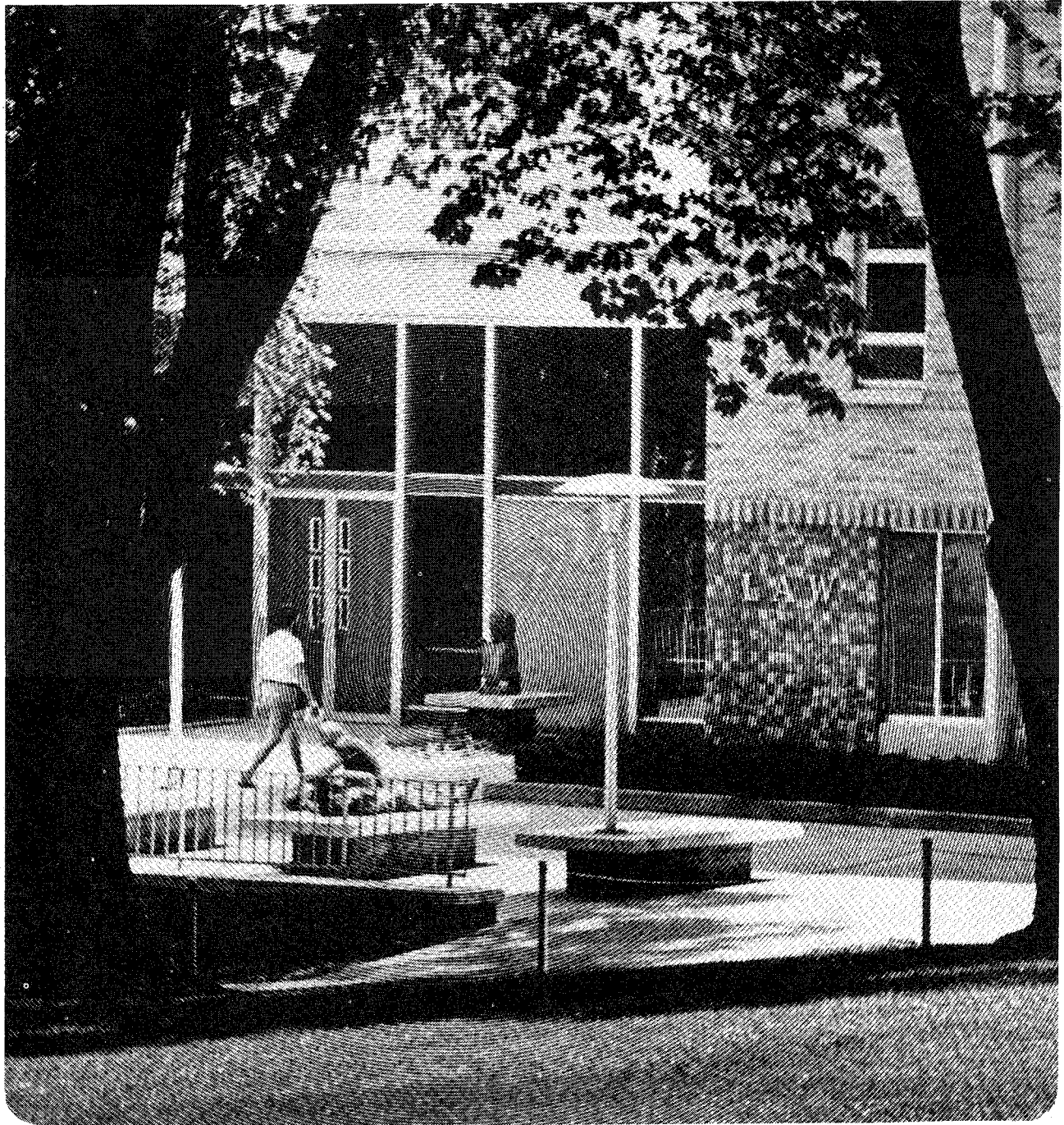


gargoyle

Alumni Bulletin of the University of Wisconsin Law School

Vol. 6 No. 3

Spring, 1975



guished Law Schools. Also contributing to the difficulty is the fact that many distinguished law teachers who, in an earlier day, would look upon a Deanship as an opportunity to exercise scholarly, intellectual and educational leadership are today unwilling to be deans because of the increasingly heavy burden of administration and fund raising.

* * *

Professor Brodie has also been appointed, along with a group of practicing lawyers, to a committee established by the Supreme Court of Wisconsin to study in depth the rules and statutes governing appeals to the Supreme Court and all of the operating procedures used in the decision-making process.

* * *

There is one visiting professor at the Law School. He is *Professor Robert Gordon*, Associate Professor at the Law School at the State University of New York at Buffalo.

* * *

**SUPPORT
THE LAW SCHOOL
FUND**

Professor Zigurds Zile, one of a small select group of American scholars in the field of Soviet Law, is a contributor to a recent volume of essays entitled *Contemporary Soviet Law*, published in honor of John N. Hazard, Columbia Law School professor of Comparative Law. Professor Zile's essay discusses the Soviet struggle for the Quality of the Natural Environment. It is subtitled *An Inquiry into the Limits of Environmental Law Under Central Planning in Contemporary Soviet Law*.

* * *



Professor Zile



DEAN EXPLAINS THE BUDGET

My last piece in these pages boasted about the increased teaching of practice skills and the improved students-to-faculty ratio in the School. I must now eat crow.

1) The Executive Budget denied *all* of the new funds approved for the School by the Regents: \$217,500 to be added to the School's annual base budget, enough for about 9 new teachers.

2) The budget contains almost no funds to pay for supervision of the clinical programs in which students receive credit during the school year for serving as legal interns in prosecutors and defenders offices, in prisons and mental institutions, in state government offices or in agencies providing legal services for the poor or for public interest groups. (Many of these programs have been funded until now by the Wisconsin Council on Criminal Justice or by other outside sources. However, the federal funds allocated by WCCJ expire at the end of a three-year period and are then no longer available to the Law School. The other outside sources are also drying up.)

3) The Executive Budget will require the University to use money previously allocated to positions in order to pay for the inflationary increases in supplies, tele-

phones, etc. We must plan on a 10 percent per year shrinkage in the buying power of this part of our budget.

4) The Executive Budget imposes budget cuts on the University. We have been told to plan next year for a *reduction* in the Law School's annual base budget for this reason.

The net result, when added to an "enrollment funding" cut already anticipated because we have reduced our total enrollment to 880 (in a building built for 750), will be that we will lose the equivalent of about 6 positions rather than gaining 9.

You are all aware of the State's difficult economic circumstances and the cost being imposed on all state agencies. The decisions as to the Law School, however, appear to have been based in part at least upon two misunderstandings:

1. The budget analysts were unaware that outside funding for our clinical programs was drying up.

continued—page 3

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THE GARGOYLE

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

Vol. 6, No. 3 Spring, 1975

Ruth B. Doyle, editor

Publication office, 213 W. Madison St., Waterloo, Wis. Second class postage paid at Waterloo, Wis.

