

*Alumni Bulletin of The University of Wisconsin Law School*



*Winter, 1971, Vol. 3, No. 2*

*The* GARGOYLE

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MADISON WI 53705

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*The Gargoyle*

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**1971 Homecoming**

Dear Friends of the Law School,

Despite the many changes that will come about because of the merger of the two systems of higher education in Wisconsin and despite the tightening that we feel desperately in the budget as it affects us, we are in business as usual at the Law School, except that there is lots more of it.

Although the entering class of 340 is smaller than we had anticipated (and feared), the total enrollment of the Law School is now over 900, and we are bursting at the seams. The attrition formerly experienced between the first and second years, and, to a lesser extent, between the second and third years, has been much less in 1971-72 than in other recent years. For instance, the second year class in 1970-71 was 17% smaller than the first year class which enrolled in 1969-70. This year, the second year class is only 7% smaller than the first year class last year. The third year class in 1970-71 was 15% smaller than the second year class in 1969-70. This year the third year class is only 4.7% smaller than the second year class last year.

The smaller attrition rate after the first year results from a number of factors. The very large number of applications for admission helps to insure that the students admitted are well qualified academically, and

have the capacity to succeed if they try. The lack of plentiful alternatives in employment and the uncertain future of other graduate programs prevents some students from changing their minds about being lawyers. The downturn in the economy may possibly improve motivation somewhat. The phase-out of the war and the consequent lower draft calls is returning some students to the Law School and permitting others to finish without interruption.

We continue to ponder the future—not only of this Law School, but of legal education in Wisconsin and the country. Can we continue to expand this law school without serious deterioration of the quality of our education? Is a satellite law school program providing first year courses on another campus of the newly merged university a possible solution? Should a new and completely independent law school be established? Can any of these alternatives be seriously contemplated in a tightening economy, in the light of the budget pressures that face the state?

So far, no alternative is clearly the appropriate one. No firm answers about what the future will bring are available. The Faculty tends, at this time, to feel that, to maintain quality, enrollment must be held at its present level and even, if possible, rolled back a little.

The staff is too small, the library too restricted and the building not large enough to consider any major expansion now, even if it were to be considered desirable in the long run.

Nevertheless, Faculty members report that teaching is more fun than it has been in several recent years. Students are alert and well-prepared; classes are lively and interesting. Professors are working harder than ever before, but, generally speaking, enjoying it more.

Cordially,  
Spencer L. Kimball  
Dean

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**Ruth B. Doyle, editor**

**Photos by David Ullrich**

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**Postmaster's Note: Please send form 3579 to "Gargoyle", University of Wisconsin Law School, Madison, Wisconsin.**

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## Dean Kimball Announces Intention To Resign

*On November 18, Dean Spencer L. Kimball announced to the Faculty and to the Chancellor in a letter [below] his intention to resign his position as Dean "as soon as practically possible" in order to return to research and teaching. Dean Kimball requested that the search for his successor begin immediately, and that his tenure as Dean be terminated no later than September, 1973, when his original appointment expires. He stated to the Faculty that he hoped a successor can be selected by September, 1972.*

*A search and screen committee will be appointed by the Chancellor, on the recommendations of the Law Faculty and will probably be composed of Faculty members and students.*

*Dean Kimball's letter to the Chancellor follows:*

Nov. 18, 1971

Chancellor H. Edwin Young  
Bascom Hall  
Campus

Dear Ed:

Simultaneously with the sending of this letter to you, I am informing the law faculty of its contents.

Herewith I submit to you my resignation as dean of this law school,



Dean Kimball

in order to return to teaching and research. I would like the resignation to be effective as soon as practically possible. It is important, however, that the replacement process produce a successor who is completely satisfactory to the law faculty, and it is equally important that there be an orderly transition, without an interim acting deanship. For those

reasons, I remain flexible on the termination date, within reason. I should add that I have no other plans than to take my place as a regular member of this faculty and to continue full involvement in its affairs.

I have much enjoyed working with the law faculty, for whom I have great respect and affection. But I feel that I have made the essential contributions I am capable of making as dean and that the time has arrived to arrange for a successor who can come fresh to the job. Moreover, I feel increasingly the need to return to teaching and research to assure that I keep pace with the dynamic field of insurance law and regulation in which I have been interested for so long. Both of these are reasons for my action, which is consistent with my long established and firmly held view that a dean must have strong credentials as a working scholar to be really effective, and that he should serve only a limited term in the decanal office and return to his primary calling while his credentials remain valid.

With kindest regards,

Yours sincerely,

Spencer L. Kimball, Dean

### Trial Advocacy Course Has Thirty Professors

Thirty practicing lawyers form the teaching cadre of Professor Stuart Gullickson's course in Trial Advocacy during the first semester, 1971-72. The course concentrates on the development of one skill—that of examining witnesses, since, according to Professor Gullickson, "this is a skill used by almost all lawyers, . . . not just by trial lawyers, and not just in jury trials. It is the cornerstone of the lawyer's skills in a hearing before a court, administrative agency or legislative committee. Probably witnesses are examined most frequently by non-trial lawyers in uncontested situations:

the widow in probate, the wife in a default divorce, the lender in a mortgage foreclosure, the prospective parents in an adoption, the debtor in a bankruptcy, and the creditor in a default collection."

The thirty trial lawyers who conduct the course teach it by demonstration and example, followed by discussion which serves as interpretation of the demonstration. There are opportunities provided also for the students, in groups of 4, to meet with the trial lawyers, and to themselves practice the examination of witnesses under the critical eyes of the trial lawyers.

Serving as teaching Faculty during the first semester of 1971-72 are: John M. Moore, Thomas O.

Olson, Donald S. Eisenberg, Earl Munson, Jr., Jack McManus, Frank M. Coyne, Kenneth T. McCormick, William L. McCusker, Robert R. Studt, Bradley D. Armstrong, Bradway A. Liddle, Jr., Richard A. Hollern, Steven J. Caulum, Henry A. Field, Jr., John F. Jenswold, and Frank A. Ross, Sr., all of Madison; David J. Cannon, James M. Shellow, William M. Coffey, Clifford C. Kasdorf, James J. Murphy, Laurence C. Hammond, Jr., and Irving D. Gaines, all of Milwaukee; James E. Brennan, and John C. Wickhem, Janesville; Richard Hippenmeyer, Waukesha; Richard Tinkham, Wausau; Raymond R. Colwin, Fond du Lac; Carroll B. Callahan, Columbus; Arno J. Miller, Portage; J. Richard Long, Beloit.

