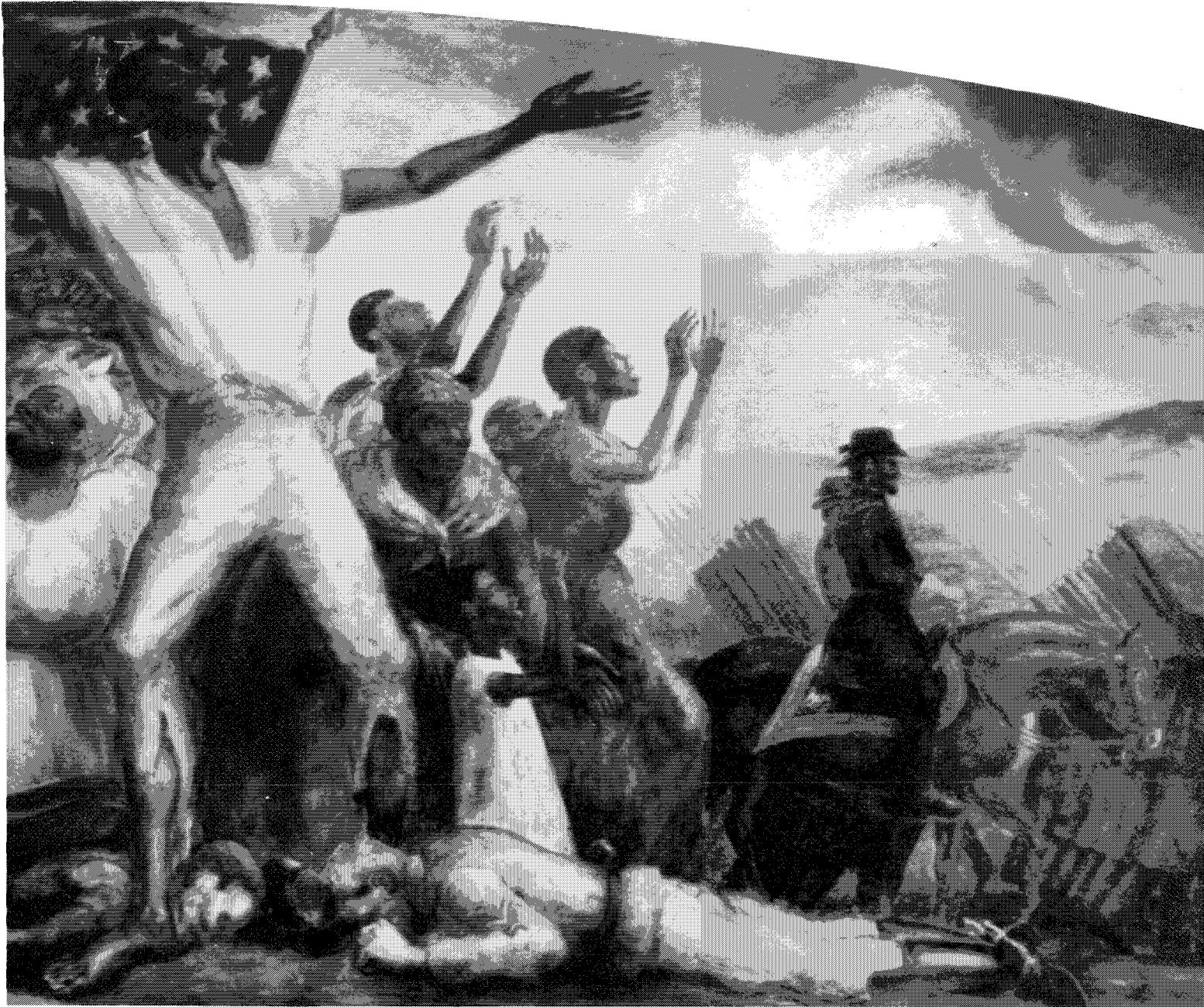


The Gargoyle



Alumni Bulletin of the University of Wisconsin Law School

Vol. 8 No. 3

Spring 1977

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The Way It Was . . .

For most Law students, the mid-winter vacation began the week before Christmas, 1976, and lasted until the last week of January, 1977. Forty-three members of the Class of 1977 finished in December and forty-two were admitted to the Wisconsin Bar—most of them on January 18.

Many students who have part-time jobs found that the vacation provided a chance to work long, profitable hours. Those who had money for travel, snorkling and skiing found in the interlude a welcome and refreshing change. Job searchers had time to look around. Many Faculty members used the time to do research and to develop new teaching

materials. Some of them attended the annual meeting of the Association of American Law Schools in Houston, Texas. Blue books occupied a major portion of all faculty attention.