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2. The budget analysts compared a Wisconsin Law School students-to-faculty ratio of about 22-to-one with ratios of some other schools which are higher. Harvard is an example, but Harvard's ratio is computed on a different basis. It counts only the Harvard *professors*. It does not include the sixteen teaching fellows or the ten lecturers who teach law students in Harvard Law School classes and supervise students in its clinical programs. In addition to Wisconsin's regular professors, our figures include one legal writing lecturer (comparable to Harvard's sixteen teaching fellows) and a number of practitioner-lecturers who teach part-time and are counted as a fraction of a full-time teacher to produce a total equivalent teaching faculty of over 39.

Counting only Wisconsin's regular faculty (i.e., professors), we have the equivalent of a little more than 32 full-time teachers and a students-to-faculty ratio of more than 26-to-one this year. This compares with the 28-to-1 ratio so roundly criticized by the American Bar Association-Association of American Law Schools accreditation team in 1972. On this basis, the improvement is only from 28-to-1 to 26-to-1, not to the 22-to-1 I have been boasting about. (See the Law School Board of Visitors Report printed elsewhere in these pages).

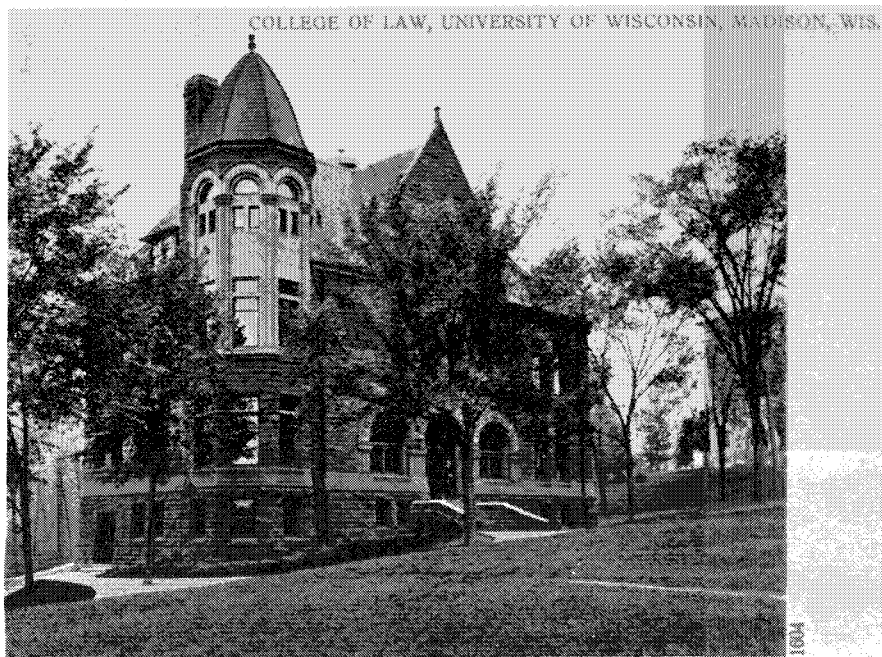
The result of the Executive Budget will be to decimate our practice-skills training: to end most faculty-supervised clinical placements for credit, to cut the General Practice Course in half (so that only 80 of 270 graduating students can take it), to cut out the practitioner-lecturers who taught mock trial and other practice-skills courses, and to eliminate our legal writing lecturer and most of our teaching assistants in the legal writing program.

You may ask why a dean who emphasized the teaching of practice skills proposes to cut these programs first. It is first of all because they have been largely taught by people who do not have tenure or long-term contracts with the School. In any institution, those with seniority, tenure or long-term contracts are the last to be reduced in force no matter what the merits are. Secondly, looking at the merits, traditional classroom teaching of legal analysis, legal principles, legal institutions and legal history is what law schools do best. I feel strongly that when we can do traditional teaching well, we should add practice skills so that the neophyte lawyer does not learn them entirely at the expense of his or her first clients. But we must give priority to teaching the traditional courses well. Your Law School's regular faculty will continue to do that.

George Bunn
Dean



Dean Bunn



Old Law School

'T WAS EVER THUS

Professor Charles Nobel Gregory, Associate Dean of the University of Wisconsin Law School, read a paper to the Section on Legal Education of the American Bar Association at the ABA convention in 1898.

Its poignant title was "The Wage of Law Teachers."

The facts of his case were drawn from an extensive survey of law teachers all over the western world. Reports from 349 teachers showed that 75 were full-time teachers and the rest were lawyers in practice and sitting judges. The salaries of full-time teachers averaged \$2564.12. Boston University Law School had a faculty of 35—all otherwise employed.

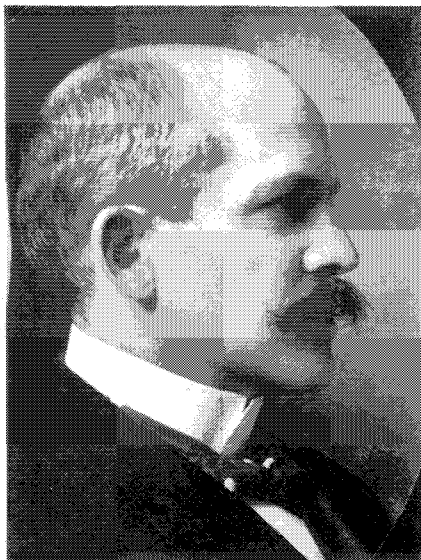
Harvard Law School had 9 full-time professors at salaries ranging from \$2250 to \$5000. Law school professors were usually better paid than professors in other departments. Most Law Schools survived on income from fees, and at least one (Michigan) was expected to contribute a share of its income to other departments of the University.

Professor Gregory reported that a certain (unnamed) western university had spent \$78,000 for its college of Agriculture and \$14,000 (all from fees) on the same number of students in its law school.

"I mentioned this," he concluded, "to some of its faculty and expressed my pleasure at the liberal support of the science of Agriculture, and my hope that the science of law might at some time be as well maintained. They pointed out, with some heat, the usefulness of the Agricultural School, and said one of its professors had invented a convenient apparatus for testing milk. I was glad of this excellent achievement. I recalled that one of the law professors had published an able work on Evidence (a convenient apparatus for testing truth) and intimated that a good quality of justice was as important as a good quality of milk."

Law Quarterly Review Volume 14 1898

* * *



Professor Gregory



Law School Football Team—1894

ALUMNI FUND DOWN A LITTLE

The curtain has gone down briefly on the 1974 Annual Fund Drive. The results at the closing of the books on January 31, 1975, were somewhat lower than at the final day in the 1973 drive.

Proceeds of the Fund include contributions solicited from alumni and gifts presented by others, often as memorials to deceased alumni or gifts from friends of the Law School. The total of all gifts is \$91,224.56, compared to \$114,362.97 in 1973.

