

UNIVERSITY OF WISCONSIN LAW SCHOOL

Gargoyle

Volume 44, No. 1
Winter 2021-22

The New Game Plan

UW Law's strategic
mission paves a better
path forward



ALUM LLOYD BARBEE'S LONG-
LOST FILM EXPOSED INJUSTICE

CLINICAL PROGRAMS
EVOLVE WITH THE TIMES

**EDITOR + DIRECTOR OF
COMMUNICATIONS**

KAREN KOETHE

University of Wisconsin
Law School
koethe@wisc.edu
608-890-2611

PRODUCTION EDITOR
PRESTON SCHMITT

University Marketing
preston.schmitt@wisc.edu

ART DIRECTOR
DANIELLE

LAMBERSON PHILIPP
University Marketing
lambersonphi@wisc.edu

COVER ILLUSTRATION BY
DANIELLE LAMBERSON PHILIPP

Gargoyle

Volume 44, No. 1
Winter 2021-22



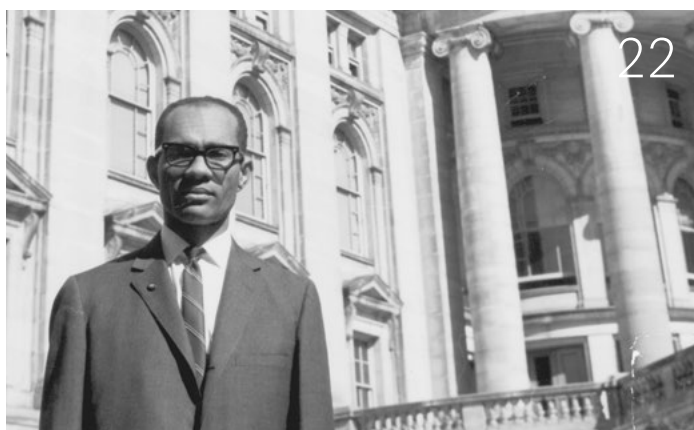
16

Features

16

Rising Stars

Two new scholars in business law and criminal justice join the UW Law faculty.



22

22

Barbee's Mirror

A UW Law School alum's pursuit of justice reemerges in a long-lost film, now found.

30

Ever-Evolving Clinical Education

UW Law's clinical programs innovate to increase student participation.

34

The Whole Nine Yards

UW Law's strategic plan unites new priorities with historical commitments.



30



34

Departments

Dean's View	2
News and Notes	4
Alumni	42
Class Notes	44
In Memoriam	46
Last Word	48

Why Gargoyle?

In 1963, when the existing Law School was demolished to make way for a new building, Law School Dean George Young found and rescued a sandstone gargoyle from the rubble. This figure and its twin sat on the roof of the 1893 building for almost 70 years.

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



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

Dear UW Law Graduates,

As this issue goes to press, we are nearly two years into the pandemic, and I'm now in the middle of my second year as dean of UW Law. We are very fortunate to have had a return to something like normalcy in the fall semester. The atrium is once again abuzz with students, with classes back in person and a robust schedule of conferences and symposia. But of course, the pandemic isn't over yet: we all wear masks, hand sanitizer stations are at every corner, and many events also have a virtual component.

The last year has been one of intense reflection, as we examine how we move the UW Law School forward in the years ahead. In 2020–21, we engaged in a comprehensive strategic planning process, drawing upon the expertise of our students, faculty, staff, alumni, and friends. Learn more about these efforts and what's next for this great institution on page 34.

Diversity, equity, and inclusion are values central to all we do at UW Law. That includes a commitment to addressing the continuing racial and social injustice, of which we have been repeatedly reminded in recent years. As lawyers, legal educators, and law students, we have a special obligation to advance equal justice under law. That includes making sure everyone in the UW Law community has the resources and support they need to succeed. To that end, Michael States has recently joined our leadership team as the Law School's inaugural associate dean of diversity, equity, and inclusion. Learn more on page 6.

We've also redoubled our commitment to growing our faculty, with a goal of adding five tenure-track faculty members by 2026. Two new professors, Stephanie Holmes Didwania and Nate Atkinson, joined the Law School this year, bringing incredible expertise and insights to the classroom (see page 16). Both have a PhD in economics as well as a JD, adding even more punch to our powerhouse research faculty. We are committed to growing our faculty and increasing our scholarly impact. Learn more about the \$1 million Faculty Recruitment and Retention Fund that will help us move forward on page 14.