The weather was bitter here—as everywhere. The pace slowed and the pressure lifted a little. Registration began on January 17, and classes on January 24. Crowds gathered in front of the bulletin boards, and lines formed at the Book Mart.

The second semester started smoothly. Almost at once, it seemed that there had been no vacation at all.

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THE GARGOYLE

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

Vol. 8 No. 3 Spring, 1977

Ruth B. Doyle, editor

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Message from the Dean



Dean Helstad

CLINICAL INSTRUCTION AT THE UW LAW SCHOOL UNDER REVIEW

The changes in Law School curricula and teaching methods which occur over the years can best be characterized as gradual. Those of you who graduated 10, 25 or even 40 years ago probably would feel reasonably at home in many Law School classes today. Casebooks are still used, although there is much greater emphasis than in the past on statutory and other supplementary materials. There is less emphasis on the Socratic method, although most law teachers still do not hesitate to engage students in probing discussions and analyses of difficult legal points. There is one change, however, which has occurred largely within the past ten years. That is the type of instruction which has come to be known in a general way as clinical instruction or clinical programs.

Because of the newness of this form of instruction in legal education, it is not surprising that the past ten years to some extent has been a period of trial, re-evaluation and modification. Clinical instruction at the University of Wisconsin Law School has been undergoing one of these reassessments during the past year.

About a year ago I appointed an ad hoc committee on clinical programs. That committee now has reported its recommendations to the faculty and its recommendations have been approved in principle by the faculty. The committee now is in the process of drafting implementing rules or guidelines to be submitted to the faculty for approval or modification later this spring. Although

the committee made a number of recommendations to improve clinical instruction at the University of Wisconsin Law School, its basic recommendation was that only those programs which can be categorized as class A programs should be continued after this academic year. It described class A programs as "those programs that are faculty planned and controlled in which the faculty member devotes a substantial amount of time to supervision and for which the faculty member receives teaching credit." It placed other programs in class B which encompasses "those programs in which faculty supervision is not substantial enough to insure, in the judgment of the committee, that the student receives a quality learning experience and for which the faculty member does not receive teaching credit." The committee went on to define clinical programs as "faculty supervised student law practice for which the student receives Law School credit and in which the needs of a client or someone in a position similar to a client determine to a significant degree the student's activities."

It is clear that the committee was focusing on a problem which seems to be inherent in all clinical type instruction, that is, the tension between the educational and service components. The committee felt that the only way to assure the dominance of the educational element is to place the programs largely under the control of faculty members. The committee was quick to note that there are programs in which faculty control is not a strong element which nevertheless have provided excellent educational experiences for students. The committee went on to note, however, that "the quality of those programs was directly related to either the willingness of the faculty mem-

bers to invest substantial amounts of their own time above and beyond their regular responsibilities or the availability of a practitioner who had both the ability and the time to provide the student with a rich learning experience. Often, even within a single program, it was apparent that there was great variation in the degree to which these conditions were met. This created a situation in which the quality of the educational experience was largely a matter of chance."

Clinical instruction at the University of Wisconsin Law School, as at most other law schools, received its impetus from financial grants provided by the Council on Legal Education for Professional Responsibility (CLEPR). Clinical instruction for credit was launched at this Law School in 1969 under a grant from CLEPR. The initial program had two distinct parts. One provided for placement of students in operating agencies during the academic year with the understanding that each student would earn up to five credits per semester for the work done in the placement and in a related seminar. The other was a summer internship program under which students were given financial stipends to enable them to work in selected operating agencies but were not given academic credit.

The experience of the Law School in placement of students in work settings for the summer months actually pre-dates the program initiated in 1969 with the CLEPR grant. It began in 1964 with a correctional internship program initiated by Professor Frank Remington and financed by the National Council on Legal Clinics. In 1965 a large-scale program for internships in police departments was initiated under the direction of Professor Herman Goldstein with funds from the Ford Founda-

tion. In the summers of 1967 and 1968 the Council on Legal Education for Professional Responsibility financed student placements in welfare departments and offices of family court commissioners under the supervision of Professors Foster and Melli. Thus, there had been considerable, and successful, experience with summer clinical placements prior to the launching of the academic year program in 1969. None of these summer programs carried any academic credit. Rather, they were intended to replace the more traditional summer jobs in which students might work in law offices and to provide broadening experiences of a kind that students would not likely have as lawyers.

The initial academic year clinical program, with placements mostly in legal service agencies, was not entirely successful as a teaching device. Nevertheless, a faculty committee which had been created to review the experience with the early clinical programs reported in the fall of 1971 that, despite some difficulties and problems, the programs should be continued at least temporarily. The committee recommended further that the goals of clinical programs be carefully examined and defined as well as the goals of legal education generally. Pending the outcome of a study of goals, the committee recommended that "if we are to continue the (clinical) program at all, we should commit some of our limited resources in order to increase the faculty participation. In 1970-71 almost all of the faculty involved in the clinical

program carried that program in addition to full-time Law School duties." The committee went on to recommend that no placements for academic credit should be made except under supervision of a participating faculty member who is interested both in the area of substantive law concerned and in the use of the clinical device as a teaching technique.