The curtain will rise again almost immediately, according to William Lewis, Executive Director of the Wisconsin Law Alumni Association and Director of the Fund drive:

"The fund drive is not over. In past years it has essentially ended in January. This year, for the first time, we will extend the drive, especially in Dane and Milwaukee Counties. Volunteers will make personal contact with alumni who have not contributed so far. We realize that there are some graduates who simply have chosen not to give. We do not intend to change their minds. However, I strongly suspect that there are hundreds of alumni in Dane County alone who are willing to donate \$10, \$25 or even \$50, but have put off actually writing their checks and sending them in to WLAA. These are the people we hope to reach by our continuing efforts."



William Lewis

ANNUAL REPORT OF LAW ALUMNI FUND

Annual Giving

Law Alumni Fund		
General	\$24,011.50	
Earmarked	33,740.51	
Benchers	12,691.50	
WLAA Memberships	10,049.75	
To Regents for Law School Use	<u>5,000.00</u>	\$85,493.26
Endowment Gifts to WLAA		
Jacob H. Beuscher Fund	1,041.30	
Lloyd K. Garrison Fund	<u>5,100.00</u>	6,141.30
Total Gifts to WLAA and Regents		<u>\$91,634.56</u>

OTHER GIFTS

To U.W. Foundation		
Gwynette E. Smalley Memorial Scholarship	1,000.00	
For 1974 Law Alumni Fund Drive	<u>590.00</u>	1,590.00
Total Gifts to WLAA and Law School		<u>\$93,224.56</u>

Deferred Endowments through Insurance Program

62 participants (1970, 1971, 1972, 1973)
at \$5,000

(\$310,000.00)*

* This figure represents the ultimate commitment to the Fund, based on \$5,000 per participant. It does not represent income received.

ANALYSIS OF ANNUAL GIFTS BY ALUMNI BY SIZE OF GIFTS

Comparison — 1970, 1971, 1972, 1973, 1974

Number of contributors and amounts

	\$0 - 99	\$100 - 199	\$200 - 499	\$500 - 999	\$1,000 & over
1970	213 - \$ 5,559.00	118 - \$12,836.00	51 - \$13,039.00	8 - \$3,600.00	7 - \$ 9,500.00
1971	326 - 8,388.30	133 - 14,316.74	57 - 14,374.50	6 - 3,420.00	8 - 12,659.07
1972	322 - 7,279.44	113 - 12,156.20	52 - 13,493.00	5 - 2,900.00	6 - 16,982.65
1973	412 - 11,054.41	122 - 14,630.33	52 - 14,218.10	9 - 4,565.40	2 - 2,563.69
1974	371 - 10,142.20	111 - 14,176.00	52 - 14,417.01	6 - 3,140.40	3 - 5,010.54

Totals (law student giving not included)

	Contributors	Amount
1970	397	\$44,534.00
1971	530	53,158.61
1972	498	52,811.29
1973	597	47,031.93
1974	543	46,886.15

BREAKDOWN OF ALUMNI GIFTS BY REGION

Wisconsin Regions

Region No.	County	No. of Contributors	Amount
1	Milwaukee	110	\$16,082.00
2	Kenosha and Racine	9	770.00
3	Dane	90	9,082.45
4	Walworth, Rock, Green	28	1,955.00
5	Dodge, Jefferson, Waukesha Ozaukee, Washington	18	845.00
6	Calumet, Winnebago, Fond du Lac, Green Lake, Manitowoc, Sheboygan	26	1,708.00
7	Forest, Florence, Oconto, Marinette, Brown, Door, Kewaunee, Langlade	18	1,720.00
8	Columbia, Marquette, Sauk, Waushara, Lincoln, Marathon, Oneida, Vilas, Portage, Waupaca, Wood	36	2,444.00
9	Crawford, Grant, Iowa, Lafayette, Richland, LaCrosse, Monroe, Vernon, Adams, Clark, Jackson, Juneau	21	1,720.00
10	Buffalo, Dunn, Pepin, Pierce, Trempealeau, St. Croix, Rusk, Sawyer, Chippewa, Eau Claire	13	773.00
11	Ashland, Bayfield, Iron, Price, Taylor, Barron, Burnett, Douglas, Polk, Washburn	6	318.00
Total for Wisconsin Regions		375	\$37,417.45

Metropolitan Areas

Chicago	24	\$2,821.50	
Los Angeles	7	340.00	
San Francisco	10	585.70	
Minneapolis-St. Paul	8	281.00	
New York	15	1,023.50	
Washington, D.C.	31	1,459.50	
Other States	73	2,957.50	9,468.70
Total Contributors	543		\$46,886.15
Student Bar Assn. and J.D. certificate revenue			2,105.00
Total Alumni Giving			<u>\$48,991.15</u>

ANALYSIS OF ANNUAL GIFTS OF ALUMNI BY REGION

Comparison — 1970, 1971, 1972, 1973, 1974

No. of Contributors and Amount

	Milwaukee	Dane	Wis. outside Dane & Milw. Cty.	Other States
1970	82 - \$10,907.00	61 - \$ 9,608.00	133 - \$13,941.00	121 - \$10,078.00
1971	113 - 14,242.00	92 - 13,974.66	165 - 14,381.95	160 - 10,560.00
1972	106 - 12,414.70	71 - 19,572.65	175 - 12,107.94	146 - 8,716.00
1973	123 - 14,948.33	88 - 9,765.69	188 - 13,557.41	198 - 8,760.50
1974	110 - 16,082.00	90 - 9,082.45	175 - 12,253.00	168 - 9,468.70

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1974	543	46,886.15

ANALYSIS OF ANNUAL GIFTS BY ALUMNI BY CLASS

	1973		1974	
Class	Donors	Amount	Donors	Amount
1905	--	--	1	\$1,300.00
1910	1	\$ 100.00	-	--
1912	2	275.00	1	200.00
1913	1	100.00	1	40.00
1914	1	150.00	1	150.00
1917	-	--	1	50.00
1920	1	5.00	2	30.00
1921	3	667.70	2	657.70
1922	2	350.00	4	520.00
1923	4	460.00	3	93.50
1924	1	100.00	3	90.00
1925	4	410.00	6	627.50
1926	4	500.00	5	590.00
1927	5	281.50	5	335.00
1928	3	375.00	6	595.00
1929	5	400.00	4	285.00
1930	8	1,535.00	8	1,720.00*
1931	11	981.20	9	966.20*
1932	8	608.50	8	778.50
1933	11	1,168.50	13	1,401.00
1934	13	2,346.70	12	2,757.70*
1935	15	1,685.00	13	1,625.00
1936	11	1,095.00	13	583.00
1937	9	1,043.50	9	815.00
1938	14	1,142.50	8	805.00
1939	11	795.00	9	590.00
1940	15	1,022.00	20	4,355.00
1941	16	933.50	16	1,269.00*
1942	10	1,337.70	7	706.70
1943	6	366.00	3	205.00
1944	2	65.00	-	--
1945	4	190.00	3	36.00

Class Giving Continued

1973		
Class	Donors	Amount
1946	7	\$ 265.00
1947	16	2,272.70
1948	30	2,374.70
1949	17	4,157.19
1950	22	1,860.00
1951	13	1,075.00
1952	17	1,946.00
1953	50	3,480.00
1954	7	505.00
1955	12	1,284.91
1956	15	885.00
1957	6	343.33
1958	15	713.00
1959	9	205.00
1960	8	260.00
1961	11	717.70
1962	12	390.00
1963	6	728.40
1964	8	205.00
1965	10	263.50
1966	12	395.00
1967	17	480.00
1968	21	428.20
1969	13	416.00
1970	5	205.00
1971	21	339.50
1972	13	382.50
1973	4	75.00

1974	
Donors	Amount
1	\$ 100.00
20	2,252.70
14	1,227.70
16	2,561.45
19	1,401.00
13	655.00*
20	2,224.00
17	1,517.50
7	693.00
13	917.70
13	488.00*
3	175.00
14	678.00*
10	476.00
7	480.00
16	1,117.70
16	727.50*
13	1,097.40
7	615.00
12	615.00
10	330.00
9	355.00
19	751.50*
11	418.00
7 (14)	219.20
11 (26)	191.00*
16 (15)	312.00
23 (7)	410.50*

* Included in totals are contributions made to the University of Wisconsin Foundation for the benefit of the Law School.