From the pandemic to climate change to racial justice, the challenges our society presently confronts are as complex and difficult as any that we've faced in our lifetimes. No law school is better situated to help solve these problems than ours. That includes Wisconsin Law faculty, staff, students, and graduates. Thanks for being part of our community and part of the solution.

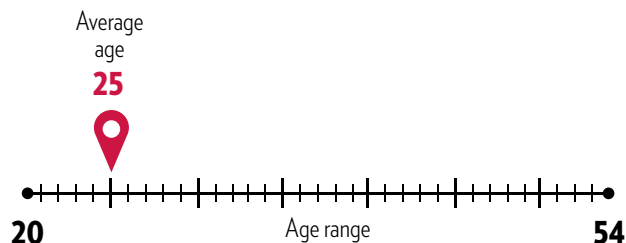
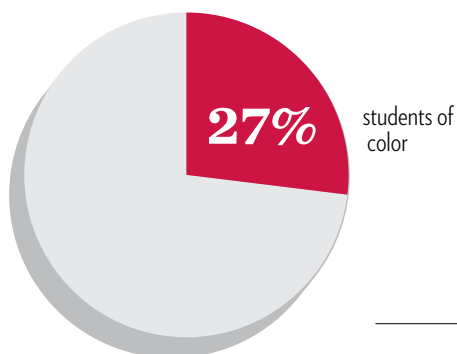
On, Wisconsin!

A handwritten signature in blue ink that reads "Dan".

Daniel P. Tokaji
Fred W. & Vi Miller Dean and
Professor of Law



By the Numbers: The Entering Class of 2021



49%

from outside of Wisconsin

32

states and territories represented



Wisconsin counties represented

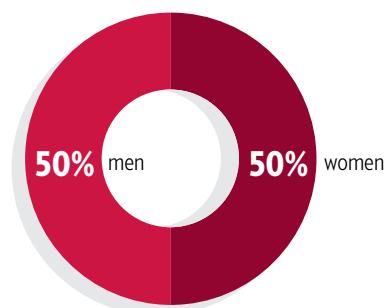
25

languages spoken



\$26,646

average scholarship for the 2021 entering class



94%

of the 2021 entering class received scholarships

70

different majors

Class Size

274

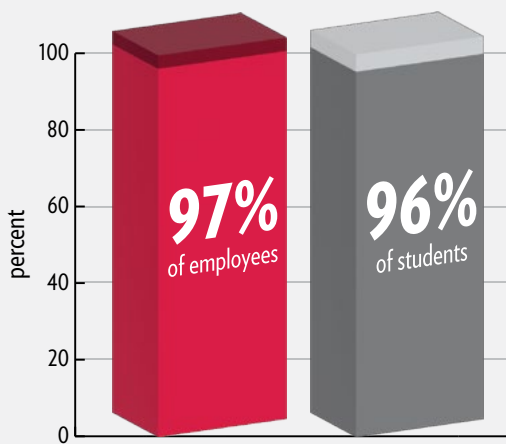
“Monuments and memorials should help us learn about our history and grow from it. When we were asked to opine about all the ways American Muslims suffered in the aftermath of 9/11, we knew it wasn’t enough. We want to also talk about what this means for today. What does this mean for oppression in all its forms right now? And then the really difficult question: are we complicit in any of it? Abuse of power hurts not just the abused, but also the abuser. Everyone needs to heal from these past harms, so we all must ask these questions. We could start on anniversaries. What if every commemoration of every atrocity was a step on a path toward truth and reconciliation? Maybe, then, we could see our way out of this dangerous cycle, heal the fractures in our society, and finally write a new American story.”

— **Asifa Quraishi-Landes**, in an op-ed co-written with Farah Brelvi for commondreams.org.



TATIANA SHIRASAKI

UW LAW VACCINATION RATE



Although the UW–Madison campus did not have a vaccine mandate, the Law School community had some of the highest rates of vaccination on campus in fall 2021.

Law & Entrepreneurship Clinic video series helps small businesses

The L&E Clinic, in partnership with Wisconsin’s Small Business Development Center, created a number of how-to video series as a resource for the state’s small business owners and entrepreneurs. With seven videos in total, the series offers insight on common legal questions entrepreneurs ask. Topics include trademarks and copyright, business entity types, choosing a lawyer for small business, worker classification, operating agreements, creating legal entities, and employment agreements and employee handbooks. The series can be viewed at law.wisc.edu/uwle.