Despite the doubts raised by the 1971 faculty committee, clinical programs have continued and have generally prospered at our law school during the past five years. A number of these programs have become quite well established with very substantial faculty involvement. These include particularly the Legal Assistance to Inmates Program, the program at the Center for Public Representation and the Ordinance Defense program. Roughly 90 to 100 students have participated in clinical programs each semester during the past two or three years. The following are some of the programs in which students were enrolled for credit:

1. Legal Assistance to Inmates and Mental Health Patients. Law students provide counseling and other legal services to inmates and mental patients. Twenty-five to 30 students have enrolled each semester.

2. Center for Public Representation. Ten to 20 students have enrolled each semester to participate in a variety of programs involving mostly representation before state administrative agencies.

3. Ordinance Defense Program. Ten to 15 students have enrolled each semester to serve as attorneys for persons prosecuted for misdemeanor violations under Dane County ordinances.

4. Federal clerkships. Seven or eight students have enrolled each semester to serve as part-time clerks for judges.

5. Department of Justice. Three or four students have enrolled each semester to serve as interns with the Consumer Protection Division of the State Department of Justice.

6. Labor Law internships. Six to eight students have enrolled each semester to serve as interns with the Milwaukee office of the National Labor Relations Board or the Wisconsin Employment Relations Commission.

7. State Public Defender's Office. Up to ten students have enrolled each semester to serve as interns in the Public Defender's Office.

8. Miscellaneous programs.

Among other offices in which law students have served as interns recently are the State Department of Agriculture, Milwaukee Legal Services, Governor's Commission on Status of Women, Office of the Commissioner of Securities and the Office of the U.S. Attorneys in the Eastern and Western Districts of Wisconsin.

So far I fear I have emphasized the problems which clinical-type instruction poses. On the positive side, there is no doubt that a well-run clinical program can be a very effective means of legal education. Mr. William Pincus, President of the Council on Legal Education for Professional Responsibility, has summarized the advantages of clinical instruction as follows:

1. It provides opportunity for training in skills such as fact gathering, interviewing, counseling, drafting, trial strategy and trial and appellate advocacy.

2. It provides opportunity for the law student to make a transition in the professional school from theory to practice, and it does this under educational auspices which expose him to a standard of performance which can serve as an example for his future professional life.

3. It develops the emotional part of the person which grows only when the person has experience with responsibility and enjoys or suffers the consequences of his actions in a complexity of human relationships which go beyond teacher and student.

4. It re-humanizes the educational process and reminds the professional-to-be that his services are personal services in the literal sense of the word and that a primary part of professional responsibility is the capacity to respond on a one-to-one basis to another human being's need for help.

5. It can give lasting lessons in ethics and morality by requiring the student to resolve ethical and moral dilemmas through action.

Most of these benefits are conferred by our better programs. The challenge which the faculty presently faces is to adopt workable guidelines which will eliminate the programs which do not provide reasonable assurance of living up to these high educational standards without eliminating

those that do. So far, the only programs which have been definitely tagged as meeting the new guidelines are the Legal Assistance to Inmates, Center for Public Representation and Ordinance Defense programs. Some others no doubt will be brought into conformity.

A second challenge involves allocation of resources. The high-quality programs demand a student-faculty ratio which is almost the equivalent of a tutorial situation. This obviously poses a question of what portion of limited educational resources should be devoted to this type of training as compared with other forms of instruction.

Orrin L. Helstad
Dean

PROGRESS IN THE FUND DRIVE

Detailed Report Due in June

A larger number of alumni contributors, and a larger amount of alumni contributions have marked the 1977 Alumni Fund campaign, which ends on April 1. Six hundred ninety-two alumni had made contributions by February 1, 1977, compared to six hundred sixty-five in all of last year's drive. On February 1, total contributions to WLAA—from all sources, both alumni and non-alumni, exceeded the last drive's year-end total by almost 15%. Contributions to the University of Wisconsin Foundation earmarked for the Law School have grown substantially.

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MEET THE NEW ASSOCIATE DEAN

After a nation-wide search which produced a large number of qualified candidates, Professor Arnon Allen of University Extension has been given the joint appointment of Associate Dean in the Law School and Chairman of the Law Department in University Extension. The appointment took effect on January 1, 1977.