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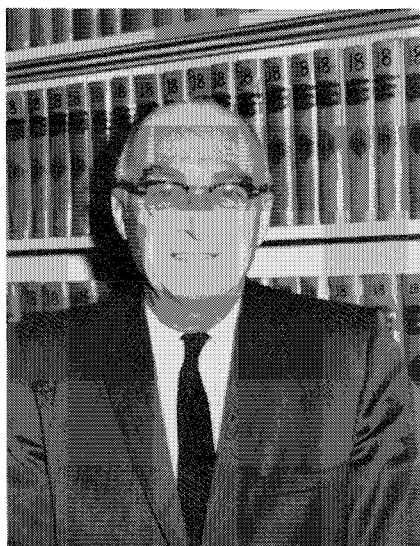
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## Faculty Notes

Professor George Currie, who retired from teaching in 1970, is serving this year by appointment of the 7th Circuit Court of Appeals as Special Master to hear testimony and make recommendations in a dispute between the National Labor Relations Board and Flambeau Plastics.



**Prof. Currie**

Professor Samuel Mermin presented a paper and presided at a round-table discussion at the World Congress on Legal and Social Philosophy in Brussels during September, 1971. Attending the Congress were approximately 300 legal scholars and philosophers from all over the world. Relating to the Congress theme, which was Legal Reasoning, Professor Mermin's paper dealt with *Judicial Reasoning: Functionalism, Definition and Contextual Ambiguity*. The discussion over which he presided concerned the *Process of Justification of Legal Decisions*. Most of the participants, according to Professor Mermin, were trained in the field of philosophy rather than law. "Getting to hear, and to talk to, leading jurists of other countries about their ideas and their current work," he reports, "was immensely interesting and informative."



**Prof. Mermin**



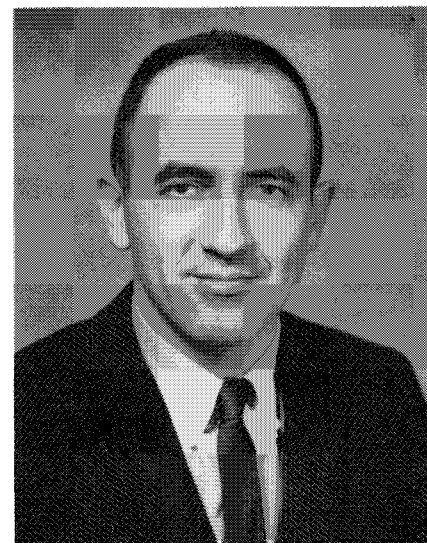
**Prof. Runge**



**Prof. Lehman**

Professor Warren Lehman has been named Smongeski Research Professor for the academic year, 1971-72. The Smongeski professorship relieves him of teaching duties for the year to permit him to engage in research—his principal project is in the field of trademarks.

Professor Carl Runge is serving as Chairman of the Department of Urban and Regional Planning in the College of Letters and Science. That department, which has working ties with many related departments and colleges in the University, including Geography, Economics, Business, Engineering and the Law School, offers only graduate degrees.



**Prof. Bunn**

Professor George Bunn is acting as Chairman of the Clinical Advisory Committee. During 1971-72, over 40 students are enrolled in the Clinical Program, in which they get practical experience for credit. They are assigned to various agencies, including Wisconsin Judicare, Dane County Legal Services, the Attorney General's office, and the Wisconsin Public Service Commission. Some are assigned to County and Federal District Court judges and to legislative committees or a special governor's study committee.

Professor Joel Handler, along with Ellen Jane Hollingsworth of the Institute for Research on Poverty, is co-author of *The Deserving Poor*, a study of welfare administration, recently published by the Markham Publishing Co., Chicago.





**Prof. Conway**



**Prof. MacDonald**

*Professor John Conway and Professor James MacDonald are co-authors of a new book on *Environmental Litigation*, due to be published soon by the Extension Law Department.*

*Professor Conway is also the author of a legislative *Drafting Manual* and a book on *Procedure and Evidence for the Layman*. He is serving this year as a member of the Governor's Committee on Court Organization and of the State Bar-Judicial Council Committee on the Revision of Civil Procedure Rules and Statutes.*

*Professor MacDonald is on half-time leave during 1971-72 to serve on the staff of the *Institute for Environmental Studies*. During the second semester, he will teach Water Law in the Law School, a course which deals chiefly with shore land development and land use. The Institute's program includes both graduate and undergraduate courses, most of them interdisciplinary, dealing with environmental problems. He is Chairman of the State Bar Committee on Environmental Law. He will offer a course in Environmental Litigation during the second semester, as he has several times previously.*

*Professor Nathan P. Feinsinger has embarked on a pilot study of the "real" causes of strikes with the goal of developing bargaining procedures which will lessen the possibilities of strikes and bring them to quick settlement if they do occur. The study is designed to examine the factors which have significant impact in the calling of a strike, including the timing of negotiations and the individual human characteristics of the members of negotiating committees. Co-sponsors of the study are both federal and state mediation agencies, as well as representatives of labor and management organizations. The government mediators will provide the records of strikes which will serve as a basis for the study.*

*On November 22-24 an inspection of the Law School on behalf of the Association of American Law Schools and the American Bar Association was conducted. It is twelve years since the Law School has been inspected by these two accrediting organizations. Members of the team were: Dean William Lockhart, University of Minnesota Law School; Prof. Leon Liddell, Law School Librarian, University of Chicago; Rita Simon, Prof. of Sociology, University of Illinois; Judge George N. Leighton, Illinois Appellate Court, Chicago.*



**Prof. Feinsinger**



**Prof. Jones**

*Professor James Jones, who is serving this year as Director of the University's Industrial Relations Research Institute, as well as Professor of Law, is co-author of *Discrimination in Employment*, one of a series of paperbacks published this year by the Bureau of National Affairs. The series has been prepared by the Labor Law Group with the general subject, *Labor Relations and**

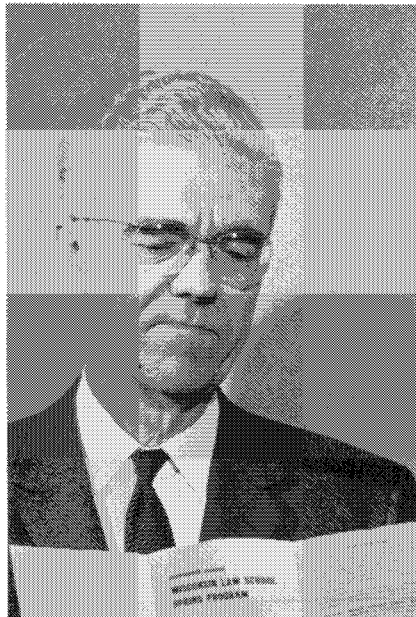
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*Social Problems.* The books are designed as teaching aids and source materials for professors of Labor Law. The Labor Law Group is an organization of labor law teachers, which has been working since 1947 in the preparation of teaching materials.