Note: The figures in parentheses represent the participants in the deferred insurance program.

GARRISON FUND ESTABLISHED

The retirement during the past year of Lloyd K. Garrison as senior partner in the New York firm of Paul, Weiss, Rifkind, Wharton & Garrison, has provided the occasion for the establishment of the Lloyd K. Garrison Fund. It will be a fund which is "to be expended from time to time in the discretion of the Faculty for the teaching or preparation of new or experimental courses or programs of study or apprenticeship, designed to broaden the students' understanding of the legal system in theory and in action and of developing areas of the law. Both principal and income may be disbursed for these purposes in the Faculty's discretion."

Opportunities to contribute will be afforded to all alumni who graduated between 1931-41, the well-remembered years of Dean Garrison's tenure. Others will include Dean Garrison's many friends and admirers all over the country.

The first contribution to the Garrison Fund is Paul, Weiss, Rifkind, Wharton & Garrison, which has contributed \$5000.

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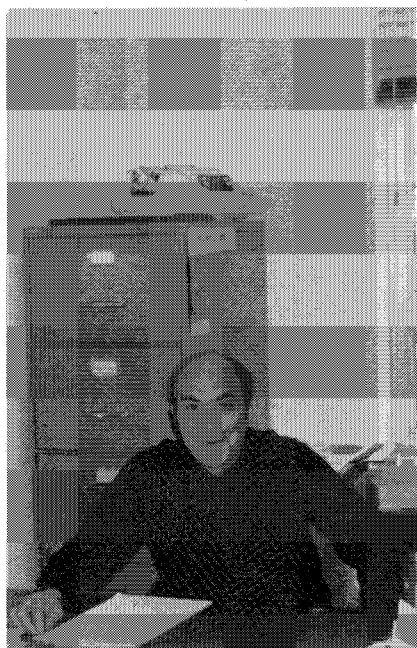
Dean Garrison with Professor Hurst—Alumni Award, 1974

FACULTY NOTES

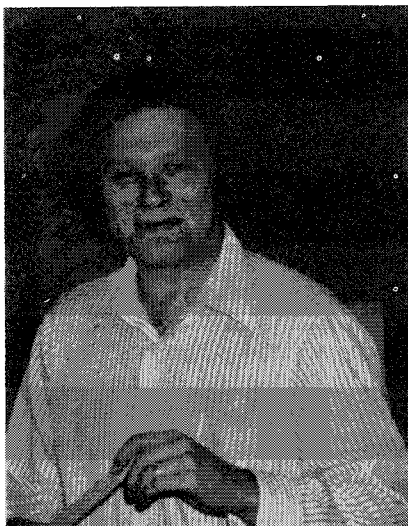
During the spring semester, 1974-75, the following Faculty members will be on leave: Professors *David Trubek*, *Richard Bilder*, *Frank Tuerkheimer*, *Herman Goldstein*, *Walter Raushenbush* and *Joel Handler*, who has a Guggenheim Fellowship for this year. Professor Raushenbush is teaching at the University of New Mexico, Albuquerque. Professors Bilder (at the University of Virginia) and Herman Goldstein are continuing leaves undertaken in the fall. Professor Frank Tuerkheimer will remain until summer on the staff of the Special "Watergate" Prosecutor in Washington; he is presenting the case against John Connally.

* * *

Professor Kabaker is teaching again after a semester as the Smongeski professor; *Professor Ted Schneyer* is the Smongeski Professor in the second semester. Returning to teaching also is *Professor Neil Komesar*.



Professor Kabaker

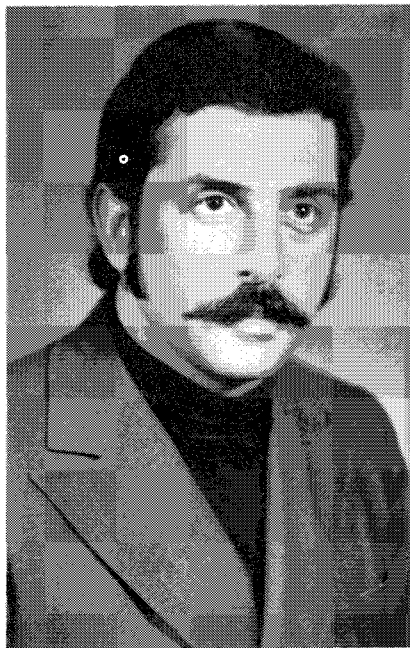


Professor Schneyer

* * *

Professor Stuart Gullickson has been elected a member of the Board of Governors of the State Bar of Wisconsin.

* * *



Professor Komesar

The Board of Governors of the State Bar of Wisconsin, at its January meeting, has directed its Executive Committee to meet with the Deans of Marquette and the University of Wisconsin Law Schools to discuss ways in which the Bar can be helpful to the clinical programs at both law schools. Deans Boden and Bunn met with the Executive Committee in late January. A lengthy discussion of the problem of training lawyers in practice skills took place. The Board of Directors plans to study the procedure used by Ontario to qualify lawyers for practice. After graduation from law school, neophyte lawyers in Ontario must spend another year receiving practice skills training and "clerking" in lawyers' offices before they may hold themselves out to the public as qualified to practice law.

* * *

The third edition of Professor Ray Brown's book on Personal Property has been completed by *Professor Walter Raushenbush* and will be published during 1975.

* * *

The Monday Club, which meets every other Tuesday, is deep into its second semester discussions. All members of the Faculty are eligible to participate in its discussions, and many of them have. The Club has been studying the problems of technological assessment, which means the problem of estimating present and future costs of technological development. The Club suggests readings, and on occasion invites experts from outside the Law School to lead its discussions.

* * *

FACULTY NOTES

continued

Law school alumni will be saddened to learn of the death of *Rosa M. Beuscher* on December 20, 1974. The widow of Professor Jacob Beuscher, Rosa was a vital, long-time member of the Law School community. She was a prominent, functioning artist, who spent the summer of 1974 in Germany, bringing home with her a number of etchings and woodcuts. Her daughter, Gretchen, son, Bill and mother survive her.