Professor Allen is a Wisconsin native and a 1957 graduate of the University of Wisconsin Law School. Because of his long tenure with University Extension, he is well known to many readers of the *Gargoyle*. After practicing law for a couple of years, Arnie Allen joined the Law Department of University Extension in 1960 and, with the exception of two years at the University of Illinois, has served continuously with that department up to the present time. He has been Chairman of the Extension Law Department since 1967 and will continue in that position in addition to his appointment in the Law School.

The appointment of Arnon Allen to the position of Associate Dean for Continuing Legal Education and related outreach services represents a new step in the post-graduate education and outreach services of the Law School. The faculty debate over the extent to which the Law School should participate in and devote resources to such activities has been going on intermittently for at least the past 20 years. An official Extension Law program was started in 1954 under the directorship of Professor August Eckhardt of the Law School. Attorney William Bradford Smith served as director for a period in the late fifties and early sixties, after which Professor Eckhardt assumed the directorship again. Since 1967, Arnon Allen has been the director.

Despite arguments over the exact role which the Law School should play in continuing education activities, the Law School continued to maintain a close relationship with the Extension Law

program over all these years. Even after Extension programs were placed in a separate division of the University a few years ago, the Extension Law Department continued to be housed in the law building and at least half a dozen law faculty members have continued to participate in continuing education programs on a more or less regular basis.

The "new" arrangement with University Extension, therefore, is not all that new. The on-going Extension programs which have been well received over the years are likely to continue, but the new arrangement should result in even broader programming for both lawyers and non-lawyers. Programming will be more directly under the auspices of the Law School, and a Continuing Legal Education Committee in the Law School will help give direction to the programs. The committee presently is being chaired by Professor John Conway. Other members of the committee are Professors Christenson, Irish, Kabaker, Remington, Weisberger and Young. The new arrangement also contains incentives for wider participation by law faculty members in programs for both lawyers and non-lawyers.



Professor Allen



Professor Tuerkheimer

TUERKHEIMER REPRESENTS NATURAL RESOURCES DEFENSE COUNCIL

Professor Frank Tuerkheimer is the director of a small public interest law firm established to represent the Natural Resources Defense Council. Five students in each semester have worked under his supervision on the projects undertaken for the Council.

During the first semester, 1976-77, the firm, on behalf of the Council, intervened before the Wisconsin Department of Natural Resources in connection with a permit application for the establishment of a copper mine near Ladysmith, Wisconsin. The Kennecott Copper Corporation proposed to run the mine through a wholly owned subsidiary. If the subsidiary were dissolved after the mining operations were concluded, and if there were long term damage to the property, adjacent owners would have no one to sue. As a result of the intervention, Kennecott agreed to dissolve its subsidiary and to run the mine directly. It is expected that this result will set a precedent for future mining operations in Wisconsin.

Professor Tuerkheimer reports that the students contributed significantly to the success of the case. Each participant received academic credit for the project.

Women and the Law Conference Comes to the Law School

Nationally recognized legal experts in fields varying from women in institutions to women's property rights will come to the University of Wisconsin Law School on March 24-27, 1977. The occasion which brings them is the Eighth National Conference on Women and the Law. It is expected that 1,500 to 2,000 persons will attend the conference.

The Conference "Women Helping Women Through Law" will feature United States Representative Elizabeth Holtzman (Democrat-New York), as the keynote speaker. Holtzman, elected to the United States House of Representatives in 1972, founded the Brooklyn Women's Political Caucus. She has co-sponsored bills dealing with sex discrimination in insurance, a national rape control center and enrollment of women in military academies.

Professor Herma Hill Kay, of the University of California-Berkeley Law School will give the opening address. Kay is a national leader in divorce reform. She will speak on "Family Law and the Equal Rights Amendment: Last Frontier for Meaningful Reform." Kay is currently on leave and teaching at Harvard.

The Conference will focus on the legal concerns of women: sex discrimination in employment and education, health and family problems, divorce reform, prostitution, lesbian and minority women's rights. Many of these concerns are receiving more attention and present a developing challenge in law.

Two new features of the Eighth National Conference will be the Lesbian Law Section and the Third World Women Block. Elaine Noble, Congresswoman from

Boston, Massachusetts will address the Lesbian Law Section on the opening night. The Third World Women Block will concentrate on the concerns of minorities.

The Conference expects to draw law students, professors, practicing attorneys, judges, legal workers and political figures from across the country. Workshops will cover women as victims, health, economic and family issues, in athletics discrimination and women in institutions.

Other events include a Saturday night banquet, judges luncheon panel, trial attorneys luncheon panel and special interest group meetings.

Feminist pianist and vocalist Margie Adam from Davis, California will entertain the Conference Saturday night.

