* numerical formula. Of course, we must work hard to maintain this quality ... and we will.

I am grateful to all of you for your enthusiasm, commitment, and financial support. You are the key to our continued success. ■

* See page 40 for more information on *U.S. News* rankings.

Soccer, travel, and research are all closely interconnected for Miriti Murungi, a Baltimore native who learned as a teenager that he just can't stay in one place.

When he was fourteen, his soccer team went to play in Holland, Denmark, and Belgium. In high school, he was on the Maryland state team that competed in Ireland and Wales. In addition, in his early years, he traveled three times to visit his parents' home country of Kenya.

"I became fascinated with the histories of the places I visited," he says, "but African history was at the center of my interest, largely because of my ties to the continent."

He majored in history at Wesleyan University in Connecticut, and spent a semester as an exchange student at the University of Cape Town in South Africa.

"This was approximately four years after apartheid ended," he says. "Study abroad in South Africa wasn't common at that point."

One of his two advisers in college was a South African historian, and the second one spent a lot of time in South Africa. "He kept telling me that South Africa was ripe for research," Miriti recalls.

Miriti, who was captain of Wesleyan's soccer team, found that soccer was a big help to him in South Africa. "Soccer has been my way when I'm traveling to break through barriers. It's one of those international games that people say, 'Oh — you play soccer?!'"

He was named Most Valuable Player in one tournament early in his South African stay, and the next thing he knew, his roommate said, "The school team wants you to play for them."

Soccer was also the origin of his college thesis in history. "I never really considered soccer as an academic topic," he says. "One of my friends in South Africa was on

a Fulbright studying sports and society, and he gave me a brief tutorial on how race factored into what leagues and sports South Africans followed.

"I did a lot of research looking through old South African newspapers that actually covered black sport, and I was able to travel through Mozambique, Zimbabwe, Namibia, Swaziland, Lesotho, and Botswana. I cobbled together a picture of the world of black South African athletes and the tribulations they endured. The thesis was entitled, 'Politicizing the Playing Fields: The Development of Sport as a Political Weapon in South Africa, 1948–1968.'"

He earned honors on the thesis, and graduated with honors. "From that point, I knew that I needed to go back to South Africa."

Fast-forward to Miriti's second semester at UW Law School — and he did go back, on the Law School's exchange program with the University of the Witwatersrand. The exchange, one of only two in the U.S., drew him to Wisconsin — as did the presence of Professor Heinz Klug, who has worked closely with the post-apartheid South African government.

Miriti has accepted a position in Washington, D.C., as an associate with King & Spalding, doing antitrust litigation and pro bono work assisting African asylum seekers. Antitrust law is a key factor in the new South African economy, and Miriti hopes ultimately to advise U.S. companies interested in entering the South African market.

"This is the ten-year anniversary of post-apartheid South Africa," Miriti says. "They have a new constitution; a lot of their laws are new. It really is 'a place that's ripe for research.' And now from where I am in life it's ripe for legal research."



Miriti Murungi '05

Miriti's interest in travel, history, and sports led him twice to South Africa as an exchange student in the early days of post-apartheid. Now he is hoping to take his legal expertise to the aid of newly emerging businesses in South Africa.

Hometown: Baltimore, Maryland

Undergraduate work: Wesleyan University

Undergraduate major: History



John Baggaley '05

With strong interests in both business and philosophy, John found that law was the field that would combine them. His experience includes two years of working as a Peace Corps consultant with small businesses in post-Communist Moldova.

Hometown: Visalia, California

Undergraduate work:
Massachusetts Institute of Technology

Undergraduate major:
Management Science

John Baggaley grew up in California with one goal in mind: “I had a big passion to be an air force pilot,” he says. “I wrote a letter to the Air Force Academy when I was in fifth or sixth grade, asking what I should do to become a pilot.”

The air force wrote back. “They told me grades, honors classes, leadership, and sports,” he says. “I still have the letter.”

Up until then, he had been a poor student, he says. But he pursued the guidelines with diligence. His grades went up; he asked teachers to let him into honors classes and they did; he joined a number of clubs; and he became active in sports. “I had a goal,” he says.

Ironically, John says, he never did go to the Air Force Academy. He received a senatorial nomination to go there from Senator Alan Cranston, but instead attended MIT with a full navy ROTC scholarship.

Another formative experience took place when, as a college freshman, he was placed by mistake on a list of graduating seniors who were interviewing with JPMorgan. By the time the error was discovered, he had developed an interest in the world of consulting.

“That opened a new door,” John says. “Consultants solve so many interesting problems.”

During his sophomore year, yet another new interest was sparked: he began to read philosophy, and took classes in philosophy and ethics for fun. He graduated with a business degree and a philosophy minor.

“I received several offers from big-name consulting firms, but I didn’t know if I wanted to do the Wall Street route,” John says. While he was struggling with his decision, he saw an advertisement for the Peace Corps, which was looking for people with backgrounds in economics to help out in the

former Soviet Union. “It was the perfect opportunity,” he says. “It was a chance to do something altruistic.”

After two years of working with small businesses and NGOs in post-Communist Moldova, John returned to Boston, where Deloitte Consulting had been holding a job for him. Three years later, he faced another decision: whether to earn an M.B.A. or to enter academia with a Ph.D. in philosophy.

He chose neither. He followed the suggestion of a Peace Corps co-worker, a retired attorney, and chose law, which he saw as combining the cerebral element of philosophy with the practical nature of business.

John was drawn to the UW Law School because of its strong liberal reputation and its tradition of legal realism. “I was attracted to the idea of going to a school with a different approach to law — one that was steeped in a philosophical movement.”

During his Law School career, John has indeed combined the cerebral with the practical. He won the Berkovici Prize for jurisprudence and legal philosophy after taking Jurisprudence; worked with the Neighborhood Law Clinic; clerked for Justice Louis Butler through the Judicial Externship Program; worked for one summer for the Electronic Privacy Information Center in Washington advocating for consumers; and especially enjoyed “classes where we tend to mix policy, theory, and social justice with the black-letter law — I like mingling the two.”

John’s next move will be to Washington, D.C., to join the U.S. Senate Office of the Legislative Counsel. He was one of two attorneys hired from among nine hundred applicants — a success story that began with a child’s enterprising letter to the air force.

Grissom Wins Leonard Loeb Scholarship

Jennifer Grissom, a third-year student at the University of Wisconsin Law School, has been named the recipient of the 2004 Leonard Loeb Scholarship in recognition of her commitment and achievements in the field of family law.

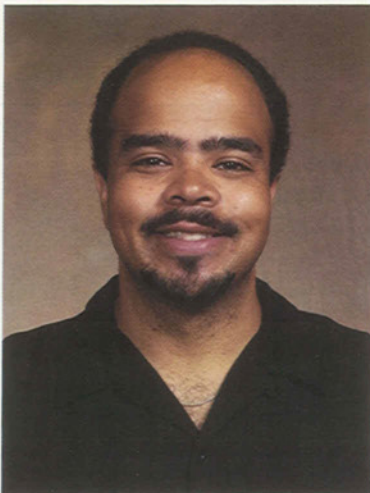
The Loeb Scholarship was created by the family of the late Leonard Loeb, a 1952 graduate of the UW Law School, who was a former president of the State Bar of Wisconsin and a recognized leader in family law. The award is administered by the American Academy



Jennifer Grissom

of Matrimonial Lawyers and Fellows.

Grissom received the \$2,500 award at the annual regional meeting of the American Academy of Matrimonial Lawyers in November 2004 in Chicago.



C. Wade Harrison is the recipient of the Godfrey & Kahn Fellowship.

Godfrey & Kahn Establishes Fellowship in Law

The law firm of Godfrey & Kahn, S.C. has established the Godfrey & Kahn Fellowship in Law at the UW Law School.

The fellowship will provide a full, three-year scholarship to one student each year who enrolls in the Law School as a participant in the Legal Education Opportunities Program, a student-organized program that represents and supports students of color.

In addition to the three-year scholarship, the Godfrey & Kahn Fellowship in Law will provide each law student with mentoring by Godfrey & Kahn attorneys as well as employment as a summer associate at one of Godfrey & Kahn's five offices. Scholarship recipients are chosen by the Law School in consultation with Godfrey & Kahn's scholarship committee based on merit, need, and an interest in practicing law in Wisconsin.

C. Wade Harrison, a first-year student, has been selected as the recipient of the first Godfrey & Kahn Fellowship in Law. Harrison is a 1995 graduate of

Loyola University of Chicago, where he majored in psychology and minored in African-American and women's studies. He comes to the Law School from a full-time job working at the University of Chicago Hospitals.

"Godfrey & Kahn's Fellowship in Law will enable talented and hard-working students to pursue careers in law," says Rick Bliss, managing partner of Godfrey & Kahn.

"The University of Wisconsin Law School and Godfrey & Kahn scholarship committee collectively agreed that Wade's strong interest in community service and his superior academic performance qualified him as our first fellowship recipient," says Bliss. "Ultimately, it is our hope to help provide the state of Wisconsin with successful attorneys who have diverse backgrounds and bring unique perspectives to the legal field."

UW Law School Wins Two Skadden Fellowships



Samantha Webb Kading (top photo) and Jessica Shoemaker are newly named winners of Skadden Fellowships.

Two of the twenty-five newly named national winners of Skadden Fellowships are from the UW Law School. **Samantha Webb Kading**, a third-year student, and **Jessica Shoemaker**, a 2004 graduate, have each won one of the fellowships, presented annually to students or judicial clerks who have shown exceptional promise in the field of public interest law. Kading and Shoemaker join recent UW Law School graduates

Victoria Selkove '03 and Barbara Zabawa '01 as winners of this prestigious national fellowship.

This is the second time that two UW Law students have won in the same year: In 1993, Gabrielle Lessard and Ricardo Soto both received one of these highly esteemed national awards.

"We are delighted that Jessica and Samantha were selected and that they will be able to contribute their skills to communities in need of legal services," says Dean Kenneth B. Davis, Jr. "We are very proud of them and honored that not only one, but two, of the coveted Skadden Fellowships went to those from the UW Law School. This is a testament to our excellent students and the faculty who teach and inspire them. I know that the work that Samantha and Jessica will do with their Skadden Fellowships will be a true credit to the UW Law School and an invaluable benefit to the people they assist."

The Skadden Fellowship Foundation, established in 1988 by Skadden, Arps, Slate, Meagher & Flom, each year awards twenty-five fellowships to graduating law

students and outgoing judicial clerks. Fellows are provided a salary and fringe-benefits package, with the expectation of renewal for a second year. The Skadden Fellowship Foundation is governed by a twelve-member board of trustees composed of seven distinguished persons not affiliated with Skadden, Arps; four partners from the firm; and a second-year fellow. Fellows are chosen in December of each year and begin their work in the following autumn.

Samantha Webb Kading, who will be sponsored by the UW-Madison Land Tenure Center and by Wisconsin Judicare in Wausau, will be working with the eleven Native American tribes in Wisconsin to promote the consolidation of landowner interests in fractionated Indian trust land by conducting an educational campaign on land-transfer techniques and by drafting land-transfer documents.

Jessica Shoemaker will work with the Farmers' Legal Action Group in St. Paul, Minnesota, to advocate in defense of low-income family farmers in minority communities around the country.

Cecelia Klingele Honored by AWL



Cecelia Klingele

Cecelia M. Klingele 3L was selected by the Association of Women Lawyers to receive the 2004 AWL scholarship, in recognition of

her academic excellence and outstanding service to the Law School community and the community at large.

Klingele is a May 1999 graduate of UW-Madison, with a B.A. in history, history of culture, and classical humanities. At the Law School, she was the founder of the Law School Family Association, and has worked extensively with the Children's Justice Project. She has also been an active participant

in Law School clinical programs.

Klingele has volunteered extensively with numerous community organizations that support children's welfare. She served as a foster parent for Dane County Human Services for more than five years during her university and Law School years.

The AWL scholarship was presented formally to Cecelia Klingele at the association's annual meeting in Milwaukee in September.



Reaching out to Employers: Large, Small, and Mid-Sized

by Assistant Dean Jane Heymann,
Director of Career Services

Happy 2005 from the Career Services Office, where we are busy with multiple projects.

Although Wisconsin's fall-semester classes begin in early September, the recruiting year seems to begin earlier and earlier each year. For us it began in August, when, for the third consecutive year, we participated (along with the University of Minnesota, University of Iowa, UCLA, and USC Law Schools) in three off-campus recruitment programs — in Los Angeles, New York, and Washington, D.C. Our students were very successful in obtaining interviews with many of the law firms and government agencies that were participating.

These off-campus programs have proven to be an excellent way to provide interviewing opportunities for our students with employers on the East and West Coasts who would be unlikely to come to Madison to take part in our fall on-campus interview program.

Participating employers choose the students they will interview by prescreening the résumés submitted by interested students. We will be contacting many of our alumni on the East and West Coasts again this

spring to urge you to ask the people in charge of recruiting at your organizations to consider registering for one or more of these programs.

In September and early October, the fall on-campus interview program brought about one hundred employers to campus to interview second-year students for summer positions and third-year students for permanent jobs.

The first issue of the Law School's new *Law in Action* newsletter, which was published in October, included a column asking alumni to volunteer to take part in our new Alumni Career Network. We have been very pleased by the response so far. Many of you have expressed a willingness to help our students by providing information and advice about your practice area and/or the legal market in your city, and we are very grateful. If you haven't yet contacted us but are willing to participate in the Alumni Career Network, please contact me at jheyman@wisc.edu.

In November, the Career Services Office and the State Bar of Wisconsin co-hosted a visit by Donna Gerson, the nationally renowned author of *Choosing Small*,

Choosing Smart: Job Search Strategies for Lawyers in the Small Firm Market. Donna presented a program attended by about sixty students, and then met individually throughout the day with students to help them adopt the right approach to finding a job with a small- or medium-sized law firm.

The job market continues to be challenging. Budget cuts have made it very difficult for state-government agencies to hire lawyers, and law firms have been extremely cautious in their hiring of summer law clerks and new associates.

The good news for employers is that it remains a buyer's market. We have many extremely capable first- and second-year law students who are eager for a chance to work for a law firm this summer, and many May 2005 graduates looking for their first jobs as lawyers. If you are in a position to offer a summer job to a law student, or if you are considering adding a new associate, please let us know. I can promise you that you'll receive résumés from many excellent candidates in response to any job posting you might send us. It is definitely not too late to advertise a job opportunity!

David Schwartz Voted Teacher of the Year

PASKUS STUDIO



Professor David Schwartz, recipient of the Law School's Teacher of the Year Award, created the popular "Donuts and Faculty" series, which features informal student-faculty discussions on topics ranging from "What I Did Last Summer" to "If You're Thinking of Running for Public Office."

Professor David Schwartz has been voted the recipient of the 2004 Teacher of the Year Award by 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.

David Schwartz (B.A., M.A., J.D., Yale University) practiced law for twelve years, specializing in employment discrimination and civil rights litigation. For the three years just prior to joining the UW Law School faculty in the fall of 1999, Professor Schwartz was senior staff attorney at the American Civil Liberties Union of Southern California in Los Angeles. Previously, Professor Schwartz was in private practice in San Francisco, representing

plaintiffs in employment cases. After graduating from law school, he clerked for the Honorable Betty B. Fletcher of the U.S. Court of Appeals for the Ninth Circuit.

Professor Schwartz teaches Equal Employment Law, Evidence, Constitutional Law, and other courses relating to his practice background. His scholarly interests currently focus on workers' rights and the law of the workplace, civil rights, and constitutional law.

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.

Pelisek Honored with WLAA's Distinguished Service Award



Jill Pelisek, who accepted the Distinguished Service Award on behalf of her late husband, Jack Pelisek, is joined by Dean Davis and Dave Hanson '68, who worked with Pelisek at Michael Best & Friedrich. Hanson spoke to the Benchers Society about his memories of Pelisek.

The University of Wisconsin Law School's Distinguished Service Award was conferred posthumously on Frank J. (Jack) Pelisek, Class of 1958, at the annual dinner of the Benchers Society in October in Milwaukee. Jill Pelisek accepted the award on behalf of her late husband. The event took place at the Pfister Hotel, Milwaukee.

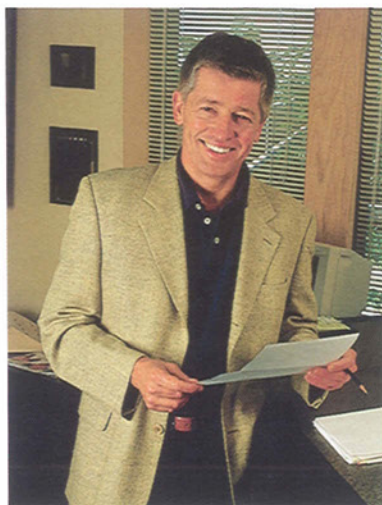
The annual winner of the Distinguished Service Award is chosen by a vote of the Wisconsin Law Alumni Association's board of directors. The award honors UW Law alumni or faculty who have

made outstanding contributions to the legal profession.

Frank J. Pelisek received a bachelor of science degree in economics in 1954 from the University of Wisconsin and an LL.B. in 1958 from the UW Law School. His academic honors included the Order of the Coif and *Law Review*. Pelisek served as a first lieutenant in the United States Army from 1954 to 1956.

Pelisek practiced law with Michael Best & Friedrich LLP for forty-four years, including thirty-seven years as partner. As an authority on mergers and acquisitions, he

Stephen Hurley Named Adjunct of the Year



Stephen P. Hurley, regularly rated by students as one of the school's most outstanding teachers, received the Warren H. Stolper Award.

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 awarded this year to attorney Stephen P. Hurley. Hurley began teaching at the Law School in 1989, and teaches both Evidence and Trial Advocacy.