Co-author with Prof. Jones is Prof. Robert N. Covington, Vanderbilt University Law School. Other titles in the series include "Unionization and Collective Bargaining;" "Social Legislation;" "Collective Bargaining in Public Employment."

PROF. DONALD LARGE was elected by the Faculty at a special election on November 4, to succeed Prof. William Klein as a Law School representative in the Faculty Senate.



Prof. Campbell

## CAMPBELL RETIRES

Richard V. Campbell, "Mr. Automobile Accidents," a 40 year veteran of the Law School Faculty, was granted Emeritus status at the last meeting of the "old" Board of Regents on Friday, October 8, 1971.

A Minnesota native, Professor Campbell joined the Wisconsin Faculty in 1931 after completing his work for an SJD as a Sterling Fellow at Yale. He received his BA and LLB degrees at the University of Minnesota in 1926, a member of Phi Beta Kappa and Coif. He spent several years in private practice in Minneapolis before going to Yale.

But his whole teaching career took place at Wisconsin where, alumni will recall, he became one of the nation's leading authorities on the law of Torts, and a nationally known expert on automobile accidents.

He is the Editor of a widely used Casebook on Torts, and a Casebook on Automobile Accidents.

When the *Gargoyle* asked Professor George H. Young, who was both a student and a colleague of Professor Campbell, to write a few words about him, he paid this tribute:

"All of my professional life has been influenced by Richard Valentine (Dick) Campbell. He was my teacher, and later, my colleague in the Law School for twenty years. Although I worked and talked happily with him as a fellow law teacher, it is as a student of his that I received my deepest impressions. I first experienced, and I use the word "experienced" advisedly, the mind of Dick Campbell as a first year law student in 1938. The class was Torts. The first few classes were mystifying, confusing and, although I didn't think so at the time, challenging. I, along with other law students of that era (I assume the same is true today) were fond of engaging in lengthy discussions of the merits and demerits and idiosyncracies of our Professors. Dick Campbell was exciting. Many of us who had achieved undergraduate recognition and even honors by being able to disgorge in fairly intelligible language some basic but still really imprecisely defined general concepts were brought up short by the razor sharp analysis of the mind of Dick Campbell which always emerged after what sometimes seemed an eternity of questions met with questions. He fenced with students, partly for the joy of fencing, which is something a lawyer should learn, but primarily to ensure that the pointed rapier would be securely embodied. In short, the man taught us how to think. I had the greatest respect and admiration for Dick Campbell in 1938. As I got to know him even better as a co-worker, my admiration and respect increased. I leaned on him heavily as an advisor when I was Dean and I have always been proud to think of him as a dear friend."

As You Ring Down  
the Curtain of  
1971

and Set the Stage  
for 1972 —

REMEMBER  
THE  
LAW SCHOOL  
FUND

Contributions Fully  
Tax Deductible

HAVE YOU MOVED?

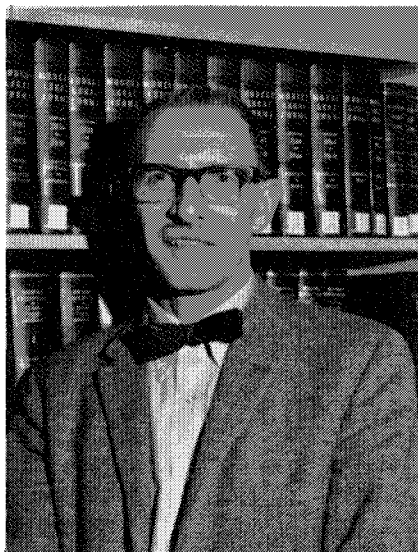
PLEASE LET  
US KNOW  
WHERE.

GARGOYLE

## AT LAST — LAW SCHOOL LIBRARY TO BE AIR CONDITIONED

During the last week of November, work was begun on the air conditioning of the Law School Library. New piping, ducts and the installation of cooling units require core boring through floors and walls. In a notice to the Faculty and students, Librarian Maurice Leon stated his regrets for "the noise and dust that will ensue." It is anticipated that the work will be completed by March, 1972.

The parking lot south of the Law School will be closed for at least a month while the chilled water main is brought into the building.



**Prof. Leon**  
**Librarian**

## BOARD OF DIRECTORS — BOARD OF VISITORS MEET ON NOVEMBER 20

A well-attended joint meeting of the Board of Directors and Board of Visitors was held on Saturday morning, November 20, in the Faculty Lounge of the Law School. The two Boards heard reports on the ABA-AAL's visitation of the Law School, which was to occur on November 22, 23, 24, on the current financial aid picture, and admissions of the Class of 1974. A preliminary report on the current Law School Fund drive was discussed.

## LAW SCHOOL MOOT COURT TEAM WINS REGIONAL CONTEST



Left to right: Clayton Russell, Prof. Helstad, Mary Lee Skaff, Clarence Asmus, Lauri Bier, Greg Peterson, Prof. Brodie, Paul Hejmanowski.

Shown above are the members of two Moot Court teams which represented the Law School at the regional tournament of the National Moot Court Tournament in Chicago on November 6. The regional championship team was composed of Miss Bier and Messrs. Peterson and Hejmanowski. The other Wisconsin team, composed of Miss Skaff and Messrs. Russell and Asmus, reached the semi-finals.

Mr. Hejmanowski was adjudged to have made the best oral argument, and the regional champions submitted the prize-winning brief. The case under discussion involved questions of constitutional and military law.

The winning team will participate in the national tournament sponsored by the Bar Association of the City of New York in New York in December.

In the last 13 years, the Wisconsin Moot Court team has been regional champion 6 times. The Law School had a national championship team in 1969.

Profs. Helstad and Brodie are serving as advisors to the team.

The Boards approved a recommendation made by an Investments Committee composed of Robert Curry, Lester Clemons and Dean Kimball that endowment and trust funds be managed by the First Wisconsin National Bank. Also approved was the allocation of \$10,000 of WLAA funds for long-term loans to participants in the Summer Pre-admission Program.