Continued on page 15



Women responsible for Conference preparations are: (Left to Right) Susan Bittker, Diane Post, Joanne Kinoy, Emily Mueller, Jill Anderson, Ann Fisher, Katrina Boedecker.

Coming Up ~
in the Law Review



Professor Weisberger

Professors June Weisberger and Mark Tushnet will be prominent contributors to the Wisconsin Law Review, Volume 1977, No. 1. Ms. Weisberger's article is entitled *The Appropriate Scope of Bargaining in the Public Sector*. The subject of Mr. Tushnet's is



Professor Tushnet

Perspectives on the Development of American Law: A Critical Review of Friedman's "History of American Law."

Volume 1977, No. 2 will present an article by Ronald Silverman, entitled *Subsidizing Tolerance for Open Communities*.

CONFERENCE, continued from p. 7

The Conference has become a forum for the examination of women's current status in the American legal, political and economic system. It is an opportunity to share expertise on substantive legal issues and to develop strategies for litigation and political action.

The University of Wisconsin Women's Law Student Association was chosen as the site of the 1977 Conference during last year's Conference at Temple University in Philadelphia. The Conference rotates throughout the country and has gone from New York to California, from

Chicago to South Carolina. Attendance has grown from 50 women in 1969 to 2,050 at Temple in 1976. As the Conference increases in size, it plans to broaden its scope to include more of the ever-increasing legal concerns of women.

JOINT BOARDS MEET JANUARY 26 IN MILWAUKEE

The Board of Directors and Board of Visitors of the Wisconsin Law Alumni Association met on January 26 at the offices of Quarles and Brady in Milwaukee. President Thomas Anderson, Madison, presided. The Boards agreed to explore further a proposal to publish an alumni directory. A computerized list of all alumni would be prepared in connection with the publication, which would improve the efficiency of all alumni mailings.

A nominating committee was appointed to nominate a president-elect, four directors and three visitors. Mr. Anderson will act as Chairman; Mac A. MacKichan, past president, and Richard Olson will serve with him. Daniel Flaherty, LaCrosse, president-elect, will become President, and the new Board members will be elected at the annual meeting of the association.

It was agreed that an effort will be made to schedule a social event for alumni of the University of Wisconsin Law School in connection with the convention of the American Bar Association in Chicago in August, 1977. Tomas Russell, Chicago, class of 1967, was appointed to make the arrangements.

Ed Reisner, Assistant Dean and Director of Alumni Affairs, reported on the progress of the Fund drive. He also reported that a recent invitation by the Benchers Society to new members had produced more than 25 new Benchers.

Plans for the Spring Program on April 23 were discussed. In addition to the traditional events—reunion luncheon, annual meeting of the Association, awards convocation and dinner dance—a Continuing Legal Education program will be conducted through the newly established Continuing Legal Education and Outreach program (see page 14).

The Board of Directors agreed to lend to the local Phi Alpha Delta chapter \$500 from the trust funds established by PAD under control of WLAA for a special project.

FACULTY NOTES

Professor George Young has been appointed to the Judicial Commission, which was established in 1971 by the Supreme Court of Wisconsin to "discipline and correct judges who engage in conduct which has an adverse effect upon the judicial administration of justice...." Establishment of the Commission followed the adoption by the Court of a Code of Judicial Ethics in 1967.

He will represent the State Bar of Wisconsin on the Commission. Professor Young is a former Dean of the Law School.

Professor William Whitford has been appointed hearing examiner by the Commissioner of Insurance in a matter involving the proposed merger of the Surgical Care, Blue Shield plan of the Medical Society of Milwaukee County and Blue Cross, the Associated Hospital Service.

*The Law School
Fund Drive
Ends April 1!*

Gwynette Smalley

His Memorial Aids the Law School

From time to time, the *Gargoyle* presents some information about the alumni who are honored by memorial bequests. The Smalley scholarship has been awarded for some years to the Editor of the Wisconsin Law Review. Mrs. Smalley, the donor of the fund, has recently enlarged it to provide needed scholarship assistance to other students as well.

On April 1, 1968, A Memorial to [his] Life and Character was presented to the Racine County Bar by Harold A. Konnak, Charles F. Wratten and Roy D. Stewart—all prominent members of the Racine County Bar. Their presentation follows;

May It Please the Court:

The committee appointed by the Racine County Bar Association respectfully presents to this Court this Memorial to the life and character of George E. Smalley, long a respected member of the Racine County Bar, who died at Miami, Florida on February 19, 1968, just short of the age of 70 years.

Mr. Gwynette Smalley, called George for his whole life, was a member of the class of 1922 and practiced law in Racine until his death in 1968.