"We are deeply grateful for Steve's willingness to take time from his important criminal law practice to teach large sections of Evidence and help out with other course offerings," said Dean Kenneth B. Davis, Jr., in announcing the award. "Students regularly rate him as one of the school's most outstanding teachers."

Stephen P. Hurley is a shareholder in the law firm of Hurley, Burish and Milliken, S.C. in Madison, concentrating his practice on business and criminal litigation. In addition to his ongoing Law School teaching, he is a frequent lecturer at legal-education programs.

Hurley is a fellow of the American College of Trial Lawyers, and was a Master Benchler in the James E. Doyle Inn of Court. He is listed in the most recent editions of *The Best Lawyers in America* (Woodward/White) in the criminal law section, as well as in *Who's Who in American Law*.

Hurley graduated from Knox College in Galesburg, Illinois, and received his J.D. in 1972 from the University of Illinois College of Law at Champaign-Urbana. He is admitted to practice in Wisconsin and Illinois.

This is the third 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 and was the first recipient of the award. Last year's recipient was Robert Schnur.

numbered among his clients the state's premier businesses and financial institutions.

Pelisek's talents were not limited to his law practice, however, as he was one of the major civic leaders of his generation. His public service began in 1969, when Governor Warren Knowles appointed him to the University of Wisconsin System board of regents. As president of the board during the 1970s, he oversaw the merger of the UW System. Never shying away from a tough assignment, he relished the opportunity to use his skills and contacts to bring resolution to contentious issues.

Pelisek was also chair of the Brewers Task Force, which led the site selection for Miller Park,

and chair of the University of Wisconsin Hospital and Clinics Authority, which led the reorganization of the hospital to a state authority.

Pelisek had extensive involvement in governmental affairs, serving on nineteen boards and committees for the city of Milwaukee, Milwaukee County, and the state of Wisconsin. He worked on political campaigns for Richard Nixon, Warren Knowles, and Tommy Thompson, and served on committees and task forces under Governors Knowles, Dreyfus, and Thompson.

His proven effectiveness led to many invitations for civic and public service, including the National Conference of Christians

and Jews, the Milwaukee Public Library Foundation, the Multiple Sclerosis Society, and the Public Policy Forum. Perhaps his crowning accomplishment was serving as vice president and president of the Milwaukee Art Museum board of trustees during the planning, capital campaign, and building of the internationally acclaimed Calatrava addition to the Milwaukee Art Museum.

Pelisek received numerous awards for his public service, including the UW Alumni Club of Milwaukee's Distinguished Service Award, the Todd Wehr Award for Fund Raising Activities from the National Society of Fund Raising Executives, and the ARC Milwaukee's Challenger Award.



Shirley S. Abrahamson (S.J.D. '62), left, chief justice of the Supreme Court of Wisconsin, received the Dwight D. Opperman Award for Judicial Excellence from Justice Candace D. Cooper, who was a member of the selection committee for the honor.

Abrahamson Honored for Judicial Excellence

Shirley S. Abrahamson, chief justice of the Supreme Court of Wisconsin, has been named the recipient of the first Dwight D. Opperman Award for Judicial Excellence, conferred by the

American Judicature Society.

Abrahamson is an alumna of the UW Law School, having earned her S.J.D. at Wisconsin in 1962. She also taught for many years on the UW Law School faculty.

The Opperman Award honors a sitting state judge of a trial or appellate court who has had a career of distinguished judicial service. The award was presented

to Abrahamson on September 29, 2004, in Madison. (At the same ceremony, Justice **Ann Walsh Bradley '76** was recognized as the recipient of the American Judicature Society's Herbert Harley Award, which she received in March. See page 41.)

Shirley Abrahamson began her judicial career in 1976, when she became the first woman to serve on the Wisconsin Supreme Court. She has spent the last twenty-eight years on the court, and the past eight as its chief justice. She has been praised as a superb administrator, known for her superior intellect and work ethic, and for her efforts to make the court as efficient and accessible to the public as possible. She is respected nationally as a legal scholar, and is actively involved with public education.

Justice Abrahamson was born and raised in New York City. She earned her undergraduate degree at New York University, where she graduated magna cum laude and Phi Beta Kappa. She attended law school at Indiana University, graduating first in her class. She began her professional career in private law practice in Wisconsin, simultaneously teaching at the Law School.



Sue Center Receives Award for Advocacy

UW Law Librarian Sue Center has received the 2004 Wisconsin Library Association Presidents Award in recognition of outstanding service as federal relations coordinator.

In this role, Center has led a delegation of representatives from the Wisconsin library community to Capitol Hill for the past five years to advocate for library and

intellectual-freedom issues, and she has alerted the state library community to pending federal legislation requiring community action and response.

Center began her career at the Law School in 1971, and has been head of the Law Library's Public Services Department since 1985. She earned both her B.A. in English and her M.S. in Library Science from the University of Wisconsin.



JAY SALVO (4)



Roger Wilkins Speaks on Civil Rights History He Lived

Roger Wilkins, a civil-rights activist and Pulitzer Prize-winning journalist, delivered the Law School's annual Robert W. Kastenmeier Lecture on October 29, 2004, in Godfrey & Kahn Hall. Wilkins spoke to a full auditorium of alumni, faculty, and students on

"The Civil Rights Act of 1964: Hopes and Promises."

Preceding Wilkins in speaking was Professor Frank Tuerkheimer, who shared his thoughts on "Bob Kastenmeier and the 1960s Civil Rights Legislation."

Both Tuerkheimer and Wilkins spoke about their own experiences combating segregation, and the key role that Congressman Kastenmeier played in working toward racial justice.

Roger Wilkins is the Clarence J. Robinson Professor of History and American Culture at George Mason University. He was also an assistant attorney general for the U.S. Department of Justice Community Relations Service in the Lyndon Johnson administration. He received his law degree

from the University of Michigan.

During a distinguished journalism career, he was a member of the editorial-page staff at the *Washington Post*, where he shared in winning a Pulitzer Prize for Watergate coverage. Wilkins was also an associate editor at the *Washington Star* and a columnist and member of the editorial board at the *New York Times*. His writings include the books *Jefferson's Pillow: The Founding Fathers and the Dilemma of Black Patriotism*, and his acclaimed autobiography, *A Man's Life*. He is a past chair of the Pulitzer Prize board.

Frank Tuerkheimer is the Habush-Bascom Professor of Law at the University of Wisconsin, where he has been teaching since 1970 with leaves for government service as an associate special Watergate prosecutor and United States attorney for the Western District of Wisconsin. He has written extensively in the areas of criminal law, constitutional law, and evidence. Tuerkheimer has been of counsel with LaFollette Godfrey & Kahn (formerly LaFollette & Sinykin) since 1985.

The Robert W. Kastenmeier Lecture Series is supported by the fund established to honor Kastenmeier, an outstanding graduate of the UW Law School, who served with great distinction in the United States Congress from 1958 to 1990.

Distinguished Speakers

Top photos from left: Professor Frank Tuerkheimer describes the years of segregation and Congressman Kastenmeier's key role in civil rights legislation; Congressman Robert Kastenmeier '52, for whom the lecture series is named, recounts the challenges of fighting for equal justice; guest speaker Roger Wilkins receives the traditional Gargoyle from Dean Davis after presenting his lecture on the 1964 Civil Rights Act.



PASKUS STUDIO

Study Ranks Law Library 17th in Nation

The UW Law Library has ranked seventeenth in a study of law libraries nationwide compiled by *The National Jurist* magazine.

Using information from the American Bar Association and the American Association of Law Libraries, the study ranked 183 national law libraries on criteria including both quantitative factors and non-quantitative ones.

Quantitative measures included number of volumes, ratio of seating

to student enrollment, number of titles, number of serial subscriptions, ratio of professional librarians to student enrollment, and the number of hours per week that the library is open.

Non-quantitative criteria focused on quality and dedication of library staff and the importance the library places on serving and educating students and other library users.

"We have come a long way from the notion that the quality of a library depends on the quantity of books and journals that the library owns," comments Professor Steven M. Barkan, director of the

library. "It is now conventional wisdom among those familiar with academic libraries that evaluative measures need to focus on the ability of the library to provide access to a wide variety of information in various formats and the quality of services and support offered to students and faculty."

Barkan notes that factors contributing to the UW Law Library's high ranking most likely included its excellent staff, service-oriented philosophy, and location within a great university with a highly-esteemed library system.

High-Spirited Farewell to Dean Kransberger

The Law School bid a sad-yet-rollicking goodbye to Admissions Dean Beth Kransberger in November at a farewell roast that packed the Atrium with well-wishers. Kransberger is leaving after six memorable and highly successful years to return to California.

A string of speakers took the microphone to comment on Kransberger's achievements — students, faculty, staff, and deans.

Dean Alta Charo told the group that Kransberger has been “the best recruiter the law school

has ever had.” Student Bar Association president Nathan Lundby observed, “She reached out and brought people here who didn't know Wisconsin was such a wonderful place.”

Professor Frank Tuerkheimer spoke about Kransberger's combination of humor and professionalism, and Dean Ruth Robarts read an original poem she had composed titled, simply, “Beth.” (“It's in free verse,” Robarts explained. “Maybe more free than verse.”)

Throughout the preceding week students had been taking photos for a memory book to present to Kransberger as a going-away gift. The message on one of the goodbye cakes

captured the communal mood: “Thank you for bringing us together. We will miss you.”

Dean Davis spoke of Kransberger's “sense of personal investment in each individual who chooses to come here.” He also commented, “A lot of the values that make this a special place are the values that Beth cherishes.”

Kransberger told the students, “I have the best job in the whole Law School because I get to know you before you even get here.” She said she will now move on to her new position of “committed alum”; she is a graduate of the Class of 1993.



The Atrium was Standing Room Only as students, faculty and other well-wishers gathered in November to convey appreciation and best wishes to Dean of Admissions Beth Kransberger (above, center, and in top right and bottom left photos). Kransberger is moving to California after six years as “the best recruiter the Law School has ever had.”

Faculty Share Expertise with Community, State, and World

Abramson Speaks on Elder Law Issues



Betsy Abramson

Betsy Abramson was the keynote speaker in November in Baraboo at the conference Hoarding by the Elderly, in which she discussed

confidentiality, ethics, intervention principles, and involuntary legal interventions. In October, she presented a workshop on long-term care planning choices by elders at the Wisconsin Department of Health and Family Services' Long Term Support Conference.

Abramson has also been asked by Richland, La Crosse, Portage, and Marathon counties to create training materials and a continuing education program on health care advance directives for county workers.

In addition, Abramson presented testimony by invitation in September to the Legislative Council's Special Committee on Guardianship of Children, regarding the State Bar Elder Law Section's guardianship reform proposal.

Mansfield and Shear On Team Creating Divorce Video

Marsha Mansfield and **Leslie Shear** are members of the Dane County Delivery of Legal Services Committee (Mansfield as chair), which is currently completing the first in a series of educational videos for pro se family law liti-

gants. The video, geared toward assisting pro se litigants through the divorce process, will be distributed statewide to courts, social service agencies, and libraries, and will be available on the State Bar Web site.

Mansfield has also initiated the Law School's new Divorce Court Assistance Project, in which students are facilitators for self-represented individuals going through the divorce process. The project began in Fall 2004.

Mansfield has been elected President of the Dane County Bar Association and her term begins in June 2005.



Leslie Shear



Marsha Mansfield

Melli Gives Talks On Family Law

Marygold Melli presented a paper in Tosa de Mar, Spain, in September, at the conference New Challenges in Family Law, sponsored by the University of Girona, Spain, law faculty. Her topic was "The ALI Principles and the Economics of Family Dissolution."



Marygold Melli

She spoke on "Examining a New Family Form — the Shared-time Family" in the Colloquium Series in Family Policy and Law sponsored by the Center for Excellence in Family Studies in the School of Human Ecology and the Institute for Legal Studies.

Melli also filed an amicus brief in the Wisconsin Supreme Court in November, arguing that a juvenile should be allowed to consult a parent, guardian, or attorney before questioning by the police.

Shaffer Assisting World Trade Organization

Gregory Shaffer has been awarded several grants to support his ongoing study of World Trade Organization dispute settle-



Gregory Shaffer

ment and strategies for assisting developing countries through the process. He has won a research grant from the International Centre of Trade and Sustainable Development in Geneva and a National Science Foundation Grant. He was also named a UW Vilas Associate, an honor recognizing young scholars who have already achieved prominence in their fields.

Shaffer also received a grant from WAGE (the Center for World Affairs and the Global Economy) with matching grants from others, including the East Asian Legal Studies Center, to fund an interna-

tional conference in Madison in May 2005 on WTO dispute settlement and developing countries.

Shaffer's speaking engagements in the past year have taken him to numerous cities in the United States and abroad to Florence, Tubingen, Sao Paulo, and Geneva.

Professors Present Two-Week Seminar For Police Chiefs



Michael Scott



Herman Goldstein

Michael Scott, Herman Goldstein, Walter Dickey, Michael Smith, and David Schultz conducted a two-week in-residence educational seminar for Wisconsin police chiefs and sheriffs in collaboration with the State of Wisconsin Department of Justice in Summer 2004.

The Wisconsin Problem-Oriented Leadership Institute for Chief Executives (POLICE) was a clear success, Scott reports, and planning has begun for next year. The first week of the interactive sessions was in June, after which police went back to their home jurisdictions with the assignment of applying new knowledge and reporting back when they convened in July for the second week.

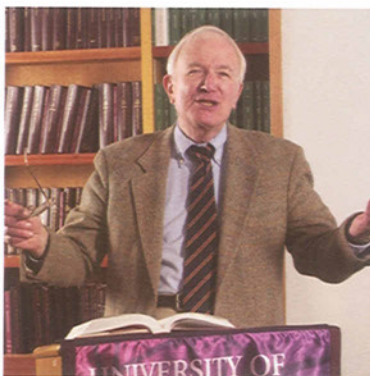
Another Law School professor participating in the program was **Keith Findley**, who spoke on "Law Enforcement Responses to Wrongful Convictions," a topic which he also presented at a police-chief training he conducted for the

Police Executive Group in Fond du Lac. Findley also spoke on "Crime Victims and Wrongful Convictions" at several Wisconsin DOJ Victim-Witness Coordinators' Regional Training sessions, and on "Promoting Justice in Wisconsin" at a Wisconsin Joint Legislative-Judicial Conference on Addressing Injustices in the Justice System.

Macaulay, Mertz Elected to Posts at Law and Society

Stewart Macaulay and **Elizabeth Mertz** were elected to positions with the Law and Society Association in November. Mertz is the new treasurer, and Macaulay has joined the Executive Board.

They increase the Wisconsin presence among the organization's leaders, joining **Howard Erlanger**, President, and **Herbert M. Kritzer**, editor of the association's journal, *Law & Society Review*.



Stewart Macaulay

Viney is Secretary Of Wisconsin Bar

Gretchen Viney was elected Secretary of the State Bar of Wisconsin in 2004. Her two-year term began in July.

Viney was President of the Sauk County Bar Association in 2003-04.

Law Professors Take to the Airwaves

UW Law professors are an ever-increasing presence on radio and television discussion programs, both regionally and nationally. During the past year, for example:

Ann Althouse was featured on Wisconsin Public Radio with Joy Cardin on October 15, discussing the Supreme Court, the Constitution's Establishment Clause, and the display of the Ten Commandments on government property. In July she was a guest on Wisconsin Public Radio's *Here on Earth*, discussing the popularity of Web logs (blogs). *Here On Earth* is broadcast live statewide on the Ideas Network of WPR.

Alta Charo discussed topical issues in bioethics in 2004 on CNN, NPR, Wisconsin Public Radio, Wisconsin Public TV, and Air America's *Al Franken Show*.

Anuj Desai has been a guest on radio programs discussing Internet privacy.

Steve Meili has been interviewed numerous times on radio and television discussing consumer issues such as Wisconsin's lemon laws, payday loans, bad-faith health insurance denials, and negligent home repairs.

Frank Tuerkheimer debated election issues with Bill McCoshen, former member of Governor Tommy Thompson's cabinet, on Wisconsin Public Radio's Ben Merens show October 27.

Video on Neighborhood Law Project Airing During Badger Games

The Law School's Neighborhood Law Project (NLP) is featured in a short video that you may see on television in February if you are watching Badger Big Ten men's basketball games. It is one of a group of videos made especially to be broadcast regionally during half-times of the games.

The video features NLP students working with clients in their community office on South Park Street, as well as in the Dane County Small Claims Court. NLP is a community-based poverty law clinic, where law students provide legal services to low-income people in the neighborhoods surrounding the law school.

Dean Davis is also interviewed about the importance of clinical education to the Law School.

"It was really gratifying to be selected to represent the University's community-based educational and service programs," says Clinical Professor Juliet Brodie, Director of NLP. "The Neighborhood Law Project is very well-suited to tell the story of the Law School's commitment to experience-based learning, to Law in Action, and to the justice mission of the legal profession."

NLP serves hundreds of clients each year, principally in landlord-tenant, unpaid wage, and welfare matters. Students are responsible, under close supervision, for every aspect of client representation.

Quraishi Speaks on Islamic Law at Cardozo Program



Asifa Quraishi

Asifa Quraishi spoke in October on "Interpretation and Historical Meaning in Islamic Jurisprudence" at the Cardozo Law School conference Text, Tradition

and Reason in Comparative Perspective. This was the inaugural program for Cardozo's new Program in Jewish Law and Interdisciplinary Studies.

In November Quraishi presented "An Introduction to Islamic Law for Teachers of Pre-Collegiate Classrooms" at the Middle East Studies Association conference, on a panel titled Innovative Approaches to Teaching about Islam in the Pre-Collegiate Classroom.

Ossorio Wins Award from the National Institutes of Health



Pilar Ossorio

Pilar Ossorio was awarded a million-dollar grant in 2004 from the National Institutes of Health to conduct a major project investi-

gating the practice of community consultation as a method in applied research ethics. The grant, which will run for three years, will enable Ossorio and approximately nineteen other scholars from diverse disciplines to study how researchers engage in discourse with minority and indigenous populations in the U.S. and abroad.