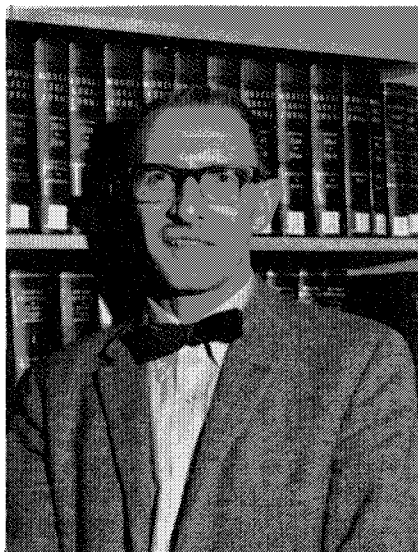
The annual visitation of the Law School by the two boards was planned tentatively for March 24 and 25, 1972.

Attending the meeting were Patrick Cotter, Milwaukee, President of the Association; A. Roy Anderson, Robert Curry, Justice Nathan Heffernan, Joseph Melli, Thomas Zilavy, all of Madison; Irvin Charne and Timothy Frautschi, Milwaukee; John Tonjes, Fond du Lac; John Mitby and John Whitney, Green Bay; Glenn Coates, Racine; Edwin Larkin, Eau Claire; M. A. McKichan, Platteville; Dean Kimball, Professors Arlen Christenson, Walter Raushenbush, Carl Runge; and Ruth Doyle, Assistant to the Dean.

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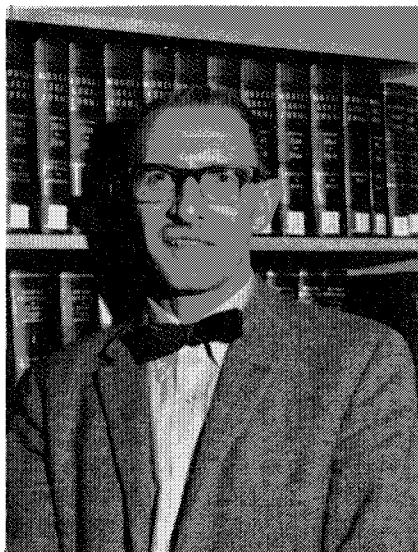
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**Librarian**

## BOARD OF DIRECTORS — BOARD OF VISITORS MEET ON NOVEMBER 20

A well-attended joint meeting of the Board of Directors and Board of Visitors was held on Saturday morning, November 20, in the Faculty Lounge of the Law School. The two Boards heard reports on the ABA-AAL's visitation of the Law School, which was to occur on November 22, 23, 24, on the current financial aid picture, and admissions of the Class of 1974. A preliminary report on the current Law School Fund drive was discussed.

## LAW SCHOOL MOOT COURT TEAM WINS REGIONAL CONTEST



Left to right: Clayton Russell, Prof. Helstad, Mary Lee Skaff, Clarence Asmus, Lauri Bier, Greg Peterson, Prof. Brodie, Paul Hejmanowski.

Shown above are the members of two Moot Court teams which represented the Law School at the regional tournament of the National Moot Court Tournament in Chicago on November 6. The regional championship team was composed of Miss Bier and Messrs. Peterson and Hejmanowski. The other Wisconsin team, composed of Miss Skaff and Messrs. Russell and Asmus, reached the semi-finals.

Mr. Hejmanowski was adjudged to have made the best oral argument, and the regional champions submitted the prize-winning brief. The case under discussion involved questions of constitutional and military law.

The winning team will participate in the national tournament sponsored by the Bar Association of the City of New York in New York in December.

In the last 13 years, the Wisconsin Moot Court team has been regional champion 6 times. The Law School had a national championship team in 1969.

Profs. Helstad and Brodie are serving as advisors to the team.

The Boards approved a recommendation made by an Investments Committee composed of Robert Curry, Lester Clemons and Dean Kimball that endowment and trust funds be managed by the First Wisconsin National Bank. Also approved was the allocation of \$10,000 of WLAA funds for long-term loans to participants in the Summer Pre-admission Program.

The annual visitation of the Law School by the two boards was planned tentatively for March 24 and 25, 1972.

Attending the meeting were Patrick Cotter, Milwaukee, President of the Association; A. Roy Anderson, Robert Curry, Justice Nathan Heffernan, Joseph Melli, Thomas Zilavy, all of Madison; Irvin Charne and Timothy Frautschi, Milwaukee; John Tonjes, Fond du Lac; John Mitby and John Whitney, Green Bay; Glenn Coates, Racine; Edwin Larkin, Eau Claire; M. A. McKichan, Platteville; Dean Kimball, Professors Arlen Christenson, Walter Raushenbush, Carl Runge; and Ruth Doyle, Assistant to the Dean.



## THEY COME . . . .

## WHAT'S AHEAD FOR CLASS OF '74? ENROLLMENT PRESSURE INTENSIFIES

More than 1900 people applied for admission to the Wisconsin Law School in 1971-72. This represents an increase of almost 100% in the last 4 years. All law schools report comparable enrollment pressures, in a time when many other graduate departments are suffering marked enrollment declines.

The entering class numbered 340. This is the largest entering group within recent memory. Six hundred forty applicants were offered admission, fewer offers than were made a year ago. Of the 340, 12 are participants in the Legal Education Opportunities Program. Included also are 42 participants of the 74 who completed the Summer Pre-admission Screening Program.

This is not only the largest entering class; it is the best qualified, as qualifications are measured traditionally—in undergraduate grade point averages and scores on the Law School Admission tests. The median undergraduate grade point average of those who registered is 3.27 (on a 4. scale) compared to 3.13 in 1970. The median LSAT score is 629, compared to 620 in 1970. In 1968, these were 3.04 and 605 respectively.

Two hundred forty-one first year students are residents of Wisconsin. The other 139 hail from 26 states from Massachusetts to California, which produced 3 and 7 members of the class respectively. Illinois, with 18, and New York, with 17, were the largest non-Wisconsin contributors to the class of 1974.

The first year class has gathered  
*con't on page 15*



## WHAT'S AHEAD . . .

from page 8

from 104 undergraduate colleges and universities. The University of Wisconsin-Madison, is the *alma mater* of 135. Wisconsin universities (now all members of the newly-merged University of Wisconsin) from which students enrolled are: Eau Claire—5; LaCrosse—2; Oshkosh—4; Platteville—3; River Falls—1; Stevens Point—1; Whitewater—6. Other campuses of the University of Wisconsin at Green Bay, Milwaukee and Parkside contributed 1, 17, and 2 students respectively.