He was born in Cuba City, Grant County, Wisconsin, on March 13, 1898 to Sherman E. Smalley, a former native of Marengo, Illinois, and Polly Rogers Smalley, who was born in England. His father had studied law with the local Bar, and, after being admitted to practice about two years before George's birth, practiced law in Cuba City until 1921 when he was elected Judge of the Fifth Circuit Court and remained on the bench for about 22 years or until January 1, 1943 when he retired. His father's record as a Judge reflects credit and honor upon the judicial history of this State by reason of his reputation for fine judicial temperament, outstanding fairness and integrity, and a warm understanding of why men and women behave as they do.

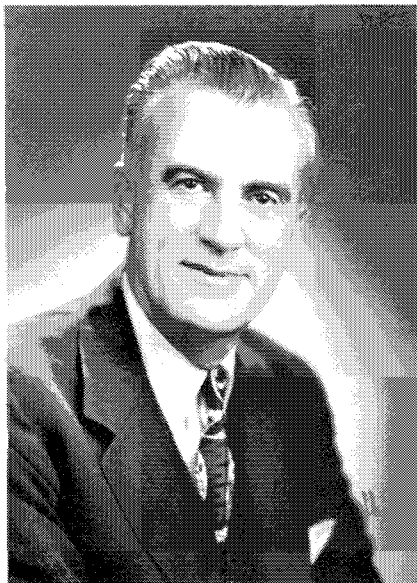
His father is credited with having given our departed brother the name of "Gwynette." We are told from a reliable informant that the name came from "Button Gwinnet," one of the signers of the Declaration of Independence. Why the father settled on the name must remain shrouded in mystery.

Suffice it to say that we may presume the name "George" was preferred by Mr. Smalley both as a boy and man, and if what we of the Racine County Bar have learned about the Grant County Boys through such sterling exemplars as Vilas Whaley, Judge Simpson, and Oscar Edwards is true, he probably found the name George easier to bear in that rugged country of Southwestern Wisconsin.

Pursuing his education in the public schools of Cuba City, George Smalley completed the work of successive grades until he was graduated from high school with the class of 1914. He afterward attended the University of Wisconsin, where the Bachelor of Arts degree was conferred on him in 1918. In February of that year he joined the United States Army and went overseas, remaining for fifteen months, and in 1919 he attended Trinity College in Dublin, Ireland, where he studied law and attended lectures on legal subjects until July, 1919. He received his discharge from the army in August, 1919, after having served as a sergeant through the time of his enlistment.

With his return to his native land Mr. Smalley again entered the University of Wisconsin and won his Bachelor of Laws degree with the class of February, 1922. He then began practice with Thorwald M. Beck, who was district attorney, and Mr. Smalley was made assistant district attorney, thus serving for three years, when the firm of Beck, Simpson & Smalley was formed. This later became Beck, Smalley & Smith, and in that connection he practiced until 1927, since which time he practiced law alone with his offices in the Janes Building for more than 30 years.

He practiced law quietly without much fanfare, but acquired a loyal group of clients of substantial means who were attracted by his clear reasoning and logical approach to business and other problems. He was an "office" lawyer more than a "court-room" lawyer, but his facile tongue enabled him to give a good account of himself when his problems required judicial construction.



George Smalley

Throughout his years as a lawyer, he was active in the affairs of the Bar. He was president of the Racine Bar, a member of the Board of Governors of the State Bar, and a life-long member of the American Bar Association. He also served as a Circuit Court Commissioner for a period of more than 30 years.

He was extremely interested in sports and was a top-notch golfer. He helped organize the first Racine Legion football team, the precursor of the Green Bay Packers, and was also one of the leading promoters of the Girls' Soft-Ball League which had a colorful history for many years. He faithfully followed the vagaries of the University of Wisconsin football teams and would be found in the stands during the poor years as well as during the successful ones.

For years he was a member of the Board of Trustees of the Elks Lodge of Racine and maintained an unflagging interest in the affairs of this fraternal society.

For many years George Smalley was unmarried, but on September 18, 1946 he put his bachelorhood behind him and married Maud Sine Bock, who lived in Northern Illinois at Wadsworth. This union was a happy one, and those who knew George Smalley best would join in affirming that the years after his marriage were the happiest and most rewarding years of

his life. Their lovely country home furnished a beautiful setting from which the happy couple dispensed a generous and gracious hospitality to a wide circle of friends and acquaintances. Mrs. Smalley survived her husband's death, and it should be a source of deep comfort to her to know that her charm and fine character had added immeasurably to the savor of George's life.

Not all lawyers or laymen knew George Smalley well. He was considered by some to be reserved and detached from ordinary contacts. But those who knew him intimately can attest to his alert mind; to his unfailing sense of humor; to his loyalty to his close friends and associates; to his strong common sense, simplicity, and directness.