Monette Assists Tribes With Constitutions



Richard Monette

Richard Monette has drafted seven constitutional amendments for the Havasupai Tribe, which resides on the Grand Canyon floor in Arizona. He is also assisting members of the Notawasippi Tribe in Michigan in seeking constitutional change, and, through the Great Lakes Indian Law Center, he assisted the Cheyenne and Arapahoe Tribes of Oklahoma with drafting a total revision of that First Nation's constitution.

In November, Monette conducted a two-day workshop in Green Bay for First Nations judges and administrative hearing officers in the Great Lakes area, and in October he spoke at Detroit College of Law on civil rights under U.S. First Nation governments.

Three Professors Speak in Nagoya

In October 2004, Nagoya University Law School brought Professors **Cliff Thompson**, **Charles Irish**, and **David Trubek** to Japan for a conference on law and development in Asia.

Irish spoke on "Removing Impediments to the Mobilization of Local Resources," Trubek on "The Rule of Law in Development Assistance" and Thompson on "Faculty Development in Indonesian Law Schools to Strengthen Economic Law Expertise."

Jack Siegel '81 Contributes Expertise As Worldwide Donors Seek to Aid Disaster Relief



Jack Siegel '81

In the weeks since the deadly tsunami struck South Asia on December 26, 2004, Law School alumnus Jack B. Siegel '81 has been a source of expertise for people around the world who are trying to determine which relief organization to choose for sending donations to help the victims.

Siegel, who lives in Chicago, is an attorney and CPA who has advised numerous nonprofit organizations on tax-related issues. He has also developed software to help charities improve their governance.

On December 28, *The New York Times* published a list of fourteen major relief organizations where people could send donations. Siegel made a study of which organizations on the *Times* list had a clear method for allowing donors to earmark their funds for tsunami relief. He posted his findings on his Web site, <http://charitygovernance.blogs.com/>, under the title "If You Want to Earmark Your Dollars for Southeast Asia Earthquake

and Tsunami Relief Be Sure to Review the Online Donation Form Carefully."

"For me it was just another day's post," he recalls.

He did not anticipate what came next: He received a call from a reporter at the *Times* itself, who included information about him and his study in an article titled "Giving for a Cause, and That Cause Only," in the January 5, 2005 edition. Reporter Stephanie Strom wrote that "Four of the fourteen charities [Siegel] surveyed offered a clear method for earmarking gifts for tsunami relief efforts. The rest were more ambiguous, and Mr. Siegel's Web log advised donors to take care in making their choices."

As soon as the article appeared, Siegel was surprised to find himself a focus of worldwide attention, with phone calls from reporters in France and Italy, and e-mails from around the world. "This was my first exposure to being in *The New York Times*," he says. "Things really happen when you are in *The New York Times*."

The reason Siegel decided to investigate the issue of earmarking contributions was that he was already making a study of the Red Cross response to the Sept. 11, 2001 terrorist attacks. The Red Cross encountered great criticism when reports revealed that the donations it received after the 9/11 disaster had not all been used to help the victims. "So when the tsunami hit," Siegel explains, "I wanted to examine how relief organizations were responding to the lessons of the Red Cross."

He also had a personal reason to analyze the organizations: he and his wife were planning to make a donation themselves, and, like countless others worldwide, they were wondering which relief organization to contact.

About Jack Siegel

Jack Siegel is currently CEO of Auto Didactix LLC. Before founding the firm in 1995, he practiced law with Foley & Lardner in Milwaukee, where he was a partner in the Corporate Tax Department.

He recalls that he had no trouble deciding what area of law to focus on during his UW Law School years. "I came to law school wanting to be a tax lawyer," he says.

After receiving his J.D. in 1981, he earned an LL.M. in Taxation from New York University Law School, and a Master of Management degree from the Kellogg Graduate School of Business at Northwestern University.

His interest in nonprofit organizations is partially due to the fact that his wife, Evelyn Brody, a law professor at Chicago-Kent College of Law, focuses her research on nonprofits. "We talk about these issues all the time," he says.

(Brody was a lecturer at the UW Law School from 1985 to 1988, teaching partnership tax.)

Siegel advises nonprofits on a wide array of issues, from property taxes to public disclosure to governance in general: how directors make decisions. "There is a real need for training in the nonprofit area," he says.

He says that after the *Times* article generated unprecedented interest in his Web log, he posted other stories relating to nonprofits for his newfound audience. Titles include "Don't Be Misled by Administrative and Fundraising Ratios — These Are Largely Irrelevant Numbers" and "What Exactly Are the Relief Organizations Doing?"

The Lawye Program:

From Strength to Strength

THE FORMER GENERAL PRACTICE PROGRAM HAS A NEW NAME AND DYNAMIC NEW COURSES, BUT IT RETAINS ITS CORE METHOD OF HANDS-ON TEACHING BY PRACTICING ATTORNEYS.

When Ralph Cagle came to the Law School in 1990 to teach the General Practice Course, his intention was to do it for a year while the Law School conducted its national search for a successor to the program's founder, Stuart Gullickson. "I was in private law practice doing trial work and enjoying it very much," Cagle recalls. "But I had always liked teaching, and I thought I was signing on for a one-year sabbatical from the law practice."

Fourteen years later, Cagle is still here. "After a few months of teaching," he says, "I realized that I had found what I was designed to do."

The program has evolved since Cagle came on board. About two years ago, its name was changed to the Lawyering Skills Program, to emphasize that it teaches skills needed by

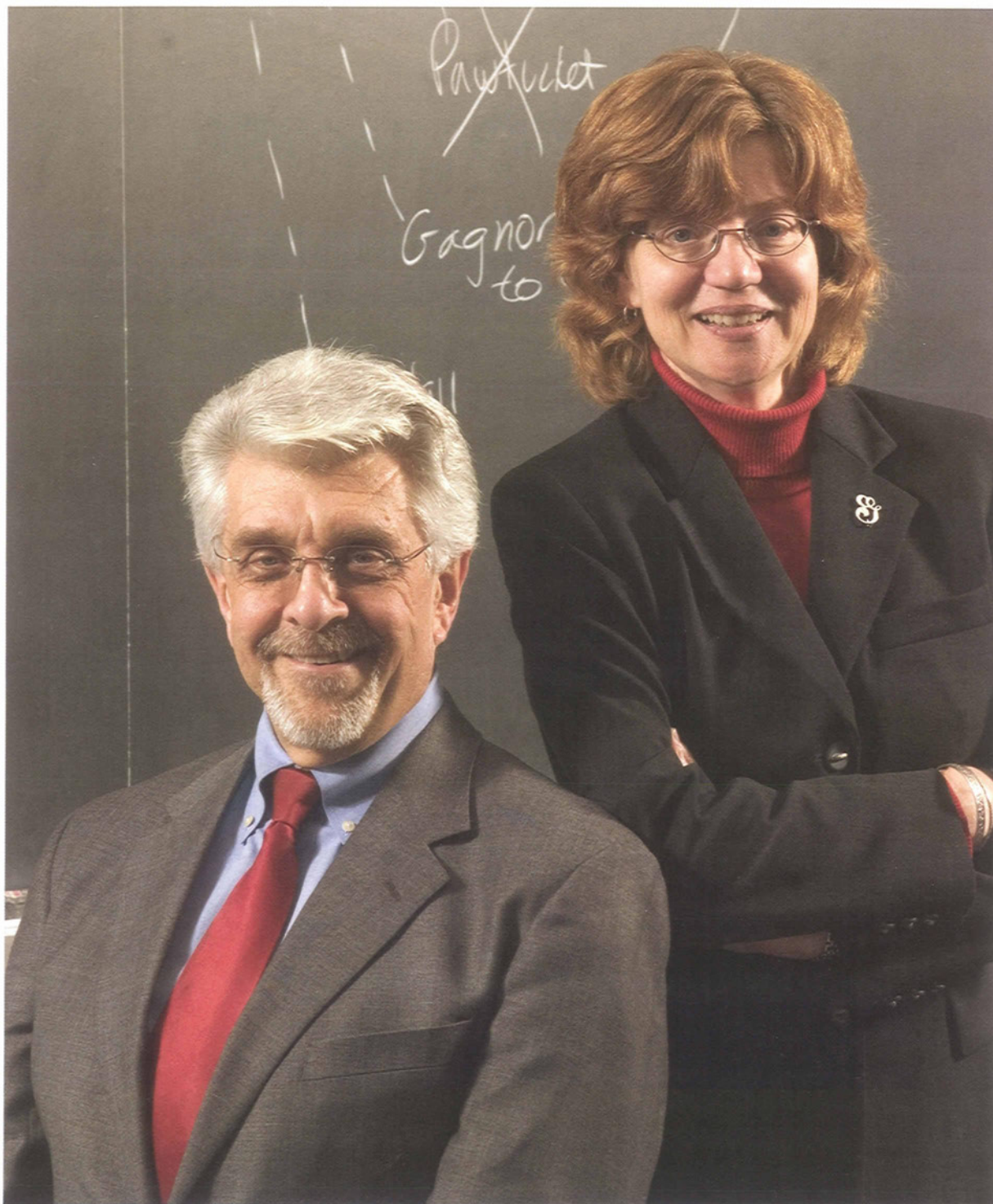
all lawyers, not only the tasks involved in running a practice.

"For many years we had what was known as the Summer Problems Course," Cagle says. "It was offered in the summer, for no credit — an alternative to serving the six-month clerkship in a law office that was required at that time for admission to the Bar. Dean George Young had the idea that the practical training people were getting in the summer program would be a valuable part of the curriculum."

"So he selected a private practitioner from Wausau — Stuart Gullickson. In 1968, Stuart launched the General Practice Program. It was all Stuart's design — very practice oriented — and the genius of it was having it taught by practicing attorneys — a lot of practicing attorneys."

Gullickson brought in four practicing attorneys each week for ten weeks, and all

ring Skills



BOB RASHID (5)

Students Give Skills Program High Marks

The *Gargoyle* telephoned a few students who participated in the Lawyering Skills Program to ask for their comments. Here are excerpts from their responses.

Carl Kugler '98

Foley & Lardner

I have participated in the Skills-Intensive Weekend as both a student and an instructor.

As a student, I found it a fantastic dry run at the practice of law — much more hands-on than any other experience I had in Law School.

As an instructor, I came away [realizing] how impressive the students are — particularly the students in the weekend program — and how professional their work product was.

The inherent value of the program is the way it teaches by replicating practice. There is such a temptation for students in a conventional law school class to cram at the end, while the Lawyering Skills class puts a much higher premium on timeliness. When it's done right, as this program is, it's a much better way to learn.

Nancy Lynch '96

UW Administrative Legal Services

In addition to taking the course, I've also come back as an instructor.

The class is really quite wonderful — a step into a reality that is going to start very soon. It is a good transition from the end of academic work in law school to the world of practice.

And, if I may put in a plug for Ralph here: Ralph makes that class — he is that class. He embodies everything about it.

One important thing I've taken away from Ralph's class is that you need to remember you are dealing with people's lives. That is something that I've used every day since I started practicing.

would teach as a group. He worked closely with them and designed all the teaching materials. "He realized that to get practicing attorneys to actively teach students, the attorneys had to be shown how to translate their practical abilities and knowledge into teaching — he had to teach them how to teach law students.

"The core of that course is still there: an extremely well-qualified faculty that is well prepared for teaching. They are the absolute throbbing heart of this course — what makes this course so unique and so useful."

Cagle has received calls from deans and professors at other law schools who are interested in replicating the Lawyering Skills Course.

who has taught here. I get a call back in a couple of days, and the person says, 'This is a great honor. I would love to.'

"There's something unique to Wisconsin in its legal tradition that makes this happen," Cagle says. "I question whether anyone else could do this."

"Practicing attorneys who are well prepared for teaching are 'the absolute throbbing heart of this course.'"

(For a look at this teaching experience from the vantage point of some visiting attorneys, see the November 2004 issue of *Wisconsin Lawyer*.)



"The hang-up for them is getting practicing lawyers to give up a week to teach. Here, it has never been a problem in nearly forty years. In the years I've been here, I've never had a problem finding high-quality people to teach — because of the tradition that Stuart instilled in people.

"When I call someone new and ask if they can teach, and they've never heard of this program, at first they say, 'I don't know ...' Then I suggest they talk to one of the partners at their firm

Through the years, Cagle has made changes to the structure of the course, and instituted the very successful format of the annual Skills-Intensive Weekend. Students work on a case file just as it would be in the "real-practice world." From twenty to forty lawyers come for two days and take students in groups of two and four, working with them on key skills: oral communication in a motion hearing, client interviewing and counseling, and negotiating the resolution of the case. Each student

LAWYERING SKILLS

gets individual feedback from two practitioners.

"Many students have said that this weekend was the most intense experience in the course, if not in law school," Cagle says, adding, "It was an organizational challenge when we started it thirteen years ago. Now we have a wide variety of faculty who are very committed to this enterprise."

Cagle, like Gullickson, saw the importance of teaching the visiting attorneys how to demonstrate rather than lecture, and how to provide feedback. He gives them a three-hour intensive training session on the Friday preceding the skills-training weekend.

"A payback to the profession from this course may be that it has helped to nurture the art of mentoring," Cagle says. "There is a lot of evidence to suggest that one-on-one mentoring is in decline in our profession. Well, we have trained well over five hundred lawyers as teachers in this course since 1990. They not only learned some of the techniques of teaching young lawyers, but also had very positive mentoring experiences. Many have discussed with us how they wanted to incorporate that into their own firms and offices."

* * *

A clarification for the uninitiated: the Lawyering Skills Course is not the only course in the Lawyering Skills Program. The number of new courses in the program continues to grow.

Several years ago, Cagle created his Negotiations course after being shocked to discover that there was no such course at the Law School. Now, there are four sections of Negotiations, with about eighty students participating each year. "That's a big step up from zero," comments Cagle.

Cagle also has taught Professional Responsibilities and

Legal Ethics, imparting invaluable, real-world knowledge to future lawyers. But there were still more skills that he knew his students needed to learn — he just didn't have time to teach them.

"Then came the happy day in my life when Gretchen joined me," Cagle says, referring to Associate Director Gretchen Viney, who joined the program in 1997. "One of the things she came to teach was client interviewing and counseling — and she became wonderful at it."

Training attorneys to teach the skills course has given them positive mentoring experiences that they then incorporate into their own offices.

Viney, a 1978 graduate of the Law School, had taken the General Practice Course herself, and had gone on to work in private practice, first in a Portage firm and then in partnership with her husband at Viney & Viney in Baraboo. Starting in 1981, she had come back almost every year as one of the course's attorney-faculty. When Jane Heymann, who had been working with Cagle, took a position in the Office of Career Services, Viney joined the program not only to teach, but to edit the program's proliferation of materials. She continues her practice in Baraboo part-time: "Because I have a busy court practice, the judges are kind enough to schedule around my teaching schedule."

"I love the job," Viney says. "Ralph is wonderful. When he delegates responsibility, he's very happy to help but doesn't look over your shoulder. He's a little more creative, and I'm a little more practical. We make a great team."

When asked what she specifically likes about this program, Viney does not hesitate. "I really

Meg Pekarske '00

Reinhart Boerner Van Deuren

The course was a terrific opportunity to apply what I had learned and to understand how to be a lawyer. It gave me a better understanding of the practice of law in general — even specific fields that are not applicable to what I do in my current work.

Anything we can do to minimize the gap between law school and what it's like when you begin law practice is really valuable.

It was a great experience.

Marco Espinoza '03

Domestic Violence Prosecutor,
Menominee Nation

The thing I really learned in Ralph's classes was that the best skill is to prepare. Ralph taught us that you can't control the jury or the judge or the facts or the emotions of your client, but you can control the preparation that you do on any case. I am so grateful to Ralph and Gretchen for giving me those made-up scenarios.

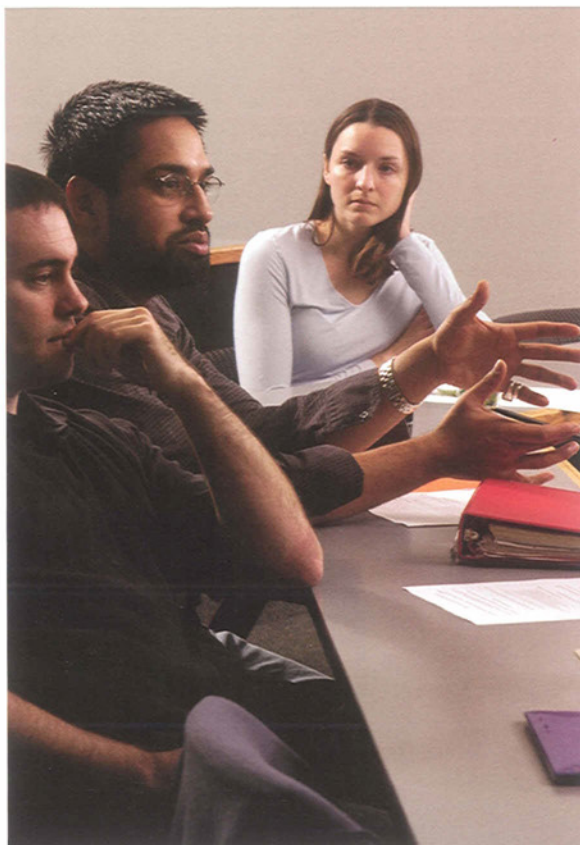
Ralph and Gretchen were two of the people who helped me the most in law school. I'm working now in a small office, and there was not a lot of training when I started. I was grateful to every professor who helped me to get ready for the world of practice.

And Gretchen's mentorship in terms of client interviewing: I can't even tell you how much that meant to me.