UW Law School names Michael States the inaugural associate dean of diversity, equity, and inclusion

The University of Wisconsin Law School is pleased to announce that Michael States will serve as the inaugural associate dean of diversity, equity, and inclusion. In this newly created role, States will lead the Law School's diversity, equity, and inclusion (DEI) initiatives, with an emphasis on racial and social justice.

"Diversity, equity, and inclusion are central values in everything we do," says UW Law Dean Dan Tokaji. "By joining our leadership team, Dean States will help us innovate and build strong relationships within the Law School community and beyond. Our students have long advocated for a DEI dean, and we are thrilled that Dean States has agreed to join us at UW Law."

States will support the Law School's diverse student body, expand existing programs and services, and launch anti-racism initiatives that can be a model for law schools across the country. He will also play a leading role in making UW Law a more inclusive community and fostering dialogue across people's diverse identities, backgrounds, experiences, and perspectives.

"Through the interview process and learning more about this incredible community, I have been so impressed by the commitment and enthusiasm for creating a more inclusive, stronger community in the Law School and beyond," says States. "I am eager to join the Law School community and build out what we can accomplish together."

Law schools play a critical role in advancing diversity, equity, and inclusion, says Tokaji.

"UW Law aspires to educate change agents, lawyers, and future leaders who are prepared to tackle complex issues and advance



UEDA PHOTOGRAPHY

justice in communities across the state, the nation, and the world," says Tokaji. "Dean States will help us accomplish that core component of our mission."

States comes to UW-Madison from the The Ohio State Univer-

sity Moritz College of Law, where he served as assistant dean for admissions, diversity, and inclusion. He assumed the position of associate dean for DEI at UW Law on Wednesday, Dec. 1, 2021.



Tonya Brito awarded grant to support project on ‘Race, Class, and Gender Inequality and Access to Civil Justice’

Tonya Brito, Burrus-Bascom Professor of Law, was awarded an Understanding and Reducing Inequalities Initiative Program Research Grant from the University of Wisconsin–Madison.

As the principal investigator, Brito will launch “Race, Class, and Gender Inequality and Access to Civil Justice Study,” a pilot project designed to understand racial differences in how Americans handle civil legal problems, why they do and do not turn to law, and with what results.

Civil justice problems are common, and the civil justice gap is wide, according to Brito. Research indicates that two-thirds of American adults face at least one civil justice problem in any given year, which can result in the loss of their homes, jobs, wages, benefits, or custody of their children.

Access to a lawful resolution of these problems is severely restricted to only some people and some types of justiciable events. Low-income Americans, for example, received adequate legal



resolution for only 14 percent of the problems they reported.

Vulnerable populations are twice as likely to do nothing about their civil justice problems as more-advantaged groups. About three-quarters of low-income adults do not seek legal help when they experience civil justice problems.

It’s a troubling phenomenon, says Brito, because unresolved justice issues can lead to additional social, economic, and health problems for the people that experience them, as well as for their

families and communities.

This pilot study lays the groundwork for a much larger, multi-state study with findings that will contribute knowledge to the burgeoning access to civil justice scholarly literature. Race and racial inequality are understudied areas in this field and no major qualitative study has explored racial and intersectional differences in how Americans understand and respond to their civil justice problems.

Longitudinal in-depth interviews with 100 individuals in a Midwestern city will record the social characteristics and experiences that bring about differences in how people understand and respond to civil justice problems.

The research award provides a two-year grant of \$250,000 to support Brito’s project. Fifteen projects were selected from seventy-three proposals for the initiative, which is funded by the Office of the Vice Chancellor for Research and Graduate Education and the Wisconsin Alumni Research Foundation.

Sumudu Atapattu's new book examines intersectional nature of environmental injustice

The fate of climate refugees whose homes will be lost to rising seas. Courts granting rivers legal personhood. Constitutions proclaiming the right to a healthy environment.

As climate change continues to shape our planet's present and future, new challenges are emerging — and so are innovative responses to the crisis.

"Climate change is one of the biggest challenges we're facing as humanity, and it's affecting the entire world," says Sumudu Atapattu, director of research centers at UW Law School and an expert in international environmental law and human rights. "As a law school, we have a particularly important role to play in educating law students about the need to include climate change in whatever they do, because every area of law will be affected by climate change."