* * *



Rosa Beuscher

Professor *Willard Hurst* is serving as a member of the Wisconsin Humanities Committee, which periodically makes allocations from the funds granted by the National Endowment for the Humanities. On December 4, Professor Hurst gave an introductory talk on a televised panel on "The Individual's Place in Society" on Station KTCA, Minneapolis-St. Paul.

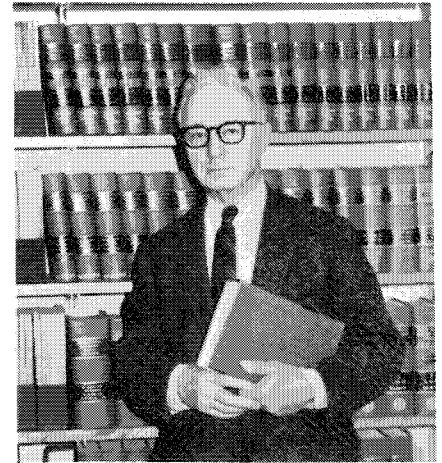
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Police Corruption, a monograph by Professor *Herman Goldstein* was published by the Police Foundation in January, 1975.

* * *



Professor Goldstein



Professor Brodie

Under the chairmanship of Abner Brodie, the Search and Screen Committee is conducting its difficult job of seeking and evaluating applications for Dean to succeed George Bunn, who has announced his intention to resign by the end of this academic year. Other members of the Committee are: Dean Robert H. Bock, U.W. School of Business; Jack R. DeWitt, President-elect of the State Bar of Wisconsin; Professor Jane C. Hutchinson, Art History; Professors Peter Carstensen, Arlen Christenson, Marygold Melli, and David Trubek, all of the law faculty. James Drummond and Lynn Sylvester are the law student members of the Committee.

Professor Brodie reports that the Committee is working hard at a task made even more difficult by the fact that there are a large number of Law Schools which are or have recently been seeking Deans, including Yale, Boalt Hall (University of California-Berkeley) University of Pennsylvania, Georgetown, University of California-Los Angeles, New York University, and many other distin-

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* * *

Professor Brodie has also been appointed, along with a group of practicing lawyers, to a committee established by the Supreme Court of Wisconsin to study in depth the rules and statutes governing appeals to the Supreme Court and all of the operating procedures used in the decision-making process.

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There is one visiting professor at the Law School. He is *Professor Robert Gordon*, Associate Professor at the Law School at the State University of New York at Buffalo.

* * *

**SUPPORT
THE LAW SCHOOL
FUND**

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* * *



Professor Zile



FACULTY NOTES

continued

Law school alumni will be saddened to learn of the death of *Rosa M. Beuscher* on December 20, 1974. The widow of Professor Jacob Beuscher, Rosa was a vital, long-time member of the Law School community. She was a prominent, functioning artist, who spent the summer of 1974 in Germany, bringing home with her a number of etchings and woodcuts. Her daughter, Gretchen, son, Bill and mother survive her.

* * *



Rosa Beuscher

Professor *Willard Hurst* is serving as a member of the Wisconsin Humanities Committee, which periodically makes allocations from the funds granted by the National Endowment for the Humanities. On December 4, Professor Hurst gave an introductory talk on a televised panel on "The Individual's Place in Society" on Station KTCA, Minneapolis-St. Paul.

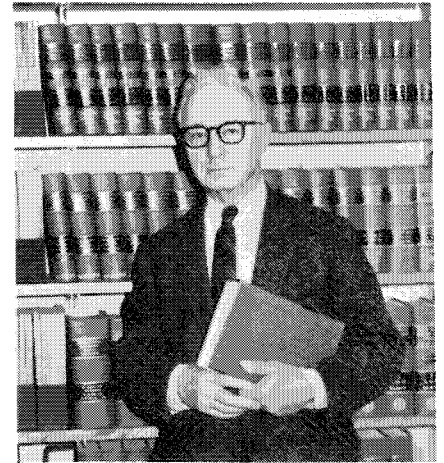
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* * *



Professor Zile



PRE-LAW ADVISOR—BUSY PROFESSION

One of the consequences of the enormous flood of students into the narrow gates of legal education is a whole new profession—that of pre-law advisor. Every small liberal arts college has one, often a faculty member who serves as advisor to a pre-law club. In college circles, the number of seniors accepted into Law School has come to have great effect on the prestige of the college. On a large campus, such as U.W.—Madison, the advisors to undergraduate majors in the liberal arts, such as political science, history, sociology, or psychology, spend many hours in discussing law school prospects with undergraduates. Many faculty members also provide this service on an informal basis.

The *Gargoyle* editor, among other duties such as coordinator of financial aids, serves also as the Law School's designated pre-law advisor, a role which was played for several previous years by the Legal Writing instructor. It is estimated that between 400 and 500 potential applicants have visited this office in each of the three most recent academic years. In addition to hundreds of visits, there are several opportunities each year to speak to gatherings of potential law students. Groups come occasionally from other college campuses. For the past three years, more than 200 new students (not yet registered in college) have attended a pre-law meeting as part

of their freshman orientation on the Madison campus. A group of seniors in the honors program have an annual meeting in September.

The numbers mount a little every year.

It appears that almost all of the visitors are serious in their desire to go to Law School. They usually wish private conferences, since one's LSAT score and undergraduate grades are matters of great sensitivity, not to be revealed in the presence of others.

Who are these people who want to be lawyers? They come from all over the United States, and there is an occasional visitor from a foreign country. Each year there is a larger percentage of women than the year before. Applicants range in age from 16 (thinking far ahead) to 55. They come from several different races, colors and creeds. While most come recently from college, there are bankers, business executives, professors, ministers, elementary and high school teachers, social workers, and public figures among them. A successful physician in the middle 50's requested an appointment, and subsequently decided it was better to hire a lawyer than to be one. One, who was admitted and enrolled, left Law School after one year, but was awarded an honorary LLD degree at the next University Commencement.

Some of the multitude come from families where lawyers are a tradition in each generation. Some know no lawyers and have only the vaguest notion of what lawyers do. For these, hometown alumni, on request, have been very helpful in showing a potential law student what life as a lawyer is like.

The advisor's role—as conceived here—is to help the applicants to make their own decisions. It is up to the advisor to provide accurate information, when it's available, and no guesses or surmises (unless they are clearly labelled as such) when information is not available.

Most of each visit is devoted to a discussion of the potential applicant's particular interests. These usually include law schools other than Wisconsin; an exceptionally well-qualified applicant is encouraged to develop several options; an unlikely prospect for admission here is encouraged to buffer the chances with applications at other law schools. Some, life-long residents of Wisconsin, are seeking an invigorating change of scene. An effort is made to keep up-to-date bulletins and other information on hand. The *Prelaw Handbook* published annually by the Association of American Law Schools and the Law School Admission Council is edited by the Pre-Law Committee of the Law School Admission Council, of which Professor Walter Raushenbush has been Chairman. It is the Bible of the Pre-Law Advisors and all of the applicants. It is often more up-to-date than the law school bulletins.