One of the greatest opportunities in the course is to meet all the other lawyers Ralph recruited. That was the first time I'd ever met anyone who worked in Indian law, and now they are my colleagues in the Indian Law Section.

I hope one day I am one of the lawyers Ralph calls on to come and teach.

LAWYERING SKILLS



like lawyering, so it's really fun for me to help students become lawyers. I enjoy the networking — introducing students to the teaching lawyers on our faculty. I like the practicality of the course.”

Viney, too, continues to expand her repertoire. Her newest course is Real Estate, which she designed and taught for the first time this year. True to the hands-on methods of the program, her courses are full of role-playing and simulation exercises.

The year 2003 marked the debut of another new course under the Lawyering Skills umbrella: Oral Communications, taught in multiple sections by Cagle, Christina Plum, and Susan Steingass. This course was established in part as a response to Assessment 2000, the Law School's survey of recent graduates and their employers, which resulted in a loud and clear message that both

written and oral communication are key skills that need to be emphasized in law school.

“Oral Communications is one that I've wanted to teach for years,” Cagle says. “I've seen that law students who are proficient in expressing themselves in writing can lack confidence about getting up in front of a group.

“There is an expectation that lawyers are skilled at public speaking — a tradition of lawyers telling the oral story of the society, speaking up at meetings, testifying before the city council. Students admit their fearfulness and want to get better, so we have a willing audience of learners. It seems to sell out pretty quickly.”

Cagle adds, “Public speaking is everything from carrying on a conversation with a senior partner, to talking to another lawyer, to participating in a meeting — and certainly talking with a client. We want them to understand that every time they're talking with someone else in the room — that's public speaking.”

The seven-week Oral Communications course is intense and fast-paced, Cagle says. The heart of the course is when student and teacher sit down together to critique a videotape of the student doing a speaking exercise. The student will then focus on improving specific speaking skills for the next assignment. “The most compelling thing they learn is a sense of confidence and

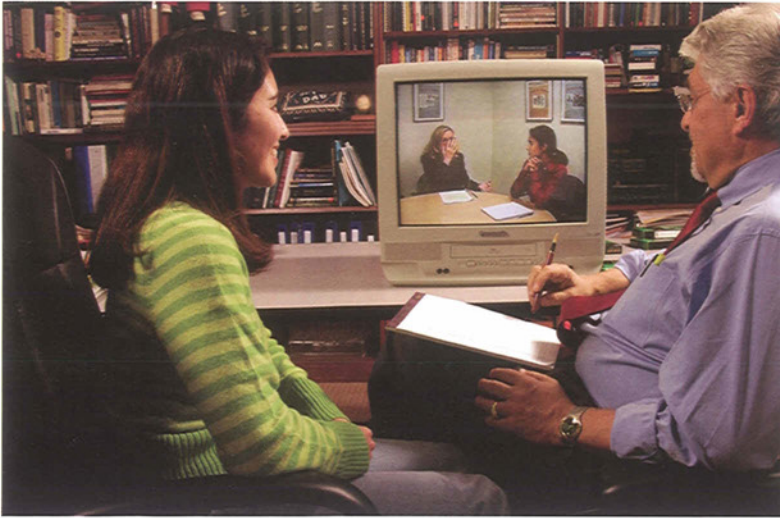
that they can do it,” Cagle says.

“We're hoping to make the Oral Communications course available to a lot of our students,” he adds, “but first we have to develop a cadre of faculty who can teach it. Many lawyers can speak publicly — but can they teach it?”

Cagle looks back to the early days once again when he speaks of the important role of the State Bar of Wisconsin in the success of the skills program. “From the very beginning of this course, there has always been a very positive relationship with the State Bar. Whenever we have gone to them, they have been willing to help, both with their extraordinarily well prepared materials, and even for some financial support.”

Another big help, says Cagle, was the MacCrate Report, produced in 1992 by the American Bar Association Task Force on Law Schools and the Profession, which presented a strong argument for re-evaluating American legal





Stuart Gullickson, Then and Now

Stuart Gullickson, founder of the Law School's noted skills program, has continued to be



active in the Madison community since his retirement in 1989. A graduate of the Class of 1950, he is well known in the Wisconsin legal community and as far away as Australia for his work in creating the Law School's successful skills practice program.

In addition to creating and continually modifying the General Practice Course, Gullickson taught Civil Procedure, Trial Advocacy and Evidence. He wrote prolifically on teaching lawyering skills, and was frequently consulted by other schools interested in creating their own skills programs. In 1986 he was awarded the Habush-Bascom Chair in Trial Advocacy.

In retirement, Gullickson co-authored *Federal Civil Practice in the Western District of Wisconsin* with colleague Scott Minter. It was the first book of its kind: an explanation for lawyers and parties appearing *pro se* of the requirements of specific federal trial court judges.

Gullickson contributes much of his time to the local Alzheimer's Disease community because of his wife Janet's experience with the disease.

He has had noteworthy travel adventures, as well: trekking into the Mount Everest region of Nepal, and taking two major voyages on cargo ships.

education. The Wisconsin Commission on Legal Education, using the MacCrate Report as a basis for its own inquiry, agreed with two fundamental observations in the report: that lawyers should be taught a common set of professional skills and values, and that legal education should be a continuum that begins in law school and continues throughout a lawyer's career.

"It was an extensive and articulate report," Cagle says, "so it helped us." The most support for the program, however, came from within the Law School itself, Cagle adds. "We've had the total support of the two deans I've worked under — Dan Bernstine and Ken Davis. Money has always been an issue, but I've never felt that the support has been anything less than generous, and there has been a lot of personal support and encouragement from both deans."

Having seen the long-envisioned Oral Communications course launched, Cagle continues to implement ideas for new ways to help students learn about the world of practice that awaits them. He has begun bringing back recent graduates of the program to play the role of clients in role-play situations, and one of his newest

ideas is a program on "how to manage the early years of your practice," bringing in a teaching team composed of recent Law School graduates, whose experience is fresh in their minds, as well as senior-attorney faculty members, who can speak from years of experience.

Cagle, Viney, and the other faculty thrive on the whole enterprise, and so do the students who participate — an annual average of about sixty. (For comments by recent graduates, see the side columns on pages 22–23.)

In fact, some students can't get enough of the hands-on skills courses. "Sometimes you get people who are kind of junkies," Cagle says, "and we discourage that. We often encourage them to take a clinical course; there's an advantage to dealing with real clients in real situations."

For Cagle, it's all a labor of love. "I represented lawyers for twenty-five years, and I'd been a mentor to lawyers," he says. "The process where a young person comes into this profession and grows into an accomplished lawyer has always been inspiring to me. This is a chance to get to them a little earlier and affect them while they're learning." ■

MOCK TRIAL TEAM

at Wisconsin School for the



(Above) Sara Collins uses a large repertoire of communicative expressions as she makes her points. (Top right) Michele LaVigne always enjoys a “teachable moment.” (Bottom right) Toby Stennes argues so rapidly in American Sign Language that his hand is blurred in the photograph.

Clinical Professor Michele LaVigne’s student team wins a first-place and points the way to a future when the profession will not lack deaf lawyers.

Michele LaVigne will never forget the scene when her mock-trial team from the Wisconsin School for the Deaf (WSD) won first place in the State Bar regional competition in February 2004.

“I’m quite certain nobody (except ourselves) expected us to win,” recalls LaVigne, a clinical professor at the Law School’s Remington Center. “After Round Two we started to think, ‘Holy cow! We could win this!’ Then we hit a tough third round and figured maybe we’d come in third. When the winner was announced, the place was up for grabs. It really was the stuff of movies.”

LaVigne relishes the memory of being called in with all the other coaches to check the score sheets before the winners were announced publicly. “I flip something over and see that we’ve won all rounds; we had four Ws, but I didn’t really know what that meant.”

Someone explained the significance of the four Ws to LaVigne, who then had to keep the news a secret from her team.

“I have no poker face,” she says. “I had to find in my heart a

Deaf: A Win-Win Project

poker face. I said to [assistant coach] Chris Hanewicz, 'Could I talk to you out in the hall?' "

"They announced third runner-up, then second. People were thinking maybe we'd be fourth. When they announced that WSD was the first-place winner, there was a roar."

This was the first time a team of deaf students participated in the state competition, and only the second time in the nation.

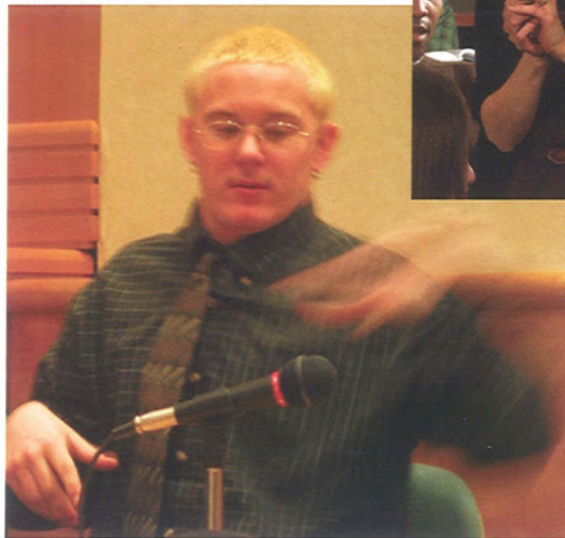
After their spectacular achievement at the regional in Janesville, the team went on to compete in the state tournament in Madison in March, winning sixth place out of fifteen.

For her work with the WSD team (six years and counting), LaVigne received the Gordon Sinykin Award for Excellence in Law-Related Education from the Wisconsin Bar Foundation.

LaVigne can trace the beginnings of this joyful success and of her interest in working with deaf students back to her childhood, when she rode the school bus with children from a neighboring school for the deaf. In later years as a public defender, before she joined the staff of the Law School's Remington Center in 1988, she had another significant encounter. "The county was trying to take kids away from deaf parents, and I thought, 'Something major is

wrong here.' I read the file — and took over the case. That was twenty years ago, and here I still am."

Working on that first case introduced LaVigne to experts on issues of deafness. Later, when she had two deaf law students in her



Law School Trial Advocacy class (Jose Irizarry '95 and Jane Coffey '98) and she noted that there was, and still is, only one deaf lawyer in Wisconsin, the idea of a mock trial team began to take shape.

The mock-trial program began in 1999 as a part of civics class at WSD. LaVigne drove to Delavan every Wednesday to watch how WSD teachers communicated with their students. She began a mock-trial project that culminated in the



BOB RASHID

students' trying a case with the help of LaVigne, five law students, two staff interpreters from WSD, and a real judge: Judge Richard Brown '71 of the Wisconsin Court

of Appeals, himself deaf, who became the team's regular presiding judge and one of its biggest supporters. "I had no idea if we'd get past that first year," LaVigne says. "But what happened was that a new teacher came in — Chris Woodfill, a graduate of Gallaudet University, with a master's degree in international relations from George Washington University. He got hold of me and said, 'I'd like to see if we can make this work.'"

MOCK TRIAL TEAM AT WSD

LaVigne also decided to contribute funding to hire professional legal interpreters, since staff interpreters from WSD were not familiar with legal terminology. "It really made a difference," she says.

Another important contribution was that of Chris Hanewicz '99, who was one of the original law students to work on the program and went on to become LaVigne's co-teacher. Hanewicz graduated and went to work for Foley & Lardner, and the firm made a generous contribution to pay for interpreters. When Hanewicz took a new position, with Heller Ehrman White and McAuliffe, his new firm also made a major contribution to pay for legal interpreters, and Heller Ehrman has continued to provide annual funding. "They have been unbelievably generous," LaVigne says.

This year, interpreters were paid for by Heller Ehrman, WSD, and the State Bar.

Throughout the competition, the team also received "great comments" from competition judges, particularly Dane County Circuit Judges William Foust '78 and David Flanagan '74, LaVigne says. "They really stepped up to the plate, appreciated these kids' talents, and weren't condescending or patronizing."

"In terms of making it go, it really did take a village," LaVigne says.

Part of the village is the Law School's Remington Center and its supportive attitude toward her work at WSD. "The Remington Center is a place that says, 'You want to do a mock-trial program at the WSD? Go ahead and do it,'" says LaVigne.

When she is not working with the WSD students, LaVigne is busy directing the Remington Center's Public Defender Project, as well as teaching Trial Advocacy. She also teaches at trial-practice

institutes around the country.

LaVigne credits her WSD work with changing the way she teaches all her courses. "I think teaching those kids has really, really taught me a lot about teaching in general," she says. "I'm more inclined to present visuals. I demonstrate concepts rather than simply talking about them. I call it 'finding the movie.'"

Her work with the WSD team led to her article "An Interpreter Isn't Enough: Deafness, Language and Due Process," co-authored with McCay Vernon and published in the *Wisconsin Law Review* in 2003.

LaVigne's interest has also led her to study American Sign Language. She has conversational skills, she says, but is not fluent; she can communicate one-on-one with her WSD students, but when she is working with the group and talking about law or trial advocacy, she uses an interpreter.

LaVigne has recently begun a study with Jack Spear, a Madison psychologist who is deaf, on the special needs of hard-of-hearing people (as opposed to those who are deaf). "Hearing loss is seven times more prevalent among inmates in prison and juvenile facilities than in society at large," LaVigne says. "Hearing loss of any kind affects your language acquisition, your ability to comprehend how the world operates. The hard-of-hearing get clobbered; they are often severely disadvantaged but are overlooked because they *look* hearing."

When LaVigne was presented with the Wisconsin Bar Foundation's Gordon Sinykin Award in May, every one of the WSD team members attended the award ceremony at Monona Terrace. In her acceptance speech, signed by interpreters, LaVigne thanked her WSD students from the bottom of her heart "for being the best teachers I've ever had." ■



Members of the Wisconsin School for the Deaf Team that won first place in the 2004 Janesville regionals of the State Bar Mock Trial Competition are: Front row, from left: Sara Collins, William Jennison, Matthew Goeb, Terrance Stennes. Back row, from left: Law School staffer Lonnie Bentil, Brian Nehls, Eric Waters, Toby Stennes.

Q & A: Rachel Arfa and Dan Millikin

Two first-year students who are deaf share their view of UW Law.



Rachel M. Arfa
Hometown: Chicago
B.A., American Culture
University of Michigan

Editor's Note: When Michele LaVigne was interviewed for this issue,

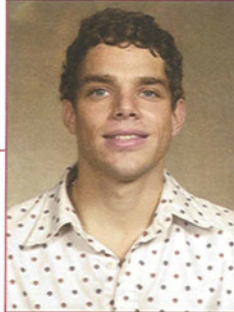
she recommended that the Gargoyle contact two first-year law students who are deaf to ask about their experience in law school. Both Rachel Arfa and Dan Millikin were happy to reply by e-mail. Here are excerpts from their responses.

GARGOYLE: Michele says you love it here! Is that still true?

RACHEL: I have wanted to attend law school for so long, and it is such an accomplishment to finally be here. Wisconsin is truly a unique place to be. I love the cooperative environment, meeting classmates from all walks of life, and learning from top-notch professors. I also greatly appreciate the school's extraordinary commitment to providing outstanding support services, which makes all the difference in providing equal access in my education.

DAN: There is no city like Madison, for sure! I see Madison as a lively, small cosmopolitan city full of culture, arts, food and people with accessible paths to a variety of places. The scenic views in and around Madison are completely gorgeous.

GARGOYLE: What attracted you to the UW Law School?



Daniel P. Millikin
Hometown: Philadelphia
B.S., Psychology
Rochester Institute of Technology

provides to someone who is deaf or hard of hearing?

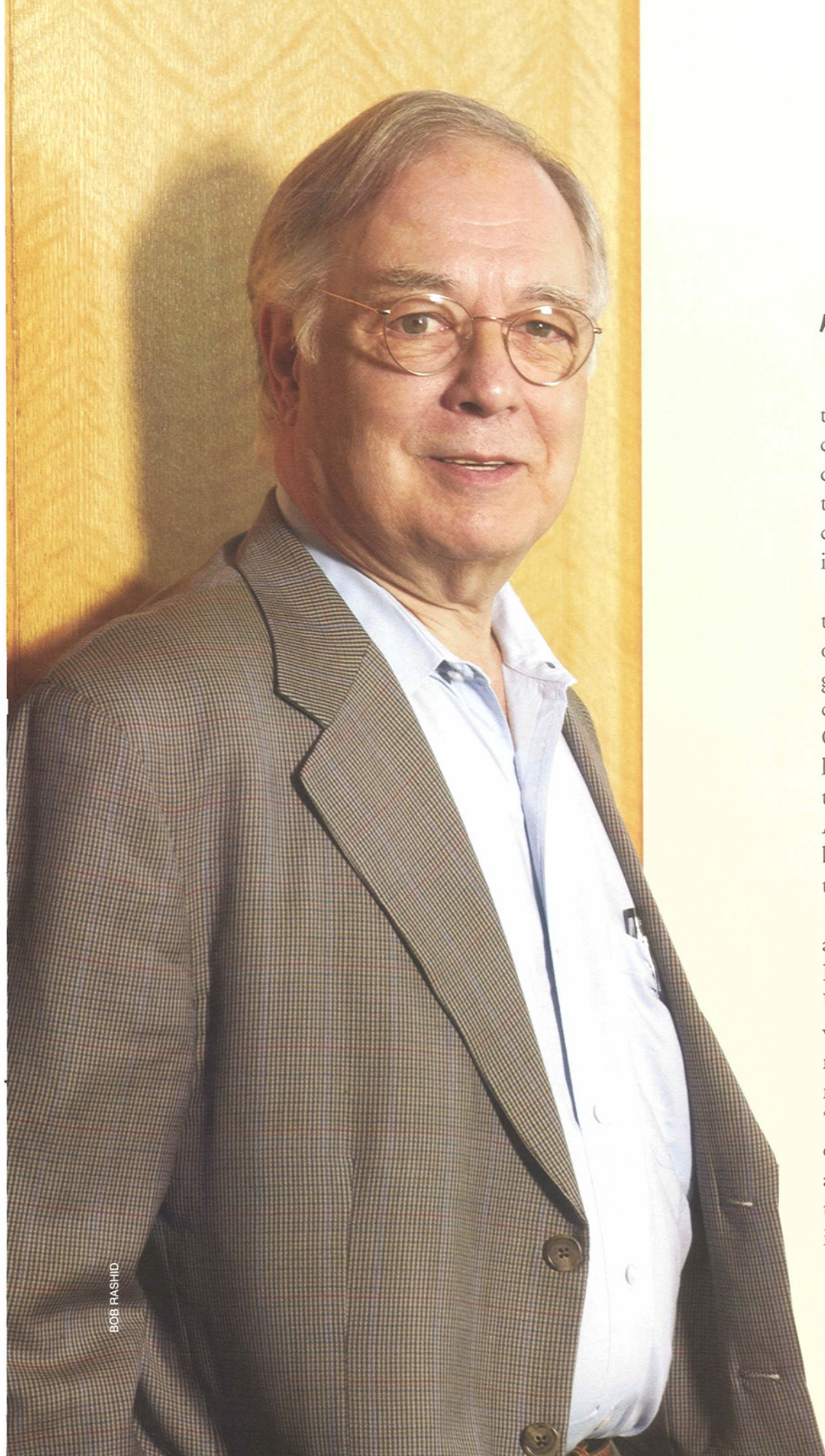
DAN: Rochester Institute of Technology, my alma mater, has a large deaf and hard-of-hearing population, with at least 1,200 or more deaf or hard-of-hearing students. So I had more interaction with deaf students back then. It is a completely different scenario here for sure, but I find it quite rewarding that I have opportunities to meet new and fantastic people and to get to know them personally.