Atapattu's new book, *The Cambridge Handbook of Environmental Justice and Sustainable Development*, was released by Cambridge University Press in April. Atapattu and her coeditors blended legal frameworks on the issue with case studies from around the world, with a focus on the intersection of environmental injustice and the oppression of marginalized people.

"It's exciting because it has not been studied much. There are struggles around the world, but it's exciting to see so many people trying to make a difference, trying to give a voice to these marginalized communities," Atapattu says. "Some of these are success stories, which is

inspiring. It's not all doom and gloom. Even in our backyard in the U.S., there's so much going on with environmental justice, and it's interesting to see how it's interconnected with what's happening in other parts of the world."

Environmental justice victories range from residents of Queens, New York, who succeeded in shuttering a power plant that had been the biggest polluter in the city to an initiative that improved indoor air quality in rural India by providing families with cook stoves. But the industrial giants and most affluent societies continue to contribute most to the problem of environmental degradation, while the poor and marginalized suffer the most, Atapattu notes.

"People are affected by environmental justice issues disproportionately," she says. "Many of them are poor so they're less likely to be able to protect themselves from historic catastrophes. And these pollution sources tend to be concentrated in areas of minority communities. The impact is not just due to the en-



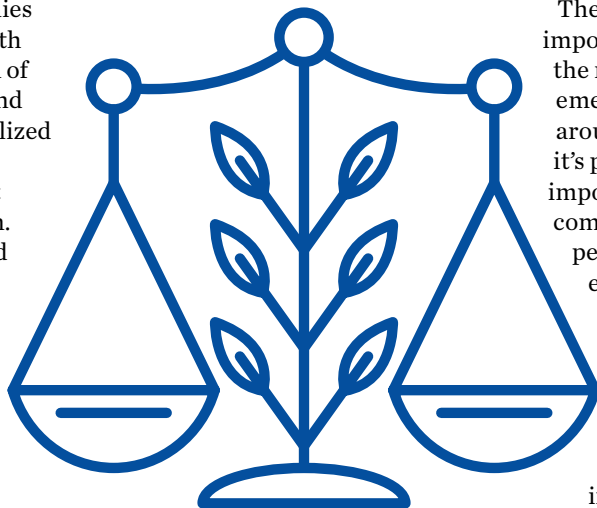
vironmental issues, but years of colonialism, marginalization, and discrimination."

Atapattu hopes the book inspires readers to take a broader view.

"We need to adopt a holistic approach," she says. "Unless we address the root causes of the problems, it's going to be hard to find proper solutions. It is important to see how vulnerabilities as well as forms of discrimination intersect with one another."

The legal field could play an important role. For example, the rights of nature are an emerging legal construct around the world, whether it's protecting a river that's important to Indigenous communities or recognizing people's right to a healthy environment.

"I find that very inspiring," Atapattu says. "That gives me a lot of hope, but of course, everything depends on how those legal protections are implemented."



Professors Mertz, Klug emphasize law-in-action and interdisciplinary, empirical study of law in new book

Wisconsin's roots in the law-in-action tradition run deep, and the new *Research Handbook on Modern Legal Realism* could help that philosophy branch out at other law schools.

Edward Elgar Publishing approached Beth Mertz, the John and Rylla Bosshard Professor Emerita, to edit the ambitious, 544-page project. She recruited coeditors Heinz Klug, Evjue-Bascom Professor of Law at the UW, and Shauhin Talesh, a law professor at the University of California, Irvine.

What the UW calls “law in action” — how law is applied in the real world — is closely intertwined with legal realism, the interdisciplinary, empirical study of law. Social scientists are the ones leading most law and society research today, and the book was written as an appeal to lawyers and law professors, Klug says.

“While legal realism was very successful early on, and the law and society movement was an outgrowth of legal realism, the rest of legal society went back to studying the doctrine,” he explains.

“But that is not producing a deep understanding of what the law does. Law isn’t just interpreting words on paper — there’s a lot more going on. If you want to produce students who have a deep understanding of how we can transform the law and change the law and make it more just, you have to look at how law functions in the world.”

The handbook builds on an earlier two-volume series on new legal realism that Mertz and Klug worked on with UW Professor of Law Emeritus Stewart Macaulay and former UW Law Professor Thomas W. Mitchell.

“This was a movement that started around the turn of the millennium, and it came out of Wisconsin Law School,” Mertz explains. “The reason it got started was that law and economics as a movement had really taken over the law schools in a lot of ways, and it was time for an answer to that. Wisconsin Law has always been a leader in the law and society movement. The whole idea was to take the Madison tradition and the

tradition of law and society, and not have one discipline win but have all the disciplines work together to understand law.”