Time moves on. Friends and loved ones depart. But memories remain to frame the pictures we retain of our friends deep in our hearts.

Respectfully submitted,

Harold A. Konnak
Charles F. Wratten
Roy D. Stewart

Committee for the
Racine County Bar

Students and Faculty Conduct Federal Trade Commission Study

In January, 1976 the Federal Trade Commission promulgated draft regulations which would require used car dealers to disclose to buyers the condition and prior use of the vehicles they sell. During 1976, and the first part of 1977, the FTC has been holding hearings on the proposed regulations and has invited consumer and industry advocates to testify.



Professor Trubek

Of particular interest to the FTC is Wisconsin's disclosure law, passed in 1974 and quite similar to the proposed FTC regulations. Consequently, the FTC contracted with the Center for Public Representation to document the Wisconsin experience for presentation at the final public hearing, slated for April, 1977 in Washington, D.C.

The project reflects a great deal of effort on the part of the faculty, lawyers and research assistants involved. Headed by Law School Professor Dave Trubek, Director of Research at the Center, the project staff has approached the study from two angles. Beginning in September, 1976, the regulations have been examined from an intrastate and interstate perspective. Intrastate, by comparing the Wisconsin situation before and after the regulations went into effect; and interstate, by comparing Wisconsin data to data from Iowa and Minnesota, where simi-

lar disclosure laws do not exist. Using this information, the staff will be able to detail the effects of the law upon the price of used cars, on the kinds of cars now being sold through dealerships, on consumers' pre-sale decision-making patterns and on the resolution of post-sale repair disputes. A by-product of the study is a "mini-project" analyzing the mechanisms by which Wisconsin enforces its dealer regulations and settles consumer complaints.

To collect all the data, the staff has mailed 5,000 consumer questionnaires to Wisconsin, Minnesota, and Iowa residents and 1,500 dealer questionnaires to used car dealers in Wisconsin. Also, interviews have been conducted with key state and local personnel in all three states, and state legislative and consumer complaint files have been reviewed.



Professor Macaulay

The study will comprise the major portion of the Center's testimony before the FTC. A report and a consumer handbook on used car buying will possibly be other results of the study, slated for completion March 31.

Also working on the FTC project are: Center staff attorney Michael Pritchard, Law School Professor Stewart Macaulay, Business School Professor Jack Nevins, and Professor Irwin Garfinkel of the Institute for Research on Poverty. Suzanne Griggins, L-3, and Steve Tronick, graduate student in business, are the project research assistants.

Law School Shores Practicing Bar's

Concern for Professional Responsibility

Lawyers have never been more aware of their public image than they have been since the Watergate scandals came to the surface in 1973-75. Their own awareness is sharpened by the vast public concern with their competence, diligence and integrity. In a world increasingly tangled in legal snarls, the services performed by lawyers are threatened with exposure to public view in a way not seen or contemplated before.

Faculties and institutions concerned with the education and training of lawyers naturally share the profession's and the public's interest in the standards of the professional people they produce.

As a condition of graduation, all University of Wisconsin law students must satisfy a course requirement in professional responsibilities. This can be accomplished by passing one of the two intensive courses on the subject—Professional Responsibilities and the Legal Profession, or by successfully completing either the General Practice course, or Problems in Providing Legal Services to the Indigent. Each of the latter courses incorporates legal ethics and the lawyer's responsibilities as part of the course.

One very important contribution to the study of professional responsibility is the newly revised book entitled the *Lawyer in Modern Society* (Little, Brown, 1976). Wisconsin Law School professors Ted Finman and Theodore J. Schneyer are co-authors, along

with Professor Vern Countryman, Harvard Law School. Professors Finman and Countryman are the authors of the first edition, published in 1966. The *Lawyer in Modern Society* is used as the basis for the intensive courses in Professional Responsibility offered in the Law School. It is a large collection of materials on all aspects of the regulation of the legal profession and emphasizing, in the new edition, such recent developments as the adoption by the ABA of a new Code of Professional Responsibility to replace the Canons of Professional Ethics, and the impact of consumer pressures on rules affecting group legal services, lawyer advertising, and the delivery of legal services generally. The authors agree that there is much too much material for a one credit course, and suggest that the book be used in a variety of ways.

For example, Professor Schneyer notes that the first three chapters can form the basis of a one credit semester course. Chapter 1 is background, and assigned as outside reading. It contains information on the current composition of the legal profession, the nature of various modes of law practice, and the role that lawyers play in community affairs and politics. Chapters 2 and 3 make up a section called "The Practitioner," and respectively raise the common problems lawyers encounter when dealing with their clients and when acting for them. In the first category are

problems related to quality of service, conflicts of interest, and fees; how "far" a lawyer may go in behalf of a client in litigation, in negotiations, and in other contexts is the central problem in the second category.