DAN: I worked in Washington, D.C., for the past three years at the U.S. Department of Labor and met a UW Law alumnus, Jose Irizarry. I became captivated with the idea of becoming an attorney someday. He encouraged me to look at several law schools, especially his alma mater! I am enjoying every moment of my time here. *[Editor's Note: Dan also won first place in this year's Race Judicata.]*

RACHEL: I was attracted to Wisconsin for so many reasons. I find that I learn best by doing, and love the school's commitment to its clinical programs. Having a professor on the faculty like Michele LaVigne was also a huge factor to me — she is a trailblazer in digging through the legal system and exposing areas of inequities of access for the deaf and hard-of-hearing population, and it is truly a privilege to be able to attend school here and learn from her. She also provides incredible support: as a deaf person, it means so much to be able to talk to her, as she understands what my daily life is like, and what it means to not rely on hearing with my ears to communicate and navigate through my daily life.

GARGOYLE: Does UW Law School contrast with your undergraduate institution in the experience it

RACHEL: I went to University of Michigan for my undergraduate education, and at both Michigan and Wisconsin, I am just amazed by the level of commitment to providing high quality support services. It is a greater contrast to the rest of my education, where from kindergarten all the way through twelfth grade, I struggled and fought against school systems that had their own idea of what equal access in the classroom meant. I fought to preserve my right to be a student, and to have access to my own teachers, a freedom that most other students don't even think twice about. As a result, I am greatly appreciative of every class I attend, and every lecture/workshop that I attend that has real-time captioning provided. I have to admit that I am still loyal to the Wolverines, but don't tell my law school classmates!



BOB RASHID

The verdict is in: Professor Marc Galanter has touched a nerve. In the course of his research he discovered a striking fact: the number of trials conducted in the U.S. is declining sharply.

News of the “vanishing trial” has spread throughout the legal profession, giving rise to surprise and concern — even before Galanter’s article was published this November in the *Journal of Empirical Legal Studies*, accompanied by commentaries from twelve other writers.

Galanter is the John and Rylla Bosshard Professor of Law at the UW Law School. He has a way of seeing things that no one else does. His much-cited 1974 article “Why the Haves Come out Ahead” is universally acknowledged as one of the groundbreaking analyses in legal literature.

THE VANISHING TRIAL

MARC GALANTER'S STRIKING DISCOVERY

And now, quite clearly, he has done it again.

"This has had a phenomenal impact," says Professor Stephan Landsman of DePaul University Law School, who is actively involved in examining the "vanishing trial" issue. "It has become the central topic of the day within the federal court system. And without Marc's uncanny insight, this would not have happened."

Galanter explains the genesis of his achievement in modest terms. "For another purpose I was looking at some statistical data on the federal courts," he says. "It just sort of struck my eye that there were fewer trials. I was surprised because everything else in the legal world seems to be growing."

His next question was whether the trend was the same for criminal cases. "It turned out it was. And in the state courts? It turned out it was. It wasn't just federal. I had touched on some general development in which there are fewer and fewer trials."

In the next pages of the Gargoyle, Galanter shares a summarized version of this research. (The in-depth article is available on Galanter's Web site, www.marcgalanter.net, along with the majority of his other papers.)

Although Galanter spoke on this topic for the first time in 2001, he began to explore it in depth in 2003 when the Litigation Section of the American Bar Association proposed sponsoring his research. Everywhere he looked,

he found that despite an increasing amount of litigation, the absolute number of judicial trials has been steadily decreasing in the last twenty years. Another scholar, Gillian Hadfield at the University of Southern California, found that fewer trials does not mean more settlements, but rather more non-trial forms of adjudication, with many cases being sent to Alternate Dispute Resolution (ADR), and more summary judgments and motions to dismiss.

When an article on the phenomenon was published on the front page of the Sunday *New York Times* (December 14, 2003), even more interest was stirred up, Galanter says. "It was something that most people found surprising. You hear about so much litigation, and you assume there are lots and lots of trials."

"Interest is keen," confirms Landsman. "The implications are powerfully serious. If this whole notion is true, as we are finding it to be, we don't need a whole lot of courtrooms; we don't need a whole lot of judges who are skilled in trying cases. This is a turning point; we need to be thinking about what the fate of the court system ought to be."

Landsman can gauge the rising interest by the number of groups that have asked him to speak, including the Seventh Circuit and Sixth Circuit judicial conferences and the State Supreme Court justices. Galanter himself has had no shortage of requests to speak. The

ABA's Dispute Resolution Section chose "ADR and the Vanishing Trial" as the cover story of its summer 2004 magazine, and groups around the country have slated the issue for discussion. "Every bar group and judges' group has glommed onto this," Galanter comments.

"Marc Galanter's work is a fine example of Law in Action, the Wisconsin tradition that goes back at least to 1911," says UW Law Professor Stewart Macaulay, whose own scholarship shares Galanter's emphasis on looking at law from the bottom up.

"In essence, we follow that great Wisconsin philosopher, Vince Lombardi of the Green Bay Packers, who is famously pictured yelling at his team on the field, 'What in hell is going on out there?' We hear much about a litigation explosion and the need for 'tort reform,' but Marc looks at what is really going on and discovers that the great problem is largely a fantasy."

In addition to documenting the decline of trials, Galanter is looking at the bigger picture, contemplating what this decline signifies. "I am interested in the whole question of displacement of adjudication into other places, and in what it means when law is a series of battles about interpretation rather than trials about what happened. Does this reflect or presage some change in law as we know it?" ■

LAW WITHOUT TRIALS

By Marc Galanter

If you turn on the TV to watch the evening news, you are likely to encounter accounts of one or more trials or their ancillary proceedings. If you leave the set on into prime time, you will see more trials on the ubiquitous *Law and Order*, or you might switch to *Court TV* and watch an actual trial. Our media are full of legal news, and much of that is about trials — especially criminal trials, but also the occasional divorce, will contest, product liability, or other civil action. In popular as well as professional understanding, the trial is the emblematic heart of our legal system, the plenary event around which pivot the preliminaries and addenda.

But the proliferation of trials in our newspapers and TV sets and movies and legal thrillers is not matched in our courthouses. This is a bit surprising because over the past generation or more, the legal world has been growing vigorously. On almost any measure — the number of lawyers, the quantity of legal regulation, the amount spent on law, the amount of authoritative legal material, the size of the legal

literature, the prominence of law in public consciousness — law has flourished and grown. But the number of trials has not grown along with these other measures. Indeed, there has been a dramatic movement in the other direction. Not only is a smaller portion of matters tried, but the absolute number of trials has undergone a sharp decline.

Since 1962 civil dispositions in federal district courts have increased by a factor of five — from 50,000 to 252,000 cases. But the number of civil trials in 2003 was 27 percent lower than the number in 1962 — some 4,206

now to 5,802 then. The drop in civil trials has not been constant over the forty-year period, but recent and steep. As Figure 1 shows, in the early part of our period, there was an increase in trials, peaking in 1985, when there were 12,529.

From then to now, the number of trials in federal court has dropped by two thirds, and the portion of cases disposed of by trial has fallen from 4.7 percent to 1.7 percent.

It would be misleading to base our comparison on the peak year for trials. Let's go back to 1962 when 11.5 percent of cases were tried—one in nine as opposed to the one in sixty that we find today.

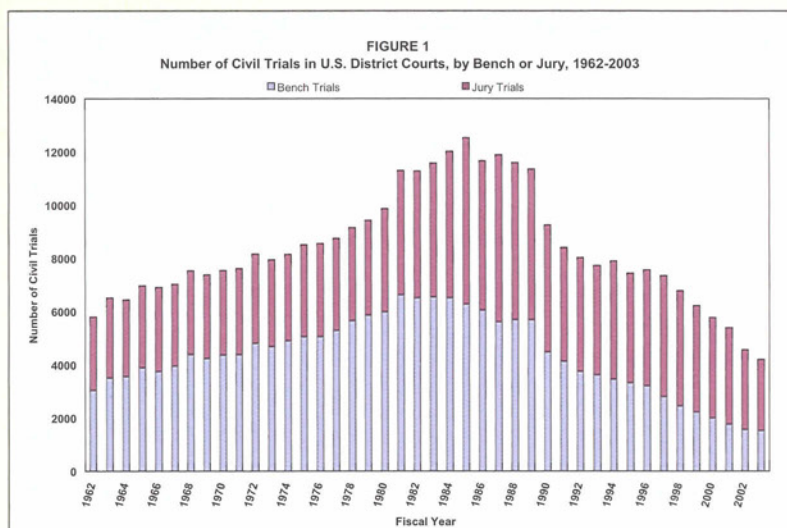
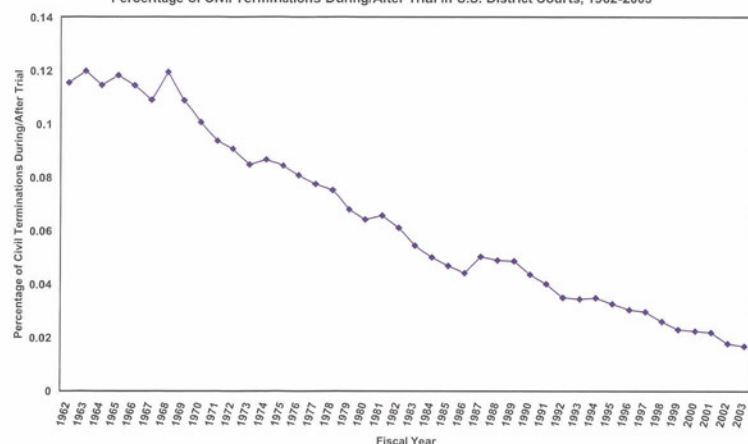


FIGURE 2
Percentage of Civil Terminations During/After Trial in U.S. District Courts, 1962-2003



Although the number of trials has fluctuated, the decline in the portion of dispositions by trial has been rather steady, as Figure 2 shows.

This trend is not confined to the federal courts. Although the great preponderance of trials, both civil and criminal, take place in the state courts, data about the number, subject, and characteristics of state trials have been scarce and not readily comparable from one state to another. Only very recently have researchers at the National Center for State Courts assembled a bank of state trial data that provides an overview of trial trends in the state courts.

Overall trends in the state courts bear an unmistakable resemblance to trends in federal courts. In the courts of general jurisdiction in twenty-two states (containing 58 percent of the U.S. population), the portion of cases reaching jury trial declined from 1.8 percent to 0.6 percent of dispositions, and bench trials fell from 34.3 percent to 15.2 percent. The absolute number of jury trials is down by one-third, and the absolute number of bench trials is down 6.6 percent. These trends are illustrated in Figure 3.

The pattern of decline is not peculiar to civil litigation. It is true of bankruptcy proceedings, and it

is true of the criminal process, both state and federal. From 1976 to 2002, the overall rate of criminal trials in courts of general jurisdiction in the twenty-two states for which data are available dropped from 8.5 percent of dispositions to 3.3 percent. The decrease was similar in jury trials (from 3.4 percent to 1.3 percent) and bench trials (from 5.0 percent to 2.0 percent). While dispositions grew by 127 percent in these courts, the absolute number of jury trials fell by 15 percent and bench trials by 10 percent. The patterns of attrition resembles those in the federal courts, where criminal trials fell from 15.2 percent to 4.7 percent of dispositions in those years.

There are many plausible explanations for the decline of trials. Historically, as the size of the society and the economy have grown, and an increasing portion of the population has gained access to the courts (whose users now include, for example, women, racial minorities, prisoners, and other once legally quiescent groups), the potential for invocation of the courts has multiplied more rapidly than the size of the judicial "plant." Fewer of the cases that come to court can get full-blown adjudication. (And our notion of what

full-blown adjudication is has become more refined and elaborate.)

The available "plant" is sufficient only to allow courts to provide trials for a smaller and smaller minority of cases. As waiting times and cost and uncertainty increase, settlement becomes more attractive. Increasingly, courts supply signals and markers and sufficient background threat to induce resolution (or abandonment) of claims. This shift is facilitated by the increased number of lawyers who can read judicial signals and devise bargains. The promise of a "day in court" is increasingly redeemed by "bargaining in the shadow of the law." So we can understand the long-term decline of trials in terms of a conjunction of restricted supply with the generation of signals and threats that manage to stretch the small supply of adjudication to meet increased demand.

But these factors — resource constraints, increased cost and complexity, improved signaling, more lawyers — do not account for the sudden and dramatic decrease in trials in the last twenty years. What we see in this period is not courts diluting the supply of adjudication to respond to increased demand; instead we see a transformation of the judicial product — a great increase in judicial case management at the early stages of litigation and a substantial increase in non-trial adjudication. (There is a counterpart on the criminal side: the shift of discretion, by determinate sentencing and sentencing guidelines, to the realm of the prosecutor earlier in the process.)

A major factor in the change in the judicial product is the ascendance of a judicial ideology that commends intensive judicial case management and active promotion of settlement, which is defined as a superior result.

(Continued on page 34)

MILESTONES

PUBLICATIONS

A selected list of recent publications by the UW Law faculty, representative of the faculty's breadth of interests.

Ann Althouse, "Vanguard States, Laggard States: Federalism and Constitutional Rights," 152 *University of Pennsylvania Law Review* 1745-1827 (2004).

R. Alta Charo, "Ethical Issues in Embryo Research," in Odorico (ed.), *Embryology and Stem Cells* (2004).

Anuj Desai, "Filters and Federalism: Public Library Internet Access, Local Control, and the Federal Spending Power," 7 *Journal of Constitutional Law* 1 (September 2004).

Timothy Edwards, "The Lawyer as Counselor: Representing the Impaired Client," in the American Bar Association's *GPSolo* magazine, October/November 2004.

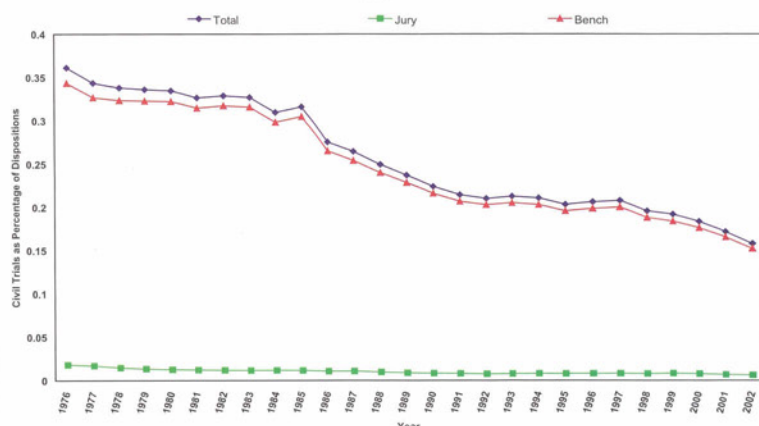
Keith Findley, "Re-Imagining Justice," 12:1 *Wisconsin Defender* 11 (Winter 2004).

John Kidwell, *Property: Cases and Materials*, co-authored with James C. Smith, Edward J. Larson, and John Copeland Nagle (Aspen 2004).

Stewart Macaulay, "Freedom from Contract: Solutions in Search of a Problem?," *Wisconsin Law Review* symposium issue drawn from the conference Freedom From Contract at the Law School in February 2004, jointly sponsored by the UW Law School and University of Michigan Law School.

Stephen Meili authored the section on Consumer Law in the recently published edition of *Wisconsin Methods of Practice* (West Publishing). Meili and **Marsha Mansfield** co-edited *Your Consumer Rights*, a manual explaining consumer protection laws, which was published in May in both English and Spanish by the Consumer Law Litigation Clinic.

FIGURE 3
Civil Trials as Percentage of Dispositions in 22 State Courts of General Jurisdiction, 1976-2002



The primary role of courts, in this emerging view, is less enunciating and enforcing public norms than facilitating resolution of disputes. Elements of this perspective had been around for decades, but in the 1970s it was embraced by administrators in the federal judiciary and soon became the dominant view, in tandem with the growing regard for Alternative Dispute Resolution.