The first part of the new handbook delves into the history of legal realism, while the second part explores present dilemmas through the prism of new legal realism. Contributors from around the world submitted chapters on topics ranging from policing to immigration to globalization. Other

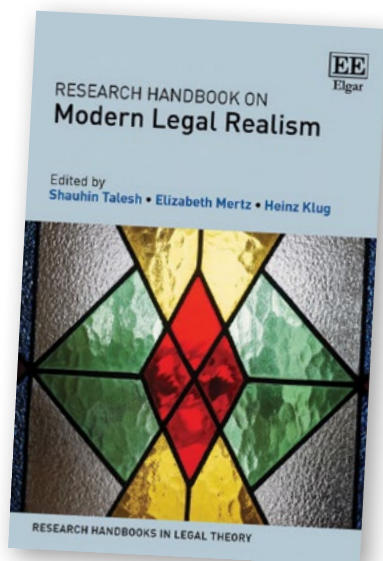
current and former UW Law professors who contributed to the book include Mitchell, Marc Galanter, Alexandra Huneeus, and Marsha Mansfield.

One chapter focuses on the Midwest.

“A lot of the accounts of the legal realism movement have focused on the East Coast, and there’s been this tradition of Midwestern legal realism that’s been ignored,” Mertz says.

But the Midwestern tradition is strong — and getting stronger, in part because of UW Law, she notes.

“This has always been a place that really cares about law in action,” she says. “Finding out accurately about law in action through social science and good clinical training is a tradition that got its start from Madison, and it’s thriving.”



Beth Mertz



Heinz Klug

Kathryn Hendley, expert on the role of law in Russia, selected for 2020–21 research chair

Professor Kathryn Hendley first visited Russia in the 1980s during a backpacking trip across Europe after law school. Her interest in the country and eventual graduate studies coincided with Mikhail Gorbachev's leadership at the time of the breakup of the Soviet Union, events that opened up the country — and a world of research possibilities.

In the post-Soviet decades that followed, she studied the role of law in the everyday lives of Russian people.

“So many things changed — the way that I do research would have been simply impossible in the old days,” says Hendley, who has been chosen as the new Sheldon B. Lubar Distinguished Research Chair in Law.

Lubar, a Milwaukee business executive, and his wife, Marianne S. Lubar, provided the \$3 million endowment to create the chair awarded on an annual, competitive basis to fuel productive research and advance excellence at the Law School.

While Russia's constitution continues to guarantee a wide range of social and economic rights, including housing, Hendley says the country's shift to a market economy has turned some of those formal rules upside down. The chair gives Hendley the opportunity to do a case study of evictions, which were unheard of in the Soviet era.



“When I was doing another project, and we were trying to think of a law that was on the books that no one would ever think about using, the Russians in the room suggested evictions because it was just unthinkable,” she says.

After the book *Evicted* won the Pulitzer Prize in 2017 for its close examination of the effect of the practice in the U.S. on the lives of people in poverty, Hendley started thinking more seriously about evictions in Russia.

“The Soviet legacy suggests that the state ought to protect the vulnerable when they enter into unwise or patently unfair contracts, but in reality some people are being put out onto the streets, including elderly people who are victims of scams,” she says.

Hendley will study Russians' attitudes and behavior about evictions through a series of focus