Twenty-seven graduates of private colleges in Wisconsin have joined this class. Of these, the largest groups are from Beloit (6), Lawrence (7), and Marquette (6).

In the entering class, 16 students were admitted without receiving undergraduate degrees. Also, there are 7 transfer students from other law schools, admitted with advanced standing.

About 14% (47) of the registered members of the class are females, compared to a little more than 10% (35) in the class entering in 1970, and 7% (22) in 1969. This increase in the number of entering women students and the small number of females who graduated in 1971 (17), raises the enrollment of women to 10% of the total student body. Increasing interest of women in law is part of a rapidly developing national trend.

It is significant to note that 236 women applied for admission this year, compared to 138 in 1970, and 75 in 1969.

It appears that the admissions pressure in 1972-73 will be similar to that experienced this year, and that there will be more rather than fewer applications for admission. The increasingly high retention in the 2nd and 3rd years has also contributed to over-crowding of the Law School, with no relief presently in sight.

## 1971 GRADUATES . . .

from page 9

One hundred ninety-two graduates forms the largest law school graduating class since the end of World War II.

In the class of 1971, 44 graduates entered government service, including the military. Of those situated in government, 20 are located in Wisconsin, in state agencies and in county government, usually as Assistant District Attorneys. Twenty-two students entered federal service, and 2 are employed by government in states other than Wisconsin. In 1970, 28 graduates entered government service of a group of 130, and in 1969, government jobs were selected by 18 graduates. Only 9 graduates in 1971 entered government via the military, and several of these were fulfilling 4 month commitments.

Private practice attracted 77 members of the Class of 1971, of whom 64 are located in Wisconsin, many in the smaller cities, such as Janesville, Beloit, Eau Claire, Manitowoc, Stevens Point. Only 6 entered business, including banks, insurance companies and accounting firms. This may reflect the slow-up of business recruiting as much as the changing interests of the graduates. Three of those in business remained in Wisconsin.


Fourteen graduates have accepted positions in special programs providing legal services for the poor and other disadvantaged groups. Of these, 5 are Reginald Heber Smith fellows located in West Virginia, Denver, Rhode Island, Atlanta, and Boston. Others are in Legal Services organizations in Dane County, Milwaukee, Kansas City. Wisconsin Judicare has one associate from the Class of 1971. Two have joined Indian Legal Services in Wisconsin.

Judicial clerkships, in federal and state courts, claimed fifteen grad-

uates. Five of these are located in Wisconsin, in the Federal District Courts in the eastern and western districts, and the Supreme Court of Wisconsin. Six clerks are located outside Wisconsin in the Circuit Courts of Appeals or Federal District Courts. Four graduates accepted clerkships in other state appeals courts.

The Chief Clerk of the Wisconsin State Assembly is a member of the Class of 1971; another member is a legal counselor and Assistant Professor of Political Science at one of the state universities. One graduate is working in the University's business affairs office. Another is working for the Law Reform Commission of Ghana. One is employed in a special project at the Law School, and one is doing further graduate work at the Wharton School of Finance, University of Pennsylvania.

The most startling shift is in the overall summary. Last year, about 40% of the graduates started their careers in Wisconsin. By September, 60% of the 1971 graduates had settled in Wisconsin. In addition to those already settled in Wisconsin, it can be assumed that at least some of those currently doing military service, or acting as clerks to judges outside the state, or employed by the government, will eventually return to practice closer to home.



Season's  
Greetings

## THEY GO . . . .



### 1971 GRADUATES CHOOSE, FIRST CAREERS SHOW CHANGES

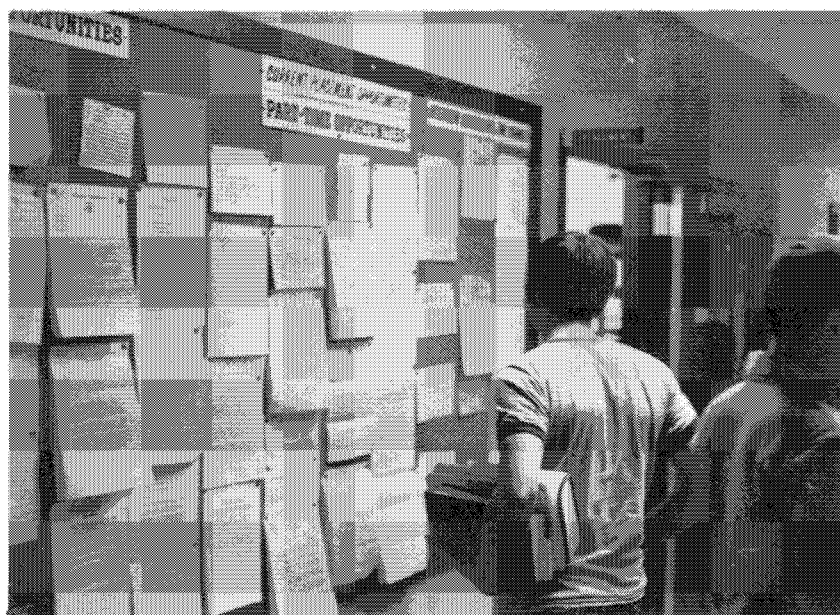
Although there is great change in national employment patterns in all other professions, lawyers newly graduated in 1971 experienced about the same opportunities as their predecessors in 1970 and 1969. Where there are differences, they are largely of degree. For example, about 45% of this year's graduates entered private practice, compared to about 44% a year ago. But of these, about 83% are located in Wisconsin, compared to approximately 55% in 1970. The traditional opportunities are still available to the new graduates; the locations, the specific assignments have changed somewhat.

The number of recruiters using the Law School's Placement Services declined slightly in 1970-71 over 1969-70, indicating a slight tightening of the choices available to the graduates. It appears that the number of recruiters in 1971-72 will be about the same as in 1970-71.

However, the kinds of recruiters changed considerably, according to Mrs. Mary Staley, Director of Placement Services. There were fewer from the large city law firms, fewer from business, insurance companies and banks, and substantially more from law firms in Wisconsin cities. This trend continues in 1971-72, she says.

As of October 1, 172 graduates (January, June, and August, 1971) had recorded their decisions in the Placement Office. Twenty graduates were either uncertain, or had not notified the Placement Office of their decisions.

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## WHAT'S AHEAD . . .