The decline in faith in adjudication is not confined to courts, but is even more pronounced among key constituencies — notably corporate users who have embraced the view that America is ensnared in a "litigation explosion" that is unraveling the social fabric and undermining the economy. In this view, trials are not only expensive, but also risky, because juries are capricious, anti-business, and "out of control." Although an abundance of empirical evidence overwhelmingly refutes these assertions, this set of beliefs, supported by folklore and powerfully reinforced by media coverage, has become the "reigning common sense."

This jaundiced view of the legal system is not something that has accompanied the century-long

decline in the percentage of trials. It is a feature of the last thirty years. The timing of these developments in ideology and practice is a clue that they are not isolated meteors flashing across the legal skies, but are part of a larger set of related changes in institutional practice, elite ideology, and popular culture that, starting in the 1970s, has transformed the legal environment. Tort reform, Alternative Dispute Resolution, and anti-lawyerism have flourished as part of a wider wave of deregulation, privatization, and loss of confidence in government. "Too much law" has displaced "not enough justice" as the most prominent critique of the legal system.

The ascendancy of business within the legal system is marked by its consumption of an increasing portion of all legal services; by the disproportionate growth of the "corporate hemisphere" of the legal profession; and by the multiplication of think tanks, university programs, and lobbying groups promoting pro-business policies, including massive campaigns to reduce the legal obligations of business and to curtail legal remedies for others.

While the long-term decline

of trials seems to be the product of long-term constriction in supply, together with improvements in the technology of disputing, the recent sharp drop is part of a much broader turn from law — a turn away from the definitive establishment of public accountability in adjudication. This aversion to adjudication is part of a mutually supportive complex of beliefs and practices — beliefs that we are suffering a litigation explosion, that juries are biased against corporate defendants, that courts should not be the growing edge of rights, that litigation is damaging the economy, and that the solution is to curtail remedies, privatize, and de-regulate.

That turn is institutionalized in new court practices (intensive case management, incorporation of mediative modalities, promotion of settlement, diversion into ADR forums, and accentuation of non-trial adjudication.) It is reflected in litigant preference for settlement and in the proliferation of ADR forums and professionals. It is embedded in the changing work habits of judges and lawyers who rarely engage in trials. (The average sitting federal district judge conducted about thirteen trials in 2002, down from thirty-five in 1985 and thirty-nine back in 1962.)

Critics point to a varied catalog of possible effects of the diminishment of trials and propose various measures to revive flagging trial numbers. Ascertaining the effects of the decline and the efficacy of the proposed cures must wait for another day. For now I want to suggest that reversal of the recent decline of trials is not likely without reversal of the larger turn away from law. To a great extent the turn is based on a set of misperceptions about judges, trials, and juries, as well as a focus on the cost of legal regulation that ignores its benefits.

These misperceptions are shared by many judges and lawyers, as well as business people, politicians, and much of the wider public.

But beyond the misperceptions there is a very real fear of trials. The animus against trials is not just objection to generous or individuated remedies; it also involves an aversion to the determination of corporate accountability in public forums. The trial is a site of “deep accountability” where facts are exposed and responsibility assessed — a place where the ordinary politics of personal interaction are suspended, and the fictions that shield us from embarrassment and moral judgment are stripped away.

There is no right number of trials, but if we want a legal system in which judges and juries devise public standards and assess accountability, particularly that of powerful actors, we need enough to do that job. ■

Marc Galanter is the John and Rylla Bosshard Professor of Law and South Asian Studies at the UW Law School, as well as Centennial Professor in the Department of Law, London School of Economics and Political Science. Galanter has been a member of the UW Law faculty since 1976. He has taught South Asian Law, Law and Social Science, Legal Profession, Religion and the Law, Contracts, Dispute Processing, and Negotiations. He is the author of numerous books and articles related to law, the legal profession, and legal culture in the United States and in India.

All the computations and graphics for this article are by Angela Frozena '04, who has worked as Galanter's assistant on the Vanishing Trial Project.

MILESTONES

PUBLICATIONS (continued)

Elizabeth Mertz and Jonathan Yovel, “The Role of Social Science in Legal Decisions,” in *Blackwell Companion to Law and Society*, ed. Austin Sarat, 410–431 (Oxford, Blackwell Press: 2004).

Victoria Nourse, “Toward a New Constitutional Anatomy,” 56 *Stanford Law Review* 835 (2004).

Asifa Quraishi, “No Altars: An Introduction to Islamic Family Law in U.S. Courts,” co-authored with Najeeba Syeed-Miller, in *Women's Rights and Islamic Family Law*, Lynn Welchman, ed. (Zed Books 2004).

Mary Barnard Ray and Jill J. Ramsfield '83 are completing the fourth edition of *Legal Writing: Getting It Right and Getting It Written*, to be published by Westgroup in Spring 2005.

David Schwartz, “State Judges as Guardians of Federalism: Resisting the Federal Arbitration Act's Encroachment on State Law,” 16 *Washington University Journal of Law & Policy* 129 (2004).

Gregory Shaffer, “Recognizing Public Goods in WTO Dispute Settlement: Who Decides Who Decides?: The Case of TRIPS and Pharmaceutical Patent Protection,” *Journal of International Economic Law* 7:2, 459–482 (2004).

Bonnie Shucha, “Searching Smarter: Finding Legal Resources on the Invisible Web,” *Wisconsin Lawyer* (September 2004).

D. Gordon Smith, *Business Organizations: Cases, Problems & Case Studies* (Aspen 2004), with Cynthia A. Williams.

Bernard Trujillo, “Self-Organizing Legal Systems: Precedent and Variation in Bankruptcy,” *Utah Law Review* (August 2004).

Gretchen Viney, *Guardianship and Protective Placement for the Elderly in Wisconsin*, 2nd edition, CLE Books (State Bar of Wisconsin: 2004).



John Bosshard '47

"He was taking over companies that had failed and putting people back to work. He loved to make things work that weren't working."

The Bosshards: A father's example and its lifelong impact

The four Bosshard siblings are living far apart these days in Wisconsin, Utah, and Hawaii, but their memories of a special childhood in the small community of Bangor, Wisconsin, keep them closely bonded. Growing up in the home of John and Rylla Bosshard was an education in community involvement.

"Our bedtime stories were not so much fairy tales as court cases or a community project Dad was working on," recalls son John Bosshard III, a retired judge living in Utah.

His father, John Bosshard, born in 1920, had started life with no material advantages. His own father had died when the boy was three, and his mother, who came from a poor farm family, worked hard to make ends meet and raise her son during the Depression.

John discovered an interest in government and public speaking in high school, and went on to the University of Wisconsin and then the UW Law School. His law school education was interrupted by military service in World War II, but he returned to graduate in the Class of 1947. He continued on to earn an M.B.A. at Harvard Business School, and then he headed back to Bangor, where he practiced law until his death in 1990.

"Not too many people graduate from Harvard Business School and then come back to Bangor," comments daughter Sabina Bosshard '73, owner of Bosshard & Associates in La Crosse. "But this was always his intent. He felt that lawyers are an important part of the community, making things happen."

"Not too many people graduate from Harvard Business School and then come back to Bangor."

Even when he opened the La Crosse office with partner Phil Arneson '42, John Bosshard kept office hours in his Bangor office on Wednesdays and Saturdays. "He would explain things to people," Sabina says. "He was always there, and he gave advice and didn't bill for it the way we do today."

"He could have made more money in our La Crosse office," Sabina adds.

In addition, John Bosshard made use of his business acumen and his many contacts in town, and would often rescue a business that was failing. "He was a very active and successful entrepreneur," Sabina says. "He had an interest in many small businesses that he had made successful through his own efforts."

"He fought to keep schools from consolidating, to keep schools in small communities. He also fought to keep alive the cheese cooperatives in the rural communities. He had a strong feeling for the need in society for the small-town community."

Sabina recalls that in the 1950s, there was one family of the Winnebago tribe living in Bangor. Her father accompanied the family

to Washington, D.C., to help fight for their rights.

"My father was a role model for helping people," reflects son Kurt Bosshard, an attorney in Hawaii.

"He was taking over companies that had failed and putting people back to work. He loved to make things work that weren't working."

Kurt recalls that the Bangor law office phone came to the family home. "Often calls were fielded by my mother or one of the children. His work was his life, and it didn't stay at the office, so it was our life, too, because every story was unfolding around us."

"He ran everything down in the living room," says son Bill Bosshard, a banker who lives in La Crosse. "His pleasure was his work and vice versa. He just thoroughly enjoyed what he did in the La Crosse and Bangor areas, and he made some money along the way."

"He knew all the farmers and knew all the farms, and it gave him a lot of satisfaction to see people succeed," says Sabina.

John and Rylla Bosshard met during World War II at Stanford University, where Rylla was a student and John was taking an officer-training course. Back in Bangor, Rylla joined John in his community projects while they were raising their family. "She was very important to everything he did," says son John. "She was a very intelligent woman, and she was very involved and had a lot of outside interests."

Because he credited his own success in large part to the UW Law School, John Bosshard arranged to bequeath a major gift, endowing the John and Rylla Bosshard Professorship Fund.

(Continued on page 40)

SanDee Priser '02: Investigating 'corporate shenanigans' and valuing a legal education

Anyone who hears about the job SanDee Priser had *before* she came to law school knows that she didn't need law school for the excitement. Her work in Chicago at Ernst & Young LLP as a manager in the Technology and Security Risk Services practice could easily be part of a Hollywood scenario.

"Those were good times," Priser confirms. "We sometimes went into offices in the middle of the night — with the okay of management, of course." The goal of these clandestine computer forensics operations was to get an image of hard drives belonging to individuals whose activities were under investigation. As a C.P.A. with a master's degree in accounting science, Priser is an expert in ferretting out the secrets that computers can tell about users who are trying to cover their tracks.

"Computers are smarter than their users," Priser comments.

Priser, now a senior manager in Ernst & Young's Investigative and Dispute Services group, still has interesting adventures as she investigates corporate fraud and financial irregularities, which she refers to informally as "corporate shenanigans." Just as interesting, though, may be her account of why she came to law school, and why she became a generous donor just two years after she graduated.

"I did not grow up dreaming of practicing law," Priser says, "but I was always intrigued by legal knowledge." One day she saw an LSAT-preparation book in a store, bought it for the puzzles (really), decided to take the LSAT, came out with a high score, and realized, "I could actually go to law school." She sent in some applications, and started receiving acceptance letters.

She chose the UW Law School

partly because, although she had grown up in Illinois, she had many relatives in Wisconsin. In addition, she was impressed by the Law in Action approach. "One of the professors was talking about it on Admitted Students Weekend," she says, "and it seemed like the common-sense approach — so perfect for the Midwest: 'How does the law work in real life?'"

As an enrolled student, she was "very favorably impressed. There was a spirit of congeniality and collegiality. The professors were very friendly and approachable. Not that they were easy; they just had a lot of respect for students."

Priser's Law School experience changed her life in significant ways. "They say law school changes the way you think — it does," she says. "After UW Law, if I see something wrong, I feel more compelled to see that things are set right."

She also looks back with appreciation on her first-year small section, which was the source of lasting friendships. "A group of five of us are still in touch," she says.

Yet another major result of her Law School experience was her introduction to an important mentor: Kathryn Oberly '73, vice chair and general counsel at Ernst & Young. Priser had attended a Law School reception where she met Dean Ken Davis, and when he heard of Priser's affiliation with Ernst & Young, he said, "We have an alum there — Kay Oberly. Say hello to her for me."

Priser did not expect to cross paths with the highly placed Kathryn Oberly, but she sent her an e-mail, and much to her surprise, Oberly responded right away. "She became the best mentor I could have wanted," Priser says, "and she was one of the first to mention to

me the responsibility to give back to the Law School."

At Ernst & Young, Priser does not practice as an attorney, but her legal education is a great advantage. "So many of our clients' issues are legal issues," she says, "so having a legal education helps me provide better client service from the accounting and investigation perspectives."

Priser's appreciation of her legal education led her to begin giving back to the Law School not long after she graduated. She notes that Ernst & Young encourages giving on the part of its employees. "My firm has always said that a part of being a good citizen is giving back — however you can," she says. Her firm matches her contribution, doubling its value for the Law School.

"We all have everyday spending priorities," she says, "but it's important to realize that the value we received from UW Law didn't stop at graduation. It continues to grow with every day that we are successful in our careers. Look at the value: if you're continuing to receive it, then you should continue giving back to the Law School to ensure that others have the same great experience." ■



SanDee Priser '02

"They say law school changes the way you think — it does. After UW Law, if I see something wrong, I feel more compelled to see that things are set right."

The Gift of a Scholarship

Three donor-and-student pairs talk about what their scholarships have meant to them.

With higher education growing more expensive every year, students and their families quickly become familiar with debt-load calculations and loan-payoff schedules.

Scholarships often are the cornerstones on which students build their dreams. The quest for such awards can obscure the fact that those who have established the scholarships are real people with a desire to help new generations on their professional journeys.

Let's put faces to three scholarships: the donors who have made the awards possible and the students using those precious resources to get the most from their Law School education.

Helping ease the load

Donor: O.K. Johnson, Jr.

Recipient: Nicole Robbins

O.K. Johnson, Jr. is a 1955 Law School graduate who admits he wasn't a grind while attending classes. His O.K. Johnson Scholarship is intended to help promising students to focus on their educations so they won't have to do things he did — like tend bar, drive a cab, and work for a C.P.A. — to help pay for his education and social life.

"My parents, while not wealthy by any measure, were able to help me cover my expenses," he

says, before discussing his outside work that paid the bills. "I think maybe if I had had a scholarship or been dependent on grants, I might have worked harder in law school."

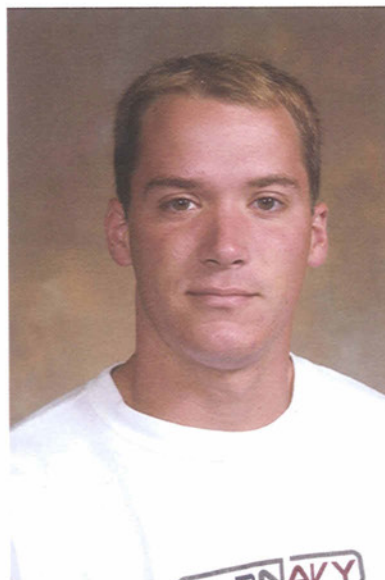
The benefits of giving are more than ephemeral, Johnson says. "It might sound like a cliché, but I believe truly that as one gives, one receives. I am happy that I have been able to have some good luck in my life, and I have been able to help others reap some of the benefits as well," he says. "Those of us with the ability to give are able to spread good cheer and happiness. One gets a genuine thrill out of knowing we have been

JAY SALVO (3)



A scholarship such as this would always be important and meaningful, but especially with the federal loans not coming through, this has truly helped my peace of mind.

— *Nicole Robbins*



I just want to say thank you to the Zillmans and all the alumni who give scholarships. They do change people's lives for the better. I hope at some point to be able to return the favor for another generation of students.

— *Nicholas Roedel*



Currently, I am participating in the Neighborhood Law Project and will be interning for the Wisconsin Court of Appeals, Third District. The clinical experiences have allowed me to develop the everyday skills I need as a lawyer."

— *Latrice Pinson*

able to help someone on the path toward a better life.”

The O.K. Johnson Scholarship is currently held by Nicole Robbins, a second-year student from Brown Deer, Wisconsin.

“This scholarship means a lot to me,” she says. “Ever since my undergraduate days at Marquette University, coming from an economically disadvantaged background, I’ve had to work hard to be able to pay for school. My mom instilled a strong work ethic in me, so I’ve always been able to make my way.

“I’ve done a lot of volunteering, too, to give back to the community,” Robbins says. “Entering my second year of law school, my obligations were piling up, so this scholarship from Mr. Johnson has really made a big difference.”

Robbins double-majored in human resources management and marketing in the College of Business Administration at Marquette. She had worked on project-related jobs in human resources to help pay for her education.

This academic year, scholarships mean more for many students because the federal government’s low-interest Perkins loan program was not funded, she says.

“A scholarship such as this would always be important and meaningful, but especially with the federal loans not coming through, this has truly helped my peace of mind,” Robbins says.

This spring, in addition to carrying a full load, Robbins will start early in her term as a summer associate with the Milwaukee law firm of Lindner & Marsack S.C., which specializes in labor and employment issues.

“I truly appreciate Mr. Johnson’s gift to the school and students like me,” Robbins says. “It’s really relieved my stress. I encourage all alumni to give back,

because it helps students like me to achieve our dreams.”

Carrying on a family tradition

*Donor: The Zillman family
Recipient: Nicholas Roedl*

Donald Zillman, the Edward Godfrey Professor of Law at the University of Maine, hails from a family that boasts five UW degrees. His late father, Theodore, received his B.A. in English in 1926 and had a long career on campus that culminated in his working for the UW Foundation. His brother, Richard, earned an undergraduate degree and M.B.A. in marketing. The family established the Zillman Family Scholarship in the Law School in the late 1980s.

“It’s a very good feeling for our entire family, knowing that we’re helping a new generation,” Donald Zillman says. “My mom and dad were incredibly devoted to the university and the UW Foundation, and that’s something we’ve carried on.”

As someone who has spent his career in higher education — he has been dean of the Maine Law School in addition to teaching there — Zillman knows how valuable scholarships and other forms of aid are to today’s students.

“One of the quiet trends of our time is the shrinking public support for higher education,” he says. “I know that in my seven years (at the UW), I was fortunate enough that with some scholarship assistance and working during the summers, I was able to graduate from law school with no debt. That’s nearly impossible these days.”

Those considering their family legacy would do well to consider establishing a scholarship, Zillman says. “If you talk about living memorials, setting up a scholarship in my

mind means a lot more than a huge tomb, a big headstone, or a vault in a mausoleum somewhere,” he says. “It’s one way for the family name to live on in a productive fashion.”