Almost all of the applicants have some of these questions among the many they bring in, and many of the same questions when they leave:

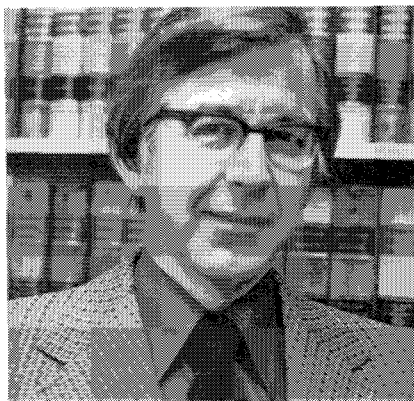
1. What are the good law schools? (There is no current, objective rating).
2. There is a rumor that Harvard is not a good law school. (Nonsense).
3. Which law school is best in criminal law, environmental law or labor law? (This requires additional information, which we try to get).
4. Is Wisconsin going to lose its accreditation? (No).
5. Are there special quotas for women? (No).
6. Are financial aids available? (Yes, but financial aid is about 80% in the form of long-term loans).
7. Will I surely get a job when I finish? (Impossible to tell about the job market today, much less four years or more hence).
8. What are the minimum grade point averages and LSAT scores? (Most law schools, including Wisconsin, don't set minimums. Selections are made from the total applications).
9. What kind of recommendations are needed? (Depends on the law school. The Handbook provides information about each).
10. What other qualifications are needed? A master's degree? (After screening all applications by the LSAT and undergraduate grade-point averages, many other qualifications, such as graduate work, volunteer work, and military service experience are noted. For this law school, residence in Wisconsin provides a great advantage.

Residence in the state is probably an advantage at all state university law schools).

11. What undergraduate courses are required? (There are none, but potential applicants who are freshmen and sophomores are urged to listen and watch carefully for changes).
12. Where should I go to college? Is it an advantage to graduate at U.W.-Madison? (We give no advice on this. Residence in Wisconsin counts a great deal, but many residents go out-of-state to college. More than 1/2 of those in the first year class in 1974-75 are from the University of Wisconsin system. About 1/3 are graduates of the University of Wisconsin-Madison).

College freshmen, in choosing their undergraduate courses, often come for advice. "Would geology or oceanography provide the most helpful insights to understanding and effective use and development of the legal system?" (The undergraduate bulletin, Guidelines, states that the study of science will accomplish the above purpose for prospective law students. But, the student wants to know, which science?)

A very young undergraduate came in in despair. He had just discovered, he said, that one had to be a "brain" to get into law school. "If you aren't a lawyer," he groaned, "What do you do?"



Prof. MacDonald

MACDONALD HEADS DNR INVESTIGATION

In June 1974 Governor Patrick J. Lucy appointed Professor James B. MacDonald as Special Counsel to investigate charges which had been raised against the Wisconsin Department of Natural Resources in a series of articles in the *Milwaukee Sentinel*. On his staff of eight, Professor MacDonald included one law professor, John E. Conway, and two third year law students, Patricia S. Record and Gerard Bertrand. Prior to entering law school Patricia Record served two years in a staff position with Claire Dedrick the recently appointed head of the Resources Agency of the State of California. Gerard Bertrand, who has a Ph.D. in Marine Ecology, has served on the staff of President's Council on Environmental Quality and in an advisory capacity to the Corps of Engineers. Two recent graduates of the Wisconsin Law School, Robert J. Smith and J. Michael Riley were also members of the staff.

Eight investigative reports were published by Professor MacDonald between September 15 and December 31, 1974. They dealt with the Coleman Lake Club, the Flambeau Road, the "Big Block" in the Flambeau River State Forest, Port Industries (Lake Superior shoreline), the J. C. Campbell Dump, the White River, the Red Cedar Trail and the Wausau Dump. The final summary report was issued in January of this year. It found the Department deficient in enforcement, internal and external communication, the use and interpretation of law, and the gathering and use of information.

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THE GARGOYLE

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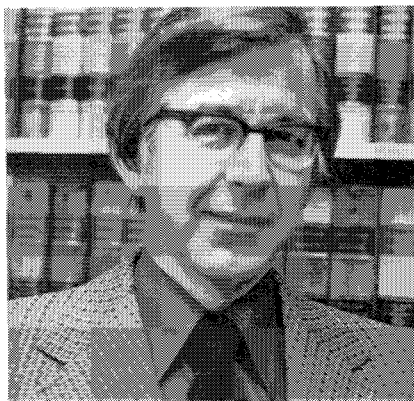
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* * *

THE GARGOYLE



Dear Law School graduates,

It has been a pleasant year at the Law School. This can be said despite the budget, crowding in the classroom, anticipated staff shortages, and other problems too numerous to mention. The winter has been mild. The students seem to be diligent, but relaxed and pleasant. Occasionally one hears a belly laugh in the corridors. THIS WEDNESDAY has drawn interested audiences for lectures, concerts and movies. STAR TREK and MICKEY MOUSE pack them in in the student lounge every afternoon. A lot of students are earning good grades.

It would be a good year to come to the Spring Program on March 20. Moot Court arguments, reunion luncheons, honors convocation in the afternoon and the gala dinner and dance at the Hilton.

Won't you join us?

*Cordially,
All of us at the Law School*

* * *

ALUMNUS QUESTIONS; LAW SCHOOL ANSWERS

Robert B. L. Murphy is an interested alumnus of the University of Wisconsin Law School, and a distinguished senior lawyer in Madison. The exchange of letters reprinted below raise, on Mr. Murphy's part, some of the serious questions which many lawyers have about the Law School, and elicit responses from Professors David Trubek and Joel Handler about the "teaching versus research" storm which blows over all higher education today.

This exchange of ideas has led to a couple of lunch-time conferences between the writers.

* * *

From Bob Murphy in response to the Dean's invitation to participate in the annual visitation on November 15 and 16, 1974:

"No thoughtful person should minimize the administrative problems of operating a law school in these years, or the difficulties in teaching the law itself. Each is entitled to very sympathetic treatment and understanding."

"... the law faculty has not endeared itself to the practicing profession because of the appearance it gave of its unwillingness to share its problems with practitioners. Many of those in the teaching sector had an unwarranted hostility toward the practicing sector and I regret to say converse was true. Some practitioners thought the

faculty were trying to shuck off teaching duties in favor of what it called research. The latter is in itself an honorable word which some faculty activity may not always have merited. Some practitioners thought there was too much dilettantism parading as research effort. Much research seemed to be bent in the direction of what was believed to be wrong rather than in improving what was already working, even though imperfectly."

"There was widespread resentment felt a few years ago by members of the practicing bar that the Law School was teaching activism in social reform areas before its students were well grounded in substantive principles in those same areas. I have heard practitioners say that it took five years for them to overcome the effects of the kind of teaching demonstrated by their clerks and associates. My own view is that this is an extreme argument, but the very fact of its utterance should give pause to you and the others whose genuine concern is for the future of the profession."