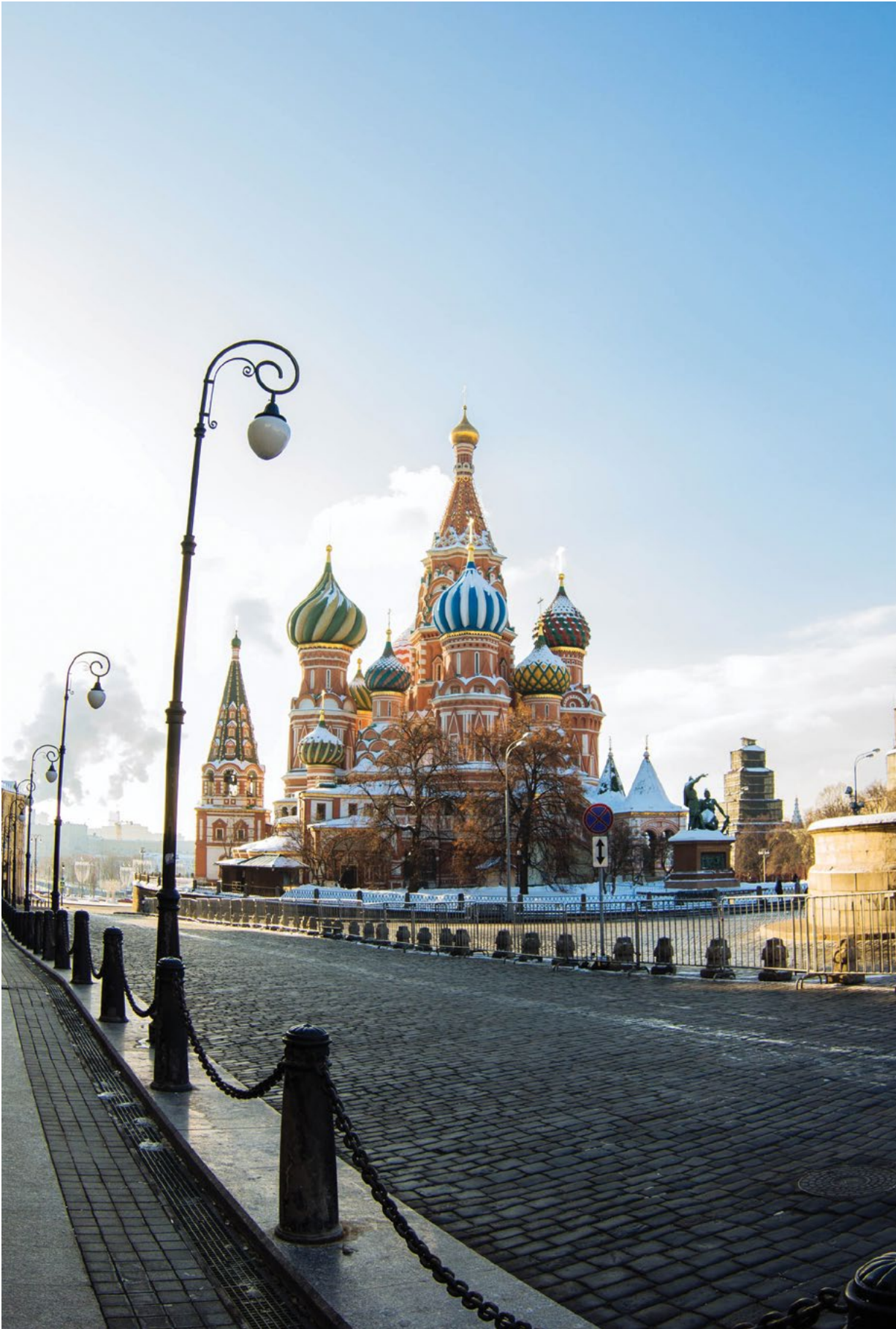
groups that will document how they view the responsibilities of the state and of individuals and reveal their openness to basic democratic principles, which assume a reciprocal relationship.

“In some ways, the institutional landscape has changed underneath them in terms of the idea of a right to housing being unquestioned,” she says.

Hendley is the author of *Everyday Law in Russia* (Cornell University Press, 2017), based on focus groups and research in the recently created justice-of-the-peace courts. She has served as a consultant to the U.S. Agency for International Development and the World Bank in their work on legal reform in Russia. Hendley previously served as the director of the UW Center for Russia, East Europe, and Central Asia. More recently, she has collaborated with scholars at the Institute of Sociology of the Russian Academy of Sciences for a longitudinal survey of Russian lawyers to map how they construct their careers and their attitudes toward the state.

“There are many subjects where we could fill a room with books that have written about them in the U.S. or the European context and nobody has explored them in the Russian context,” Hendley says. “There are so many blank pages — that is very exciting as a researcher.”

BY JENNY PRICE



BOB KORN/SHUTTERSTOCK



Center for DREAMers provides holistic support for DACA students

The UW Law School launched a new center to support Wisconsin's DREAMers, an all-encompassing term describing individuals who have lived in the United States without official lawful status since coming to the country as a minor. The Center for DREAMers was awarded a grant through the Baldwin Wisconsin Idea Endowment, a competitive grant program that fosters public engagement and the advancement of the Wisconsin Idea.