*from page 8*

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Season's  
Greetings



## WHAT'S GOING ON IN LEGAL EDUCATION? CHANGES MAY BE COMING

*With this article, the Gargoyle hopes to acquaint alumni with some of the pervasive questions confronting all law schools in 1971. The questions, though large, can be quickly and forthrightly stated. Possible responses are numerous and varied. Only a few of the most talked-about can be covered here.*

*Confronting the future, all law schools are in the same boat. Those which are part of the large prestigious universities, whether privately endowed or publicly-supported, and small schools whether public or private, day schools and two-divisional schools (full-time and part-time) are faced with the same problems.*

*Readers will note that all the fundamental problems are inter-related; e.g. though the budgetary problem is a separable one, it is closely related to the problem of enrollment pressures, as well as student dissatisfactions. Probably none is solvable by itself.*

*A limited survey of various proposals can help interested alumni to put their own law school in its larger context—as a part of a large institutional framework called Professional Training in the Law—American style.*

### THE PROBLEMS—some examples.

1. *Compared to graduate and professional training in all other fields, legal education receives minimal financial support.* Legal education in America has existed with almost no major changes in structure for nearly a century. The curriculum in early law schools was adopted, almost intact, from that set forth by Blackstone in his lectures at Oxford beginning in 1753, which culminated in his well-known *Commentaries on the Law of England*. The major American innovation, which continues to this day, was the implementation of that curriculum in the late 19th century through the reading of appellate judicial opinions in casebooks, followed by the classroom dialogue familiar to all of you.

Perhaps one of the chief reasons that law schools have continued so long in this uniform pattern is that law schools are, relative to other graduate disciplines, inexpensive to operate. It is an efficient format for

mass instruction, using large classes and small faculties. Library needs are stable. Despite constant dissatisfaction with the product of the law schools, there has been little pressure from the Bar to provide increasing support to improve their performance.

Changes now considered desirable and probably necessary to add depth and relevance to the education of aspiring members of the Bar must usually be set aside for budgetary reasons. Developments of new course structures and novel methods of teaching require greater use of teaching personnel and this involves additional funds, because for almost their entire history, the law schools have been supported only at a level appropriate to the cheapest forms of mass instruction. New challenges can not be met, nor even seriously considered.

2. *Enrollment pressures continue to mount.* Because it is the only pub-

licly-supported law school in the state, the Wisconsin law school suffers more acutely than some of its counterparts from the mounting pressure on enrollments. Although large numbers of applicants (residents and non-residents alike) who just a few years ago would have been considered fully qualified for legal training are now being denied admission, the enrollment has risen from about 600 in 1968 to 900 in 1971, with almost no increase in the size of the Faculty.

Some privately endowed law schools rigidly limit size, as do the universities of which they are a part. The Wisconsin Law School uses increasingly stringent admissions standards, but nevertheless continues to grow.

Nationally, the number of students taking the Law School Admission test has risen from 62,000 in 1968 to over 100,000 in 1971. Each person in this increasing number is probably applying to several law

schools. The work of admissions officers and admission committees is pressurized and increasingly difficult. The problem of providing adequate opportunity in this state and in the country as a whole for those who wish to study law, who are capable of satisfactory work in law schools and who are needed in an increasingly complex profession, in law schools that are invariably underfinanced, is an urgent one.

3. *Student dissatisfaction appears to be present in law schools everywhere.* Dissatisfaction is observed in all law schools of which we know, and is an uncongenial companion to mounting enrollment pressures. Students, desiring to be lawyers, appear to consider much of the law school experience as a kind of sentence to be served. We recognize that this phenomenon is not entirely new, but its intensity has increased in recent years. All the various proposals and plans for development and improvement take into account this major difficulty in the present law schools. Since it is most troublesome in the third year, much of the curricular response has been directed to changes in that year. At Wisconsin, two Faculty members who recently evaluated the Clinical Program reported that the enthusiasm of the third year students for the program was only relative—it stemmed almost entirely from the fact that it gave them an alternative to the traditional third year courses. It was not, in other words, that the clinical experience was so valuable; it was that they found their third year courses so unsatisfying. A few law schools report that the disenchantment even sets in during the second year. Partly it is, no doubt, a learned response that channels down to second year students from jaded seniors, rather than an independent judgment.

The tremendous investment of students' money (both presently spent and borrowed, to be paid back in the future) adds a more poignant dimension to the student dissatisfaction. It is not only the expenditure

of time, it is the investment of money and the postponement of gainful employment that makes the third year so painful to some students.

4. The pressures for change outlined above become themselves a problem, when they are confronted with built-in obstacles—the accreditation requirements of the American Bar Association and the Association of American Law Schools, as well as requirements for admission to the Bar, all of which spell out the number of years (indeed, the number of weeks, the hours of class per year and the number of minutes per class) which are necessary for approval, and thus for bar admission. These constraints on legal educators are immensely powerful and limit drastically the range of possible experimentation.

\* \* \*

#### *SOME APPROACHES TO THE SOLUTION OF THESE PROBLEMS.*

The proposals and programs briefly described below are only a few of those currently being discussed. For many years, the *Journal of Legal Education* has, it seems, printed little except criticisms of legal education and suggestions for change.

Almost all the recent proposals share these focuses: 1) providing more practical experience for law students; 2) removing third year apathy either by changing the third year or, often, abolishing it as a requirement; 3) recognition of the changing intellectual and professional needs of lawyers; 4) providing a well-rounded law school experience, including not only the experiences to be encountered later in the practice, but also educational and broadening opportunities which may never be available again.

*The Stanford Plan.* The Stanford Plan was the result of nearly two years of student, faculty and administration consultation, as well as detailed analysis of the Stanford faculty and student body. The purpose of the continuous conferences was to insure that any recommended changes would have, not mere acquiescence, but the enthusiastic commitment of all groups involved.

The basic program change is the offering of a two year degree, JM, for people who do not wish Bar admission. Among these might be people whose professional interest is in another field, such as business, journalism, education or court administration, and who want the legal training as an additional background. Of course it does not qualify the student for bar admission under present rules. The requirements for entering students are the same in the 2 year as in the 3 year program.

Continuation into the third year is possible for those who have earned the JM. There are many options for the professionally oriented student who continues for a third year. Because all required courses would be completed at the end of 2 years, students can, for example, choose to select their third year courses entirely from the 60 elective courses offered at Stanford. They can choose a Research Program for one full year's work, under the direct and close supervision of 2 faculty members. Or they can choose an Extern Program, in which one semester's credit is offered for six months full-time work in an approved clinical setting, with a second semester in residence at the Law School.