"It is my hope that a weekend of this kind (the annual visitation) could begin to furnish the basis for an intelligent collaboration among the teaching, practicing and judging segments of the Bar. We should know full well that our enemies can divide us if we are in fact divided internally. Whether we are thinking selfishly or in terms of the public interest, this is not a pleasant prospect. The attacks on professionalism are already nearly universal and we should hardly be contributors to the movement."

"... I appreciate the job you are trying to do, including the all too rare courage you exhibited in the speaking out against what you thought was inadequate treatment of the Law School. There is not much the practicing segment of the Bar can do in university circles since you must make your own image in that highly competitive atmosphere. I do think you should seek a large circle of friends on the outside who can in time get the Law School some of the fuller support it needs from both the private and public sectors."

"The alumni of our Law School have not been generous in acknowledging their collective indebtedness. Perhaps the faculty should share part of the responsibility for this less than ideal situation. Both should strive to improve it."

Mr. Murphy's letter was circulated to the Faculty by the Dean. It stimulated two thoughtful, written responses. One, a memo addressed to the Dean, urging him to reply to Mr. Murphy came from Professor David Trubek; the other, a letter from Professor Joel Handler, was addressed to Mr. Murphy.

Trubek's memo, November 4:

"... There are four points that have to be addressed. Three have to do with research, the fourth with teaching."

"Murphy makes three allegations about the faculty's involvement in research:

- (i) faculty members "shuck off" teaching to do research;
- (ii) faculty activity was dilettantism not "true research";
- (iii) research has focused on the wrong thing.

"The first is a serious point and should be addressed. As Dean, I think you have the obligation to

point out to Mr. Murphy and those whose views he claims to be echoing that teaching and research are inseparable activities. It is impossible to do responsible teaching in any but the most elementary areas without being engaged in the production of knowledge in that area . . . ”

“The second two points are harder to deal with, because their meaning is obscure. If the accusations of dilettantism were not such a serious affront to the faculty, it might be reasonable to ignore such an incomprehensible sentence as Murphy’s statement that “much research seemed to be bent in the direction of what was believed to be wrong rather than in improving what was already working, even though imperfectly.” Since the thought is not very clear, but given the implicit attitudes that seem to underly this statement, I think you should address this point as well.”

“It seems that Murphy is unhappy because faculty research has pointed up problems in various areas of the Law, and suggested reforms. I take it that he wants faculty to focus more on what is right in the system. That seems to reflect a misunderstanding of the function of the university in society. Our task should not be to celebrate the system, but to improve it. Naturally, our research should be critical. If things are working well, there is less need for the researcher. It’s where there are problems that he is most needed. The medical researcher studies disease more than he worries about health. So should we.”

“The observation about teaching is connected with the misunderstanding of the role of research. Of course, I share Murphy’s concern that our students are not thoroughly grounded in the fundamentals

of the science of law. But the cause of this is not too much research or too much emphasis on the use of law to solve social problems, but *too little*. Our students learn most of the things we can teach in big classes quite well. They learn the basic analysis tools and the major substantive principles. But they learn too little of the “law in action”. This means some of the practice skills you are concerned with, and it also means learning how law actually works in society. We try to do this through our specific courses and overview subjects like Legislation, Legal Process and Sociology of Law. But the best way for a student to really grasp this dimension of the law is by immersion in a problem and the legal reaction to it. Only by learning in depth how the legal system engages (or fails to engage) the many social problems it deals with will students understand in general what law in our society is all about. To do this, students should do more in depth research. And the best way for them to do that is to work with faculty members themselves engaged in such activities.”

Murphy wrote again to the Dean:

“ . . . The burden of my message was, and continues to be, that the alumni of our Law School can no longer afford to misunderstand the aims and problems of the school. By the same token some of the faculty, at least, need a deeper appreciation of the problem of their graduates who enter areas other than those which the faculty think are the only worthwhile ones.”

“In brief I am pleading for the kind of understanding which will draw alumni and faculty together. It is inexcusable that they remain apart in areas of common interest.”

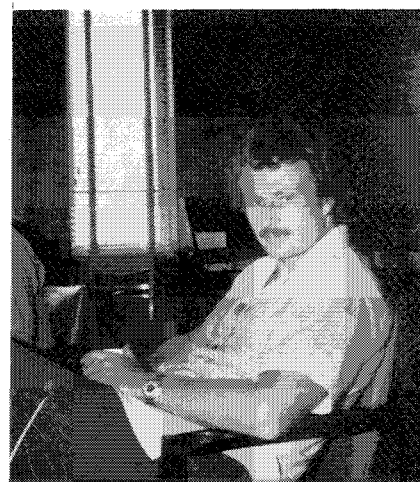
“There isn’t the slightest question in my mind that in the years ahead we are going to live either under a rule of law which preserves the substantial freedoms, or under a rule of the strong man. That issue is so fundamental in my mind so as to overshadow everything else.”

“The Law Alumni Association and the Barristers both provide desirable means for maintaining some contact with the school. The Board of Visitors undoubtedly had value when it has been constituted and chaired as it is at present. These have apparently not proven to be enough to do the job either for the outside alumni or the faculty.”

“It is my hope that this kind of blunt message can be conveyed the weekend of November 15-16. I remain certain that not very far under the surface the overwhelming number of older alumni, at least, have the sense of deep loyalty and heavy indebtedness. The challenges are how to stimulate that loyalty and get some payments on the indebtedness. I think both are possible.”

“While my current commitments fill my time very comfortably, I should be glad to be of any possible assistance to you and the school.”

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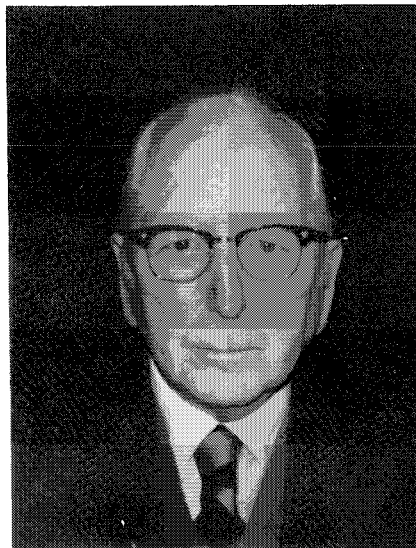


Professor Trubek

Professor Joel Handler wrote to Mr. Murphy directly on November 11th.

"George Bunn circulated to the faculty your letter to him dated October 22. This is my personal response. As Chairman of the Graduate & Research Committee, a member of the Smongeski Committee, and an Institute Fellow at the Institute for Research on Poverty, I think that I am in a good position to respond to you about the research activities of many of the faculty members. The most obvious error is the assertion that a great part of the research that goes on here is "dilettantism," too negative in character, not sufficiently pragmatically oriented, etc. This accusation comes at a particularly ironic moment. As you may or may not know, law school research is very underfunded. A principal source of funding could be the University Research Board. However, many of our colleagues are turned down because their research proposals are too policy or practically-oriented; by this the Board means that the research is focused on practical problems whose end product is often the proposal of model statutes, or changes in judicial and administrative rules, changes in procedures, etc. Not unexpectedly, many of our young colleagues are very upset at the University Board's attitude . . . "

"As a member of the Smongeski Committee, I can also attest to the pragmatic nature of the research. The two grants that we awarded this year were for postmortem estate planning and informed consent in medical procedures. Most of the other proposals were of this nature—for example, state and local tax problems, various environmental issues (particularly how burdens should be distributed), problems of Indian law. Indeed, I think that if one would total up the various research efforts on the part of the faculty, one would



Robert B. L. Murphy

begin to think that there is not enough concern with history, philosophy, jurisprudence, and ethics. There is, of course, some, but certainly the overwhelming majority of projects are dealing with current, relevant problems."