Clinical Professor and Director of the Immigrant Justice Clinic at the Law School Erin Barbato, together with Erika Rosales of the School of Education, will lead the Center for DREAMers.

The center will serve the approximately 11,000 DREAMers in Wisconsin, working with organizations to coordinate the provision of legal representation, mental and social services, and career and educational counsel-

ing to ease the burden of some of the uncertainty experienced by undocumented immigrants who came to the U.S. as children.

Barbato, who teaches second- and third-year law students to represent individuals in removal proceedings and with humanitarian-based immigration relief, says the center will become an important resource for the community.

"The Center for DREAMers will bring together comprehensive resources for students that have DACA in Wisconsin," says Barbato. "Currently, no organization in Wisconsin exists that has the capacity to serve the unique educational and legal needs of DACA recipients. We hope the center will serve this population in a manner that will allow them to fulfill their potential in a state and country they call home. We are honored to have the opportunity to serve this population so they no longer have to live in fear



Erin Barbato

Erika Rosales

and one day they will have equity in educational opportunities as well as citizenship."

As a part of its community-focused approach, the center provides outreach events and support on different campus and community locations, including the South Madison Partnership. A particular focus includes outreach to DACA communities throughout the state of Wisconsin, including bi-monthly information events.

The center's mission also aligns with the Law School's law-in-action tradition.

"The University of Wisconsin Law School is renowned for its law-in-action approach to legal education, and the Center for DREAMers aligns with that practical approach to learning and the pursuit of equal justice," says Dean Dan Tokaji. "We're grateful for the Baldwin Wisconsin Idea Endowment's support for the center and are thrilled by the opportunities this will provide for our students and the community."

Located in the Law School's Economic Justice Institute, the center opened in October and began providing office hours and counseling services. Clinical law students in the Immigrant Justice Clinic play an instrumental role in the center's work, says Barbato. Under her guidance, the students provide direct representation to people with DACA in renewals and may provide representation to people with DACA who are eligible for pathways to citizenship through family, employment, or for humanitarian-based reasons.



New Eviction Defense Clinic focuses on improving housing stability

In response to the rising need for eviction defense, the University of Wisconsin Law School's Economic Justice Institute (EJI) was awarded funding to provide dedicated legal assistance for eviction services. EJI oversees five other civil, anti-poverty clinical programs and will house the new Eviction Defense Clinic.

Launched in fall 2021, the Eviction Defense Clinic serves an important unmet need, according to EJI Director Mitch.

"Through the existing work we do in EJI, we have witnessed the importance of maintaining housing stability," says Mitch. "Stable housing benefits everyone, whether they rent or not. Stable housing means our coworkers who rent can come to work instead of scrambling to find new housing, and our

children's friends whose parents rent can stay in school and succeed."

It can also lead to healthier communities, says Mitch, as stable housing reduces the spread of COVID-19 variants that occurs if people are forced to involuntarily move.

"Having dedicated staff and students to focus directly on improving housing stability goes a long way to meeting an important legal need that will benefit everyone in our community," says Mitch.

The funding for the program comes as part of federal emergency rental assistance.

On August 4, the City of Madison Common Council voted unanimously to accept \$16 million in federal emergency rental assistance funding, directing \$15

million to direct aid for families and individuals and almost \$1 million for legal assistance. The legal assistance funding enables local legal aid providers to hire new staff and expand services. The funding has also enabled the Law School to quickly create an Eviction Defense Clinic, hiring a supervising attorney and utilizing law students who will earn clinical credits while providing eviction defense legal services to those in need.

"Erica López, an incredible legal advocate who has worked with Legal Action of Wisconsin for years, will serve as the clinical instructor and supervisor of the Eviction Defense Clinic," says Mitch. "Together, with our dedicated clinical law students, we look forward to the work ahead to provide legal assistance in these challenging times."

UW Law School launches new fund to expand faculty and enhance scholarly impact

The University of Wisconsin Law School has created a \$1 million Faculty Recruitment and Retention Fund. The fund will help UW Law expand its tenure-track faculty from twenty-nine to thirty-five people over the next five years, a planned increase of some 20 percent.

According to Dean Dan Tokaji, the fund is the first step in a long-term plan to enhance UW Law's scholarly impact, while ensuring that its students learn from leading experts in their fields.

"Recruiting and retaining top-tier legal scholars is central to our mission," says Tokaji. "As we teach our students to tackle complex social problems — from representing entrepreneurs to advancing racial justice — we want to make sure that they learn from the very best teachers."