No one claims that such a course can transform a person with dishonest tendencies into an honest person. What is expected is that prospective lawyers will gain some understanding of problems that *can* arise and particular contexts in which they are likely to arise.



Professor Schneyer

In the General Practice course—now offered to 160 third year students each year—professional responsibilities of the lawyer are emphasized in every phase. The co-directors—Richard Long of Beloit and Warren Stolper of Madison, both long-time practicing lawyers—feel strongly that discussion of ethics led by practicing lawyers assists students immeasurably to recognize problems in the beginning stages or before they begin. Mr. Long emphasizes that students should be aware of the lawyer's duties to 1) inform his/her client of the lawyer's mistakes; 2) prevent frauds from being perpetrated by clients or others on tribunals. Mr. Stolper feels that rules can only provide the beginnings; the Bar needs practitioners of judgment and wisdom—in addition to the rules. They agree that present-day students are deeply concerned about ethical questions and participate eagerly in discussions with their General Practice teachers.

In recent years, course work in professional responsibilities sufficient to satisfy the graduation requirement also has been offered in connection with two law school clinical programs. Clinical instructional settings provide an excellent opportunity for training in professional responsibilities.

It is broadly recognized that the teaching of Professional Responsibilities ought not only be done intensively, segregated from the rest of the curriculum. It is included as part of the learning process in most courses. One cannot study Contracts, Torts, Criminal Law, Family Law, or Evidence, for example, without considering the professional obligations of the lawyer. Accordingly, most teachers in these fields devote some time to ethical problems.



Professor Finman



Professor Goldstein

GOLDSTEIN RAISES FUNDAMENTAL ISSUES

Policing a Free Society (Ballinger, 1977), a major work by Professor Herman Goldstein, has recently been published. The primary objective of the book is to explore fundamental issues arising in the policing of our society which, Professor Goldstein argues, have not received the attention they require. Among the chapters are those that deal with such problems as defining the police function, developing alternatives to the use of the criminal justice system, categorizing and structuring police discretion, achieving political accountability on the part of the police, and controlling and reviewing police-citizen contacts.

Professor Goldstein, who joined the Wisconsin Law School faculty

in 1964, has been concerned with the police function for many years. Before coming to Wisconsin, he served four years as a key administrator in the Chicago Police Department. And before that he worked on the American Bar Foundation's Survey of the Administration of Criminal Justice, studying and analyzing on-the-street activities of police in Wisconsin and Michigan. He is co-author of the ABA's book, *The Urban Police Function* (1973). He has served as consultant to the President's Commission on Law Enforcement and Administration of Justice, the National Advisory Commission on Civil Disorders, the National Institute of Law Enforcement and Criminal Justice, the Police Foundation, and the Knapp Commission in New York.

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TOO LATE FOR SKIING

TOO EARLY FOR GOLF

it may rain . . .

What is there to do on a nice April Saturday?

THE UW LAW SCHOOL

Spring Program
April 23, 1977



Reunion Luncheon

DISTINGUISHED ALUMNI-FACULTY AWARDS

WLAA — ANNUAL MEETING

MOOT COURT FINAL ARGUMENTS

STUDENT AWARDS CONVOCATION

Gala Dinner Dance

Also:

CLE PROGRAMS on Friday, April 22
and Saturday, April 23

ESTATE PLANNING 1:00 - 4:00 PM Friday

Professor Charles Irish
Professor Richard Kabaker

CONFLICTS OF LAW 9:15 - 11:15 AM Saturday

Professor Gary L. Milhollin



Coming Up ~
in the Law Review



Professor Weisberger

Professors June Weisberger and Mark Tushnet will be prominent contributors to the Wisconsin Law Review, Volume 1977, No. 1. Ms. Weisberger's article is entitled *The Appropriate Scope of Bargaining in the Public Sector*. The subject of Mr. Tushnet's is



Professor Tushnet

Perspectives on the Development of American Law: A Critical Review of Friedman's "History of American Law."

Volume 1977, No. 2 will present an article by Ronald Silverman, entitled *Subsidizing Tolerance for Open Communities*.

CONFERENCE, continued from p. 7

The Conference has become a forum for the examination of women's current status in the American legal, political and economic system. It is an opportunity to share expertise on substantive legal issues and to develop strategies for litigation and political action.

The University of Wisconsin Women's Law Student Association was chosen as the site of the 1977 Conference during last year's Conference at Temple University in Philadelphia. The Conference rotates throughout the country and has gone from New York to California, from

Chicago to South Carolina. Attendance has grown from 50 women in 1969 to 2,050 at Temple in 1976. As the Conference increases in size, it plans to broaden its scope to include more of the ever-increasing legal concerns of women.