Other programs are being developed at Stanford to extend the options and increase flexibility: (1) law for undergraduates as a major

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study, perhaps offered in connection with other majors; (2) specialized courses, in summers or seminars or under sabbatical arrangements, for members of the practicing Bar (specialization is a reality in California); (3) para-professional training. Justification for para-professional training in the law school is expressed by Prof. Thomas Ehrlich in these words: "The inevitability of the emergence of para-professionals in law does not ensure that it will be handled wisely. In fact, we are inclined to bet otherwise, unless the law schools become involved in planning and designing the training and in setting the standards for para-professionals."

*Northeastern University.* Northeastern is a new law school, attached to an enormous (70,000 students) urban university in Boston. It has at present 250 students, and plans never to admit more than 125 at any time. The law school operates a full program twelve months a year. The entering class completes a traditional first year studying taxation, constitutional law, contracts, etc., with heavy emphasis on research and writing on assigned problems. During the summer following the first year, the entering students are divided into 2 groups—one group stays in law school, the other has assigned work experience outside the law school. From then on, the two groups alternate in each quarter. Job placements, in most cases, are arranged by the law school, and all jobs have faculty approval and some supervision. All class work after the first year, during the terms on campus, changes substantially in nature because of the work experience. Classes are small, and all are oriented to the study and solution of legal problems. Effort is made to promote the idea of the Law School as a Community, and there is substantial participation by students in the decision-making processes of the school.

Because Northeastern students graduate with a large amount of work experience, and because there

is close faculty supervision of individual research and extensive student participation in small groups, Northeastern feels secure in its completely Pass/Fail grading system. It is possible to evaluate the work of students for prospective employers, as well as for the students themselves, in other ways than by grades.

*The South Carolina plan.* The South Carolina plan was prepared with a grant from the Ford Foundation. As it has evolved, it features a shift from the regular semester-length course to courses of varying length, measured in total hours of instruction. "Floating" hours are provided to permit more detailed individual study of particular subjects, or of joint study of related subjects in addition to regular course work. By reducing the number of class hours required in certain fields during the second year, and by shifting away from the case book method of instruction, it is possible to offer about as many courses in the second year as have been available in the second and third year combined. All required courses are completed by the end of the fourth semester, and the plan proposes to "create a final year of study in which the student assumes the role of a lawyer, but within the controlled working environment that enables him to obtain the benefits of actual or simulated practice on the one hand, and helpful supervision and counsel on the other." Clinical experience is required for one semester of the third year. All third year students participate in small classes and engage in inter-disciplinary studies, combining legal education with business, economics, political science, etc.

Assuming "the role of the lawyer" does not mean simply accepting a clerkship in a private law firm, since, in the opinion of the drafters of the plan, private practice does not often offer enough variety of experience to be completely educational. Real experience must be combined with simulated experience and with detailed research in small seminars.

Admittedly, the difficulties of providing sufficient staff and appropriate problem-solving materials will plague the program. Also proposed is a central clearinghouse of materials (including audio-visual offerings and educational games, among others), to which all law schools offering similar programs could go to exchange ideas.

*The Proposed Report of the Curriculum Study Project of the Association of American Law Schools.* This is the most sweeping proposal for curricular change now current. Offered in February, 1971, it is intended mainly as a model for law schools to use in evaluating their own objectives and programs, rather than as a program for adoption. Participating in the work of the Curriculum Study Project were a group of distinguished law professors, including Professor William Klein of Wisconsin, who has since left us for the University of California at Los Angeles.

The premise on which the proposal is based is (in its own words) "the abandonment of the illusion that the law is a unified profession, all members sharing a common educational background."



*Merry Christmas to All—  
And to All a Good Night.*

Consequently, it proposed the establishment of 6 different law school curricula, each designed to serve a specific purpose:

1. *Standard Curriculum*; two academic years for the student interested in practicing law in the traditional sense. This is the professional core course, but organized in larger building blocks than the traditional courses and designed so that not only different substantive content but differing skills are parcelled out among the courses for instruction.

Within the Standard Curriculum, 6 regular courses are required in the two years, each in a basic area (Contracts, Property, Business Transactions, etc.), and each meeting daily. In addition, each student would be required to participate in 4 small tutorial groups, which would consume 3/5 of the Faculty time allotted to the first two years. Individual study according to carefully prepared syllabuses and followed by standard examinations is required in 6 other areas of legal study.

2. *Special Curriculum*; comes after the Standard Curriculum, and usually after some practical experience, in which a student can acquire specialized knowledge about a particular aspect of law, through individual study, seminars and examinations.

3. *Limited Curriculum*; usually one year in length. It admits those who seek the competence to perform limited legal service, either in accident claims advocacy, criminal advocacy, family and welfare advocacy, or real property counseling. Its graduates do not qualify for licenses to practice law. It contemplates the imminent development of para-professional jobs in the law.

4. *Collegiate Curriculum*; for people not planning careers in law, but in other fields where some legal training could be helpful, such as business, journalism or education.

5. *Research Curriculum*; for students desiring careers in law teaching and legal research. It follows the standard curriculum and includes as one of its requirements a teaching experience in the standard curriculum.

6. *Licensing Curriculum*; a third year program for graduates of the Standard Curriculum who wish to practice in jurisdictions where three years of law school is an absolute requirement for admission to the Bar. The entire report is built upon the view that two years is enough formal training to justify admission to the Bar. This curriculum is conceived as a transitional one because bar admission authorities would be expected to accept the two year idea only slowly. Although the notion of a two year course of training for bar admission is a major departure from present practice and will at first glance seem retrogressive to many, it can not be dismissed out of hand. It may or may not be the right direction to move in legal education, but no thoughtful lawyer can afford to dismiss the idea without first thinking through both the objectives and achievements of the traditional three year course of study. The Report is an interesting challenge to the preconceptions all of us share.

and that it serves a limited educational purpose; (2) that variety and flexibility must be injected into legal education, as in all other education, if it is to meet the challenges of the future; and (3) that the new lawyer needs much more than has been available to him previously, including training in the skills of lawyering as well as in substantive law. He also needs the opportunity for deep immersion in certain areas of particular interest.

\* \* \*

#### WHAT ABOUT WISCONSIN IN THIS ERA OF CHANGE?

There is no lack of awareness on the Wisconsin Faculty of the problems of legal education. Some members of the Faculty, particularly Professor John Conway, are outspoken advocates of the two year law school. Some, at great expense of effort and time, are teaching very differently than they did a few years ago, using problem solving exercises, which require a great deal of individual effort by students and the evaluating faculty members. Independent reading courses and research projects are offered for credit. The Clinical Program, and courses in Trial Advocacy and General Practice, all of which are familiar to *Gargoyle* readers, have added a necessary dimension to the educational experiences of students, by teaching practice skills. Moreover, the content of traditional courses changes continuously as the world of the law changes.