"It is hard to respond to the charge that the research is negatively oriented or debunking, rather than constructive. What seems radical or far-out to some, seems moderate, or even reactionary to others. In my own field, for example, several years ago we began to work on the negative income tax as an alternative to the welfare system; at that time, such a proposal seemed far-out. Yet, we were all surprised when a Republican Administration proposed the Family Assistance Plan. I think that you would find the same to be true of most of our research. It is critical; it is proposing change; but I think it is, by and large, pragmatic and moderate. The law school faculty is always surprised to hear themselves described as radical; and indeed, it is not true."

"The problem about the balance between teaching and research is a very difficult issue. Contrary to what the Bar might think, the vast

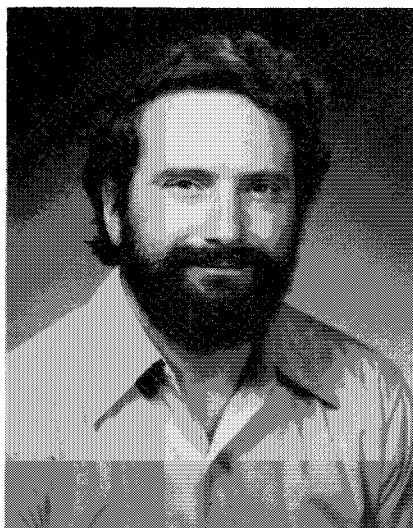
majority of our personnel budget has gone into teaching. As you know, we struggle under the burden of enormous numbers of students. Nevertheless, we have made progress. I think that our first year teaching program is something that we can all be proud of; we have fielded a very solid group of teachers. The problem is that we do not have the manpower to do a lot more throughout the three years. What we need are different kinds of courses, more individual or small group classes to teach deeper analysis, problem-oriented research, and professional skills. It is by now universally agreed among all thoughtful people in the law school world that we cannot teach students to read, write, and think clearly in the context of large lecture halls. And these are the basic skills of the lawyer."

"At the same time, research is still sorely needed. In my own case, many years ago I was funded to study the administration of welfare. My basic work dealt with the Wisconsin system and as a result of the research, I now have been able to teach my students where the real problems in welfare administration are, and how they as lawyers can deal with them. At the time that I started, this sort of material was simply not available. If welfare was dealt with at all, it was only in the context of a few appellate court cases; there was nothing on state and county administrative issues, fair hearings, the relationships between welfare clients and caseworkers, etc. Yet, these are the things that law students as future lawyers have to know about welfare. The same problems apply across many areas of administrative law. In the areas of transportation, utilities, environment, state and local government, and so forth, our efforts should be to research the day-to-day administrative problems, how clients are affected, as well as larger issues of policy. At the same time, we do have an obligation to discuss the political, social and

economic considerations that are reflected in various rules of law and administrative programs. Again, to return to my own field, we compare the various types of welfare programs and insurance systems along these dimensions, as well as the detailed statutory provisions. When we have this kind of information, we can then present live, relevant, intellectual and practical courses. But this kind of information can only be obtained through research."

"When research is viewed this way, that is, as the necessary method of updating and revising the curriculum in light of current, real problems that confront the profession, then the conflict between research and teaching tends to diminish. I am confident that most of the research of my colleagues is of this character. It not only results in scholarly publication, but feeds back into the courses."

* * *



Professor Handler

THE GARGOYLE

PRELIMINARY REPORT OF LAW SCHOOL BOARD OF VISITORS

NOVEMBER 14 & 15 1974

The winter issue of the *Gargoyle* (vol. 6, no. 2) carried the report of the Visitation by the Board of Visitors in February, 1974. When that report was published, the 1974-75 visitation had also come and gone. The following is the report of the second visit.

The management of time so that all events can be seen in proper sequence is one of society's great problems, which the *Gargoyle* shares.

The report of the Board of Visitors which was submitted to the Chancellor of the Madison campus and to the President of the University of Wisconsin in October of 1974 capsulizes the extreme problems that the Visitors found existing in the Law School at the time of their visitation early in the year. Since that time, in view of the urgency of the situation and the prospect of another inspection by the American Bar Association Accreditation Team, another visitation was made on November 14 and 15, 1974, to determine the current status of the Law School. The news of the School is both good and bad.

One of the severe criticisms of the Law School was its lack of physical library facilities, which were below the minimum standards of the American Association of Law Schools. The Board of Regents has now approved an addition to the Law School library, but the priority assigned to it was 9th in a list of 16 building projects of the University. Money has not yet been made available, and the Law School continues to limp along without adequate library space. On the other hand, there has been a substantial improvement of the amount of money available for library purposes, and it is now expected that over a period of years the contents of the library will be considerably improved. The University of Wisconsin Law School, however, continues to have the smallest library of any of the Big Ten law schools in neighboring states.

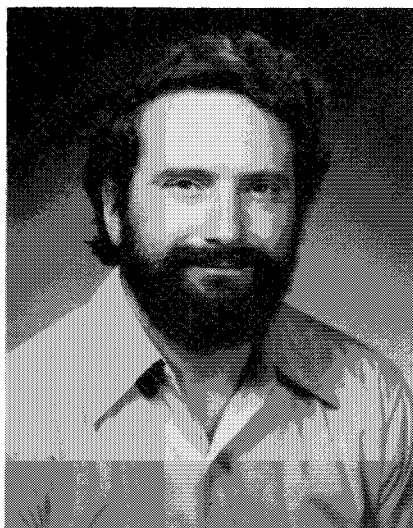
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economic considerations that are reflected in various rules of law and administrative programs. Again, to return to my own field, we compare the various types of welfare programs and insurance systems along these dimensions, as well as the detailed statutory provisions. When we have this kind of information, we can then present live, relevant, intellectual and practical courses. But this kind of information can only be obtained through research."

"When research is viewed this way, that is, as the necessary method of updating and revising the curriculum in light of current, real problems that confront the profession, then the conflict between research and teaching tends to diminish. I am confident that most of the research of my colleagues is of this character. It not only results in scholarly publication, but feeds back into the courses."

* * *



Professor Handler

THE GARGOYLE

PRELIMINARY REPORT OF LAW SCHOOL BOARD OF VISITORS

NOVEMBER 14 & 15 1974

The winter issue of the *Gargoyle* (vol. 6, no. 2) carried the report of the Visitation by the Board of Visitors in February, 1974. When that report was published, the 1974-75 visitation had also come and gone. The following is the report of the second visit.

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