This year’s recipient of the Zillman scholarship is Nick Roedl, a third-year law student and member of the Wisconsin Law Review from Beaver Dam, Wisconsin. “My scholarship was one of the reasons I decided to go to school here,” says Roedl, who earned his undergraduate degree in mechanical engineering at the UW and had applied to other law schools before choosing Wisconsin. “It’s a big help, keeping things manageable for me.”

Besides the obvious financial assistance, Roedl appreciates the honor of holding the Zillman scholarship.

“It’s nice to feel like you’ve earned something by working hard in school as an undergraduate,” he says. “That sense of being rewarded for good work is a real motivator.”

The scholarship award came at the right time for him. “I went from getting my undergraduate degree in May 2002 right into law school the next semester, so I didn’t have any money built up,” Roedl says. “I did have income from summer jobs, but nothing like what it would take to pay for law school. I was probably going to go to law school anyway, but my scholarship did help make my decision easier.”

This is Roedl’s last semester in law school, and he already has accepted a position with the intellectual property group of Michael Best & Friedrich LLP in Milwaukee. “I just want to say thank you to the Zillmans and all the alumni who give scholarships. They do change people’s lives for the better. I hope at some point to be able to return the favor for another generation of students.”

(Continued on page 40)

Honoring a loved one

Donor: The family of Christine Ebert '96

Recipient: Latrice Pinson

Christine Ebert, a 1996 graduate of the Law School, was working for the Boston law firm of Sullivan & Wooster, as well as expecting her second child, when she died suddenly in April 2000.

Her parents, John and Judith Ebert, established the Christine Ebert Memorial Scholarship at the Law School in her honor. It is awarded to women who have demonstrated financial need, a commitment to public service, and a history of volunteerism, and who are enrolling in law school after some life experience.

"We specifically wanted to call attention to Christine's strong, consistent history of volunteerism," John Ebert says. "She first volunteered at a camp for disabled children, when she wasn't much more than a child herself, and she

continued to volunteer for various causes throughout her high school and college years."

Judith Ebert recalls that "Christine was a joy, always so positive and energetic. She was a role model for her family, friends, and colleagues, and we hope that the creation of the Christine Ebert Memorial Scholarship will inspire others to reach for their highest goals, all the while remembering those less fortunate and in need."

The current recipient of the Christine Ebert scholarship is Latrice Pinson, a second-year law student from Milwaukee. She is grateful for the assistance the Eberts have made possible, and she's committed to the sorts of volunteer activities the award intends to foster.

"I have been a mentor at the Spring House Boys Group Home, a tutor for Madison West High School, and a mentor for the Big Brothers/Big Sisters Program of Dane County," Pinson says. "Also,

during winter and summer break, I volunteer a few hours on the weekend to serve food at soup kitchens and help clean at shelters in both Madison and Milwaukee."

Pinson's experiences in the community have contributed to her Law School path. "Currently, I am participating in the Neighborhood Law Project and will be interning for the Wisconsin Court of Appeals, Third District. The clinical experiences have allowed me to develop the everyday skills I need as a lawyer."

All of these donors and students provide proof of the ways that private support helps to build a better tomorrow.

— Chris DuPre,
UW Foundation

Interested in reading about the U.S. News & World Report rankings? Here are some links.

America's Best Graduate Schools Law Methodology
www.usnews.com/usnews/edu/grad/rankings/about/05law_meth_brief.php

Stephen P. Klein & Laura Hamilton, *The Validity of the U.S. News and World Report Ranking of ABA Law Schools* (February 1998),
www.aals.org/validity.html

David A. Thomas, *The Law School Rankings are Harmful Deceptions*, 40 Houston L. Rev. 419 (2003),
www.houstonlawreview.org/archive/hlrtc40n2.htm

Brian Leiter, *The U.S. News Law School Rankings: A Guide for the Perplexed* (May 2003),
www.utexas.edu/law/faculty/bleiter/rankings/guide.html

(Bossard, continued from page 36)

The professorship, designated for a distinguished member of the Law School faculty with significant stature in the academic community, is held by the Law School's renowned scholar Marc Galanter (featured in an article on page 30). John Bossard felt that the UW Law School was the springboard of his success, says his son John. "Maybe that was where he gained his confidence."

"He felt that the Law School gave him a boost more than anything else," recalls Bill.

"He determined that the university and the Law School had given him an opportunity to do well for himself and his family," says Kurt, "and this was his way of giving back."

"He believed that he had been given an incredible opportunity by being able to get an education at the university and go to law school," says Sabina. "He thought that to be a lawyer was the highest calling."



Justice Ann Walsh Bradley '76

Bradley Honored For Improving Justice System

Wisconsin Supreme Court Justice Ann Walsh Bradley '76 was honored in March 2004 with the American Judicature Society's Herbert Harley Award. This national award is conferred on individuals whose outstanding efforts and contributions result in substantial, long-term improvements in the justice system.

In announcing the award, the American Judicature Society (AJS) cited the value of Bradley's active leadership in public outreach programs. She travels around the state speaking to schools and community groups, serves as faculty at the annual Justice Teaching Institute for Wisconsin high school teachers, and oversees special projects such

as a traveling Supreme Court history exhibit developed in honor of the Court's 150th anniversary in 2003.

"Justice Bradley has worked tirelessly since she arrived at the [Supreme] Court in 1995 to reach out to the public," wrote Wisconsin Court of Appeals Judge Richard Brown, who nominated Bradley for the award. "She understands that a strong judiciary is one that has the confidence of the people."

Brown noted that Bradley's community service extends beyond law-related education. She founded and chaired the Hmong Task Force in Wausau, chaired the Wisconsin Rhodes Scholarship Committee, and currently is a member of the University of Wisconsin board of visitors.

Chief Justice Shirley S. Abrahamson (S.J.D. '62) — herself a past Harley Award winner — joined Brown and AJS officials in presenting the award at a ceremony in March at the Milwaukee County Courthouse. The ceremony took place during Women's History Month to honor Bradley's accomplishments as the third woman to sit on the state's highest court, and the first woman in the history of the state to win a contested, statewide election to the Supreme Court without first being appointed by the governor. She also was the first woman on the bench in Marathon County Circuit Court, where she worked from 1985 to 1995.

Thirteen Alumni Are Chapter Authors For Wisconsin Law Overview

Thirteen UW Law alumni wrote chapters for the recently published four-volume overview of Wisconsin law, *Wisconsin Methods of Practice*. The book, co-authored by Jay E. Grenig and Nathan A. Fishbach, was published in November 2004 by Thomson West.

UW alumni chapter authors were:

- Charles H. Bohl '76**, Whyte Hirschboeck Dudek, Milwaukee
- Barbara L. Burbach '75**, Burbach & Stansbury, Milwaukee
- Thomas M. Domer '83**, Domer Law, Milwaukee
- Michelle Ackerman Havas '98**, a Milwaukee County Assistant District Attorney
- Noleta L. Jansen '03**, Whyte Hirschboeck Dudek, Milwaukee
- Lisa R. Lange '99**, Whyte Hirschboeck Dudek, Milwaukee
- Arthur M. Moglowsky '62**, Bass & Moglowsky, Milwaukee
- Edward J. Pronley '65**, Whyte Hirschboeck Dudek, Milwaukee
- Wendy S. Rusch '00**, Whyte Hirschboeck Dudek, Milwaukee
- Brenda J. Stugelmeyer '94**, Quarles & Brady, Milwaukee
- Lowell E. Sweet '55**, Sweet, Maier & Cox, Elkhorn
- Alexandra L. Waeffler '74**, Nelson, Irvings & Waeffler, Wauwatosa
- Stephen R. White '94**, Quarles & Brady, Milwaukee

Fellows of the Wisconsin Law Foundation

The following Law School alumni were honored in November 2004 with membership in the Fellows of the Wisconsin Law Foundation, in recognition of their contributions to the profession, service to the public, and earnest efforts to assist in the promotion and improvement of the justice system.

- Robert W. Landry '49**, Circuit Judge, Milwaukee, retired
- Marygold S. Melli '49**, UW Law School professor emerita
- Laurence C. Hammond, Jr. '55**, Quarles & Brady, Milwaukee
- William A. Bablitch '68**, Wisconsin Supreme Court Justice, retired
- John F. Ebbott '70**, Legal Action of Wisconsin
- Mark A. Frankel '73**, Godfrey & Kahn, Madison
- Daniel L. Goelzer '73**, Public Company Accounting Oversight Board, Washington, D.C.
- Gerald W. Mowris '73**, Pellino, Rosen, Mowris & Kirkhuff, Madison
- Barbara L. Burbach '75**, Burbach & Stansbury, Milwaukee
- Mark A. Pennow '80**, Denissen, Kranzush, Mahoney & Ewald, Green Bay
- R. George Burnett '81**, Liebmann, Conway, Olejniczak, & Jerry, Green Bay
- Michelle A. Behnke '88**, Attorney, and President, State Bar of Wisconsin



Joel Hirshhorn '67

1940s

Jack R. DeWitt '42, partner in DeWitt Ross & Stevens, Madison, recently received the Truman Q. McNulty Award from the Wisconsin Law Foundation, in recognition of DeWitt's lifetime of service to the bar in this state.

August G. Eckhardt '46, emeritus professor at the University of Arizona Law School, has been honored by the creation of an award for faculty achievement at that school named for him.

1960s

Arlen Christenson '60, emeritus professor at the UW Law School, has been honored by Community Shares of Wisconsin with a Backyard Hero Award. The award recognized Christenson's outstanding volunteer work with Midwest Environmental Advocates, where he has served as president since its creation three years ago.

Wisconsin Supreme Court Chief Justice **Shirley Abrahamson S.J.D. '62** has received the Dwight D. Opperman Award for Judicial Excellence by the American Judicature Society. The Award, named for the former chair of West Publishing, is given for decisions that display wisdom, humanity, and commitment to the rule of law; writings and lectures that reflect scholarship; and activities that advance the administration of justice. (See more on page 12.)

Joel Hirschhorn '67 has been named one of the Top Lawyers in South Florida by the *South Florida Legal Guide*. Hirschhorn is also a member of the Law School's board of visitors.

Aaron Goodstein '67 has been elected national president of the Federal Magistrate Judges Association. Goodstein has been a magistrate judge in Wisconsin's eastern district since 1979.

Ellen Kozak '69 has had the third edition of her book, *Every Writer's Guide to Copyright and Publishing Law*, published by Henry Holt & Co. Kozak practices copyright, publishing, entertainment, and media law in Milwaukee.

1970s

Patricia Colloton '70, former president of the Student Bar Association, has

continued her political career with election to the Kansas legislature in the recent general election.

Angela B. Bartell '71 has been selected to receive the 2004 Marygold Shire Melli Achievement Award from the Legal Association of Women. A Dane County judge since 1978, Bartell was recognized not only for her judicial achievements, but also for her outstanding record of community service.

Thomas J. Kennedy '72 is included in the 2005–06 edition of *The Best Lawyers in America* for labor and employment law. Kennedy practices with the Phoenix office of Sherman & Howard.

Donald L. Bach '74, a partner in the Madison firm Dewitt Ross & Stevens, has been appointed by the Wisconsin Supreme Court to the Wisconsin Judicial Commission.

Charles B. Schudson '74, former Wisconsin Court of Appeals Judge, has joined the Milwaukee firm von Briesen & Roper. Schudson will chair the firm's Appellate Advocacy Division.

Arthur J. Harrington '75, a partner in the Milwaukee firm Godfrey & Kahn, is one of the authors of the recently published *Inside the Minds: The Art & Science of Environmental Law – Industry Insiders on Regulating, Protecting & Conserving Our Surroundings*. Harrington is co-chair of his firm's Environmental and Energy Law Practice Group and serves on three Wisconsin DNR task forces.

Luis F. Padilla '75 has been appointed deputy regional attorney for the National Labor Relations Board's Puerto Rico regional office. Padilla began his NLRB career in the Chicago regional office in 1976, transferring to Puerto Rico in 1977. After twenty years in private practice, he returned to the NLRB in 2002.

Michael F. McBride '76 has been elected president of the Association for Transportation Law, Logistics and Policy — the only person to serve a second term with that group. McBride is a partner in the Washington, D.C., office of LeBoeuf, Lamb, Greene & MacRae.

James Hoecker '78 has joined the Washington, D.C., office of Vinson & Elkins as a partner in the Energy Section. Hoecker is a former chair of the Federal Energy Regulation Commission.

H. Dale Peterson '78 has been elected president of the Dane County Bar Association. Peterson is a litigator at Stroud, Willink & Howard in Madison.

Brent Smith '78, a partner at Johns Flaherty in La Crosse, Wisconsin, has been elected head of the Wisconsin Technical College Board, a position that also places him on the UW board of regents.

1980s

R. Jeffrey Krill '81 has been selected as an alderman in Wauwatosa, Wisconsin. Krill is a partner in the Milwaukee firm Gonzalez, Saggio & Harlan.

Patricia Zeeh Risser '85 has been named managing attorney in the Milwaukee office of Legal Action of Wisconsin (LAW). In addition, she is coordinating the Volunteer Lawyers Projects sponsored by LAW in its thirty-nine-county service area.

Margaret Wrenn Hickey '86, a partner in the Milwaukee firm Becker & Hickey, is the new president of the Milwaukee Bar Association.

Randall E. Bennett '88, the director of legal services for Plexus Corporation, Neenah, is the chair-elect of the State Bar of Wisconsin's Intellectual Property Section Board.

1990s

Jonathan Lipson '90, formerly an associate professor at the University of Baltimore School of Law, has joined the faculty at Temple Law School in Philadelphia. He will teach in the commercial law area.

Laura Baxter '91, formerly senior counsel to the deputy attorney general at the U.S. Department of Justice, has been sworn in to the U.S. Army Court of Criminal Appeals.

Kimberly Churchill Montgomery '96 has been elected as a shareholder at the Milwaukee office of Whyte Hirschboeck Dudek. She is a member of the firm's Corporate and Real Estate practice group.



Donald L. Bach '74



Matthew V. Burket '04



Mark A. Frankel '73



Heather L. Clefisch '01

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Kyle J. Gulya '04



Eric N. Mathison '99



Kimberly Churchill
Montgomery '96



Joseph M. Moschella '04

Please stay in touch:
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ereisner@wisc.edu
www.law.wisc.edu/alumni/

IN MEMORIAM

1930s

Donald J. McIntyre '31
in Sun City West, Arizona

Christine Torkelson Fellner '36
in San Diego

William E. Kaplan '38
in Milwaukee

James J. Burke '39
in Madison

1940s

E. Clarke Arnold '41
in Columbus, Wisconsin

Richard H. Hastings '41
in St. Petersburg, Florida

Alan H. Steinmetz '42
in Largo, Florida

Allan G. Gruenisen '46
in Madison

Patrick Kinney '46
in Lancaster, Wisconsin

John B. Menn '47
in Vero Beach, Florida

James F. Spohn '48
in Worthington, Ohio

John E. Barnett '49
in Boscobel, Wisconsin

Louis F. Robinson '49
in Onalaska, Wisconsin

1950s

Edmund P. Arpin III '50
in Neenah, Wisconsin

Byron C. Crowns '50
in Wisconsin Rapids, Wisconsin

John L. Hughes '50
in Milwaukee

William J. Giese '51
in Madison

Robert P. Howington, Jr. '52
in Michigan

Harlan H. Huntley '54
in Sarasota, Florida

Thomas M. Cromartie '56
in Las Vegas

Philip F. Gaffney '56
in Middleton, Wisconsin

1960s

Steven I. Cohen '60
in Green Bay, Wisconsin

Verlin Peckham '61
in Richland Center, Wisconsin

Gerald T. Conklin '65
in Madison

John P. Luedtke '66
in Arlington, Virginia

Carlton Snow '69
in Portland, Oregon

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Robert M. Whitney '74
in Madison

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David Schaefer '87
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in Madison

**Edward J. Reisner,
Assistant Dean for
External Affairs**

Over the years I have used this column to write about a variety of people, not always alumni. In this one, I have chosen to write about three women, none of whom had a law degree, but each of whom had a role in this school.



Ellen Garrison strolls with her husband, Lloyd Garrison, who was dean of the Law School from 1932 to 1945. One of Ellen Garrison's claims to fame is her role in Woody Allen's film *Zelig*.

Ellen Garrison

The first of these three women played a major role in the school as the spouse of Dean Lloyd Garrison (1932–1945). I never met Mrs. Garrison and know little about her years here in Madison. I have known the spouses of other deans, however, and know that they do play a major role — at least in the social life of the school and in the support of the deans who are so important to our success.

One of my favorite stories involves a dinner given by Dean George Young and his spouse, Lillian. The guests were members of the State Building Commission, and the occasion was an upcoming meeting of the commission during which the fate of a new law building would be determined. Both George and Lillian told me about the quantity of liquid refreshment served at that dinner and the positive outcome of the subsequent meeting. So I am sure that Mrs. Garrison also played a large role in her husband's success as dean. But I write, rather, of a very small, but unique, role she played long after leaving Madison.

Years ago someone once mentioned to me that Ellen Garrison had once played alongside Woody Allen in one of his films. I kept that fact in the back of my mind until recently, when I found myself standing next to Professor Gerry Thain in the Law School's main office. Gerry, for those of you who don't know, is our resident trivia expert — particularly on questions relating to sports and entertainment. He immediately gave me the name of the film, confirmed by the Internet Movie Database: Ellen Garrison was indeed a member of the cast of *Zelig* in 1983. The eighty-five-year-old novice actress played what appears to be her only role in that film, as the older

Dr. Eudora Fletcher. A somewhat larger list of credits belongs to her younger counterpart, Mia Farrow.

Ellen Garrison passed away in 1995 at the age of ninety-seven. She was preceded in death by her spouse, Lloyd, in 1991.