\* \* \*

These, then, are some of the more interesting proposals. All share some common assumptions: (1) that, after the first year, the casebook method of instruction is not very exciting

"Developments at the Wisconsin Law School will be evolutionary, rather than revolutionary," said Dean Spencer L. Kimball. "There are many reasons for this: (1) a basic commitment to the traditions of legal education, which has, over

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the years, been a good educational experience on the whole; (2) a recognition that all proposals to add breadth and depth to the curriculum require substantial budgetary investment in additional staff and facilities, which will be hard to acquire; and (3) the recognition that major change can only take place after bar admission authorities are convinced that it should, for the gates to the profession are tended by others than legal educators. In practical terms, this means that major change requires, first, the conviction of law faculties that it should take place—a position not yet reached—and, second, a concerted effort by them to convince the Bar and the courts that it should be allowed. For these reasons, change at Wisconsin and elsewhere will undoubtedly be incremental, but the winds of change are sweeping through the field of law and a generation from now things will be very different."

*"Twas ever thus . . ."*

## Report of Board of Visitors to U.W. Regents

March 10, 1900

Concludes: "We desire, however, to call attention to the one fact that there is a feeling about the state, and among many who are the friends and patrons of the University, among many who appreciate the needs of the institution and its need for greater room and other buildings, men who take a pride in its success, that the institution is costing a great deal and is a burden upon the taxpayers, and we think it behooves the management to use every possible economy in the administration of the affairs of the University, not inconsistent with its prosperity and progress."

**SUPPORT  
THE LAW SCHOOL  
FUND**

# COULD YOU PASS THE BAR EXAM—IN 1889?

[From the *Aegis* (a campus publication) October 4, 1889]

*If you wish to take this test, the Gargoyle will try to persuade some Faculty members to read and grade your paper.*

—We publish this week the questions propounded by the State Board of law Examiners at their 15th examination, held at Milwaukee August 26th last. We purpose publishing a few of the lists of questions used by the Board in the more recent examinations.

QUESTIONS FOR APPLICANTS AT MILWAUKEE, AUGUST 26th, 1889.

1. What is equity? What are the grounds of equitable jurisdiction?
2. Define fraud. State the instances of fraud, of which equity will take cognizance.
3. What is a passive trust? An active trust? A resulting trust? A constructive trust?
4. Name the chief incidents of partnership. What are the powers and liabilities of partners with respect to each other?
5. What is a homestead under the laws of Wisconsin? How is it protected and how may it be alienated?
6. What was the common law, in respect to the earnings of a married woman? What changes, if any, have been made in such law by statute in this state?
7. What is a right of way? How may it be acquired?
8. When lands adjoin a river, to whom does the soil of the river presumptively belong?
9. What is evidence? What is direct and what circumstantial evidence?
10. What is eminent domain? By whom and for what purposes may the power be exercised?
11. State the different kinds of insurance, and the general nature of each.
12. What is fee simple? Define a deed, a mortgage and a lease.
13. When will a parol contract for the purchase of land be specifically enforced by a court of equity?
14. What is a corporation? Name and define the different kinds of corporations.
15. What is a will? What are the requisites of its valid execution?
16. What is the difference between privity of contract and privity of estate.
17. What contracts does the statute of frauds require to be in writing?
18. What is a chose in action?
19. Draw a complaint upon a promissory note, against maker and endorser, with verification.
20. What is the purpose of the pleadings in an action? Name the successive pleadings in an action under the code and state the office of each.
21. Who should be made parties to an action for the foreclosure of a mortgage? Detail the ordinary proceedings in a foreclosure suit when there is no answer and there are no infants or non-residents.
22. What is a jury? What actions under the code are triable by jury, and what are the functions of a judge in such trials?
23. What is a constitution? What is a statute? When they are in conflict which controls?
24. In what action and upon what grounds may a defendant in an action, be arrested and held to bail? What is the object of such arrest?
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## Report of Board of Visitors to U.W. Regents

March 10, 1900

Concludes: "We desire, however, to call attention to the one fact that there is a feeling about the state, and among many who are the friends and patrons of the University, among many who appreciate the needs of the institution and its need for greater room and other buildings, men who take a pride in its success, that the institution is costing a great deal and is a burden upon the taxpayers, and we think it behooves the management to use every possible economy in the administration of the affairs of the University, not inconsistent with its prosperity and progress."

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# COULD YOU PASS THE BAR EXAM—IN 1889?

[From the *Aegis* (a campus publication) October 4, 1889]

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—We publish this week the questions propounded by the State Board of law Examiners at their 15th examination, held at Milwaukee August 26th last. We purpose publishing a few of the lists of questions used by the Board in the more recent examinations.

QUESTIONS FOR APPLICANTS AT MILWAUKEE, AUGUST 26th, 1889.

1. What is equity? What are the grounds of equitable jurisdiction?
2. Define fraud. State the instances of fraud, of which equity will take cognizance.
3. What is a passive trust? An active trust? A resulting trust? A constructive trust?
4. Name the chief incidents of partnership. What are the powers and liabilities of partners with respect to each other?
5. What is a homestead under the laws of Wisconsin? How is it protected and how may it be alienated?
6. What was the common law, in respect to the earnings of a married woman? What changes, if any, have been made in such law by statute in this state?
7. What is a right of way? How may it be acquired?
8. When lands adjoin a river, to whom does the soil of the river presumptively belong?
9. What is evidence? What is direct and what circumstantial evidence?
10. What is eminent domain? By whom and for what purposes may the power be exercised?
11. State the different kinds of insurance, and the general nature of each.
12. What is fee simple? Define a deed, a mortgage and a lease.
13. When will a parol contract for the purchase of land be specifically enforced by a court of equity?
14. What is a corporation? Name and define the different kinds of corporations.
15. What is a will? What are the requisites of its valid execution?
16. What is the difference between privity of contract and privity of estate.
17. What contracts does the statute of frauds require to be in writing?
18. What is a chose in action?
19. Draw a complaint upon a promissory note, against maker and endorser, with verification.
20. What is the purpose of the pleadings in an action? Name the successive pleadings in an action under the code and state the office of each.
21. Who should be made parties to an action for the foreclosure of a mortgage? Detail the ordinary proceedings in a foreclosure suit when there is no answer and there are no infants or non-residents.
22. What is a jury? What actions under the code are triable by jury, and what are the functions of a judge in such trials?
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