Nellie Davidson

There are many who attended Law School between 1941 and 1973 who, upon reading this name, will immediately think of Nellie as the “woman who ran the Law School.” I believe that they all think this with great fondness, as Nellie was the first person many met when they came to school; she was the one whom they went to when they had academic or financial problems; and some even found that Nellie was the source of job information that would lead to their first jobs in the legal profession. Nellie Davidson passed away this past July at the age of ninety-one.

Nellie still ran the school's main office while I was a student here from 1969 until 1972, but by then, she was training several people who would assume parts of her duties as those duties expanded and as she looked ahead to retirement.

Among them, she trained Gail Holmes, who came to fill many of Nellie's roles in the years after Nellie retired. Nellie returned to the school in 2002 to help celebrate Gail's retirement. The years had slowed her step, but not her mind. Quite recently, Emeritus Professor Stu Gullickson stopped at a restaurant in central Wisconsin, near Nellie's retirement home in Montello, and spotted a familiar face across the room. As he watched and tried to place her, Stu saw an engaged and engaging woman interacting with friends and other customers as would a much younger person.

Before Nellie retired, her



Nellie Davidson “ran the law school” for a long stretch between 1941 and 1973. In 2002, just one year short of thirty years after her retirement, she returned to the Law School to attend the retirement party of one of her chief successors, Gail Holmes.

daughter, Ruth Saaf, began her own lengthy tenure in the Law School’s copy shop. Ruth’s service went from 1958 to 1995, giving mother and daughter a combined total of sixty-nine years working for the success of the school!

Frances Hurst

Frances Hurst, a community activist and the widow of Professor J. Willard Hurst, died in October 2004. At her memorial service, two distinct sides of Frances emerged: one as the perfect complement to her quiet, brilliant husband; the other as a forceful, brilliant, and successful person in her own right.

I first met Mrs. Hurst when I

was lobbying on behalf of the State Bar of Wisconsin. At that time there was a major court-reorganization proposal on the table. Frances Hurst was a major force for the reorganization, speaking for the League of Women Voters. The diminutive woman spoke with a large, knowledgeable voice. I found myself, a recent law graduate, looking to her for advice and

guidance. Clearly she knew more about the subject than I did.

Our paths crossed occasionally over the years. Frances was too busy to spend a lot of time around the law building, where her spouse was the intellectual mainstay from 1937 until his retirement in 1981. Professor Hurst passed away in 1997. Frances earned bachelor’s and master’s degrees before marrying Willard in 1941 and another master’s in 1966.

She was a university administrator, an officer in the League of Women Voters, and on the Wisconsin Mental Health Advisory Board. She served as a director of the Dane County Mental Health Center. She served on the State Judicial Ethics Commission and the Madison Board of Ethics. The list of her civic involvements, achievements, and honors is so long as to be almost unbelievable, but at her memorial service, many testified not only to its veracity, but to many other accomplishments as well, not the least of which was raising two

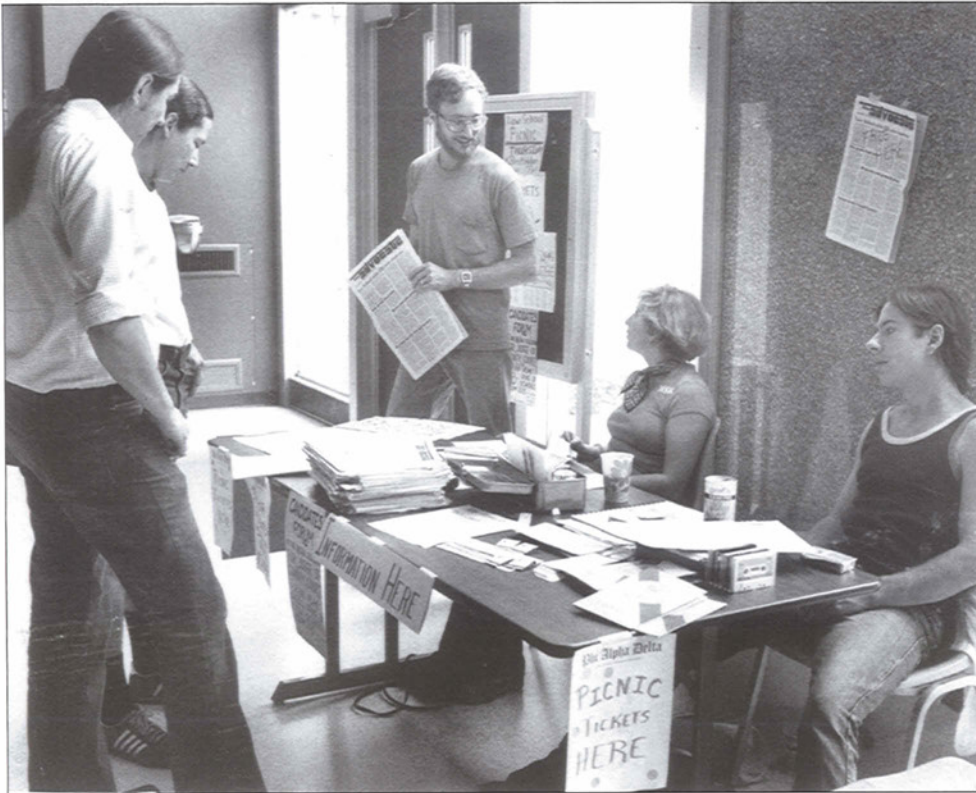
children who went on to great professional and personal success.

Wisconsin Chief Justice Shirley Abrahamson told those gathered at the memorial service that, in another age, Frances would have been a governor, U.S. senator, or chief justice of the U.S. Supreme Court. As the chief justice spoke, I could imagine that somewhere Willard must have been smiling.

Clearly this Law School is more than merely its students and faculty. Many other lives are blended into the mix — staff, alumni, friends and families, just to mention a few. These three women each contributed to our success, and each is now sorely missed. ■



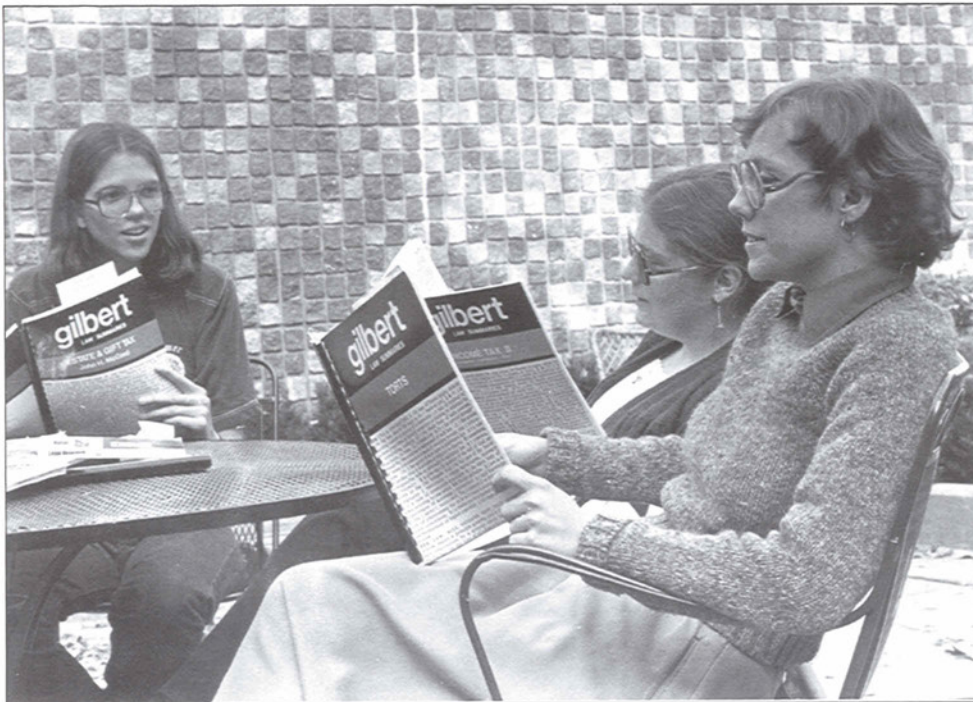
Frances Hurst greets her cousin Stephen Bright of the Southern Center for Human Rights after his delivery of the Fairchild Lecture in 2000. Hurst, the widow of Professor J. Willard Hurst, had a list of achievements, civic involvements, and honors so long that it was “almost unbelievable.”



MYSTERY PHOTO

The feature photo for this issue shows five students around a table in the lobby of the 1964 Law Building. The sign on the table reads, "Phi Alpha Delta Picnic Tickets Here." I can name two of the five people. Let's see how sharp-eyed you readers are.

Before revealing information about the last mystery photo, I need to add one name to the mystery photo in the previous issue (a group of students receiving honors from Dean George Young in 1977, below). Bill Chritton '45 called me recently to fill in his son's name. Bob Chritton '77 is second from the right. This is important to Bill and maybe to Bob, but it is important to me to know that someone must hold on to back issues!



In the most recent past issue, our mystery photo showed three women in the old courtyard reading Gilbert's outlines. Judy Weseman '82 wrote to identify herself as one of the three (in the middle). She places the photo in the spring of 1982, near graduation, but says, "I didn't use the [courtyard] often, and I don't remember the names of the others. The photo must have been staged for posterity!"

Save the Date Now For Your Reunion Weekend!

If your Law School graduation year ends in the digit 5 or 0, now is the time to save UW Homecoming Weekend, October 21–22, 2005, for your Class Reunion Weekend.

Reunion Classes are 1955, 1960, 1965, 1970, 1975, 1980, 1985, 1990, 1995, and 2000.

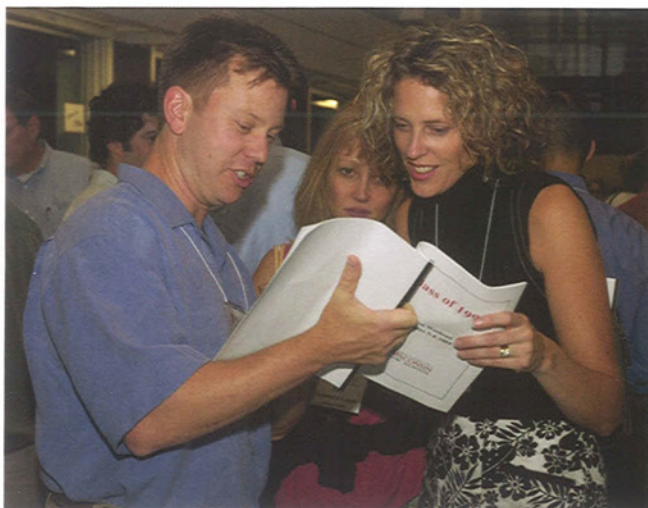
Events will include

- a CLE program
- a tailgate before the Homecoming game against Purdue
- individual class dinners
- 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 receive more information on reunion events, contact Lynn Thompson, reunion event manager, at the Office of Continuing Education and Outreach: (608) 262-4915 or by e-mail at LFTThomp1@wisc.edu.



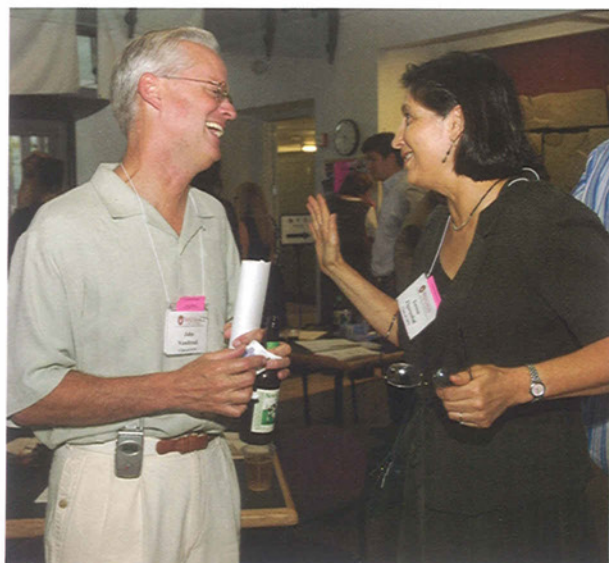


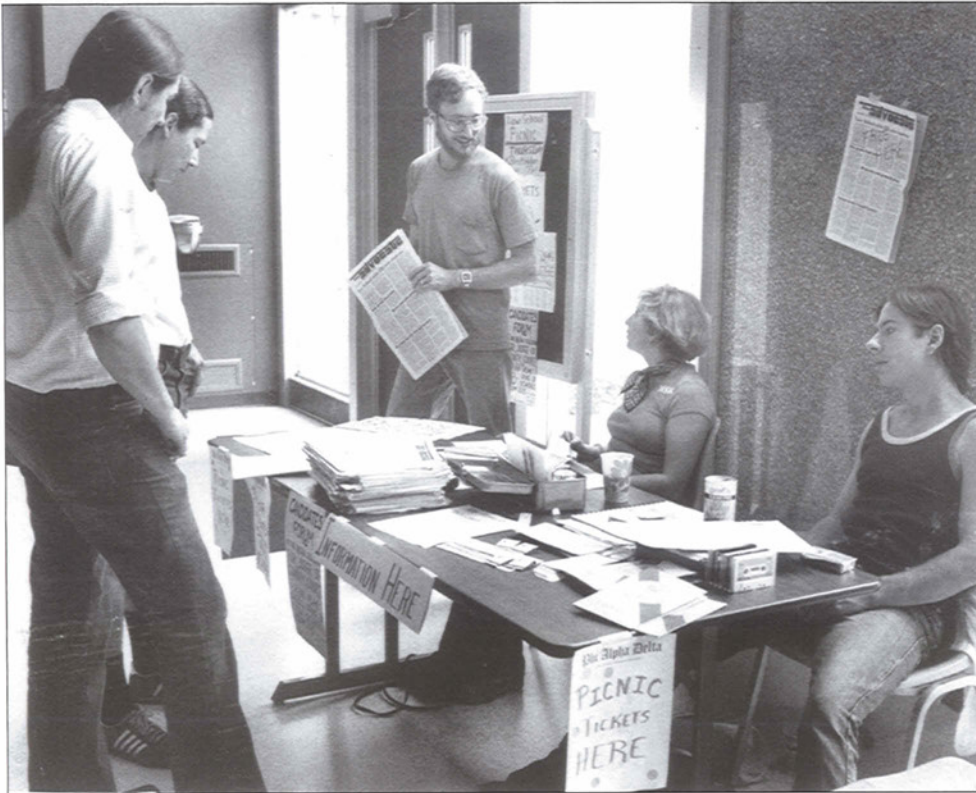
Time out to Get Back Together — Reunions 2004

Photographs by Jay Salvo

Alumni whose graduation years ranged from 1954 to 1999 gathered in Madison on a warm weekend this past September to link up with classmates and professors from Law School days. Activities ranged from the Ethics Program, taught by Professor Ralph Cagle, to the class dinners, tailgate brunch, and football game (Wisconsin 34, Central Florida 6).

Plans are already under way for the 2005 reunions, coming up on October 21–22, 2005 — Homecoming Weekend. If you are in the Class of 1955, 1960, 1965, 1970, 1975, 1980, 1985, 1990, 1995, or 2000, make a note on your calendar now! (See sidebar for more information on the 2005 Reunions.)

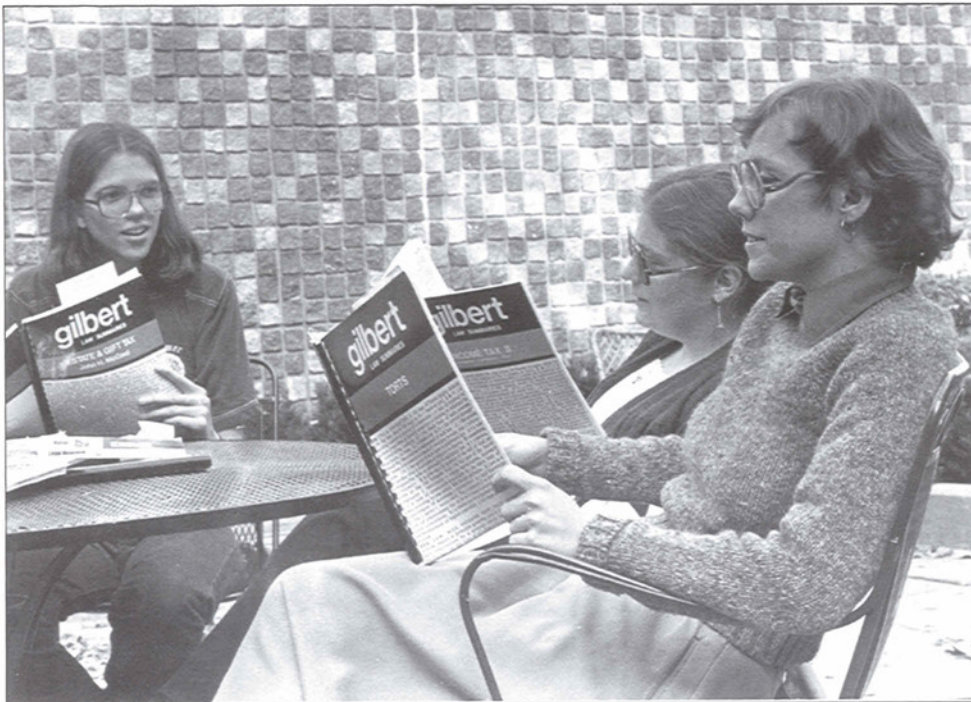




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Law School friendships — too valuable to lose. Stay in touch.



PHOTO: BOB RASHID

Use the Alumni Directory at www.uwalumni.com to find “lost” classmates and make sure they can find you.

Just a few minutes on the Web to update your contact information will ensure that you keep receiving the *Gargoyle* and the newsletter, *Law in Action*.

Remember to include your e-mail address for valuable UW-Madison information throughout the year.