The Faculty Recruitment and



Dean Dan Tokaji

Retention Fund is one component in an ambitious fundraising strategy that will help the Law School achieve the goals set forth in its five-year strategic plan for 2021–26, adopted in May 2021. Those goals include increasing the impact of faculty research, expanding experiential learning opportunities, and doubling down on its commitment to diversity, equity, and inclusion.

Since fundraising for the Fac-

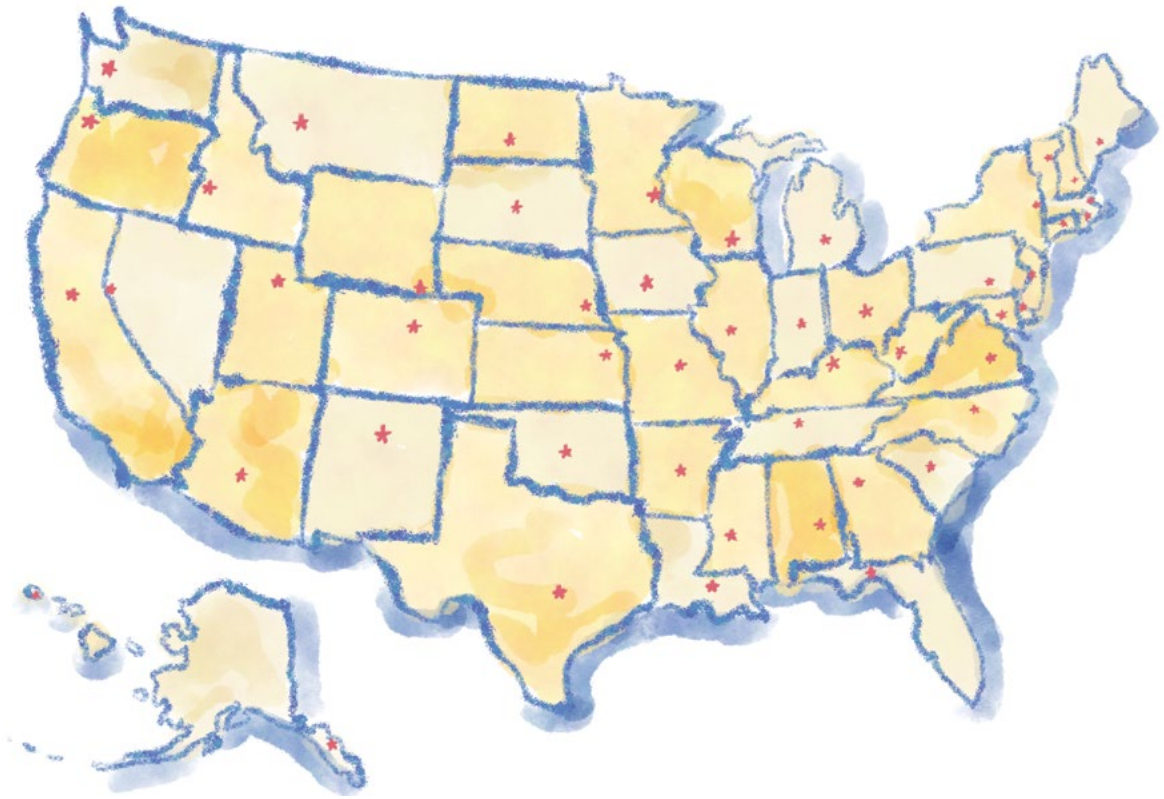
ulty Recruitment and Retention Fund began in December 2020, ten UW Law donors have each committed at least \$50,000 to support it. Each alumni gift was matched dollar for dollar with Law School discretionary funds, doubling the impact.

Hitting this fundraising goal so quickly demonstrates UW Law alumni's strong support and enthusiasm for the Law School's future.

"We are thrilled that ten alumni stepped up in just a few months to support this key initiative," says Tokaji. "Their enthusiasm for the future of UW Law is contagious. We look forward to hiring new faculty who will educate the next generation of lawyers and leaders through their teaching, while advancing knowledge and justice through their research and service."



JEFF MILLER



State Democracy Research Initiative aims to foster better understanding of state governments

“If we want to preserve and improve state democracy, we have to first understand it,” said Associate Professor of Law Miriam Seifter in a recent podcast interview. The Law School’s newly launched State Democracy Research Initiative, which Seifter co-directs with Associate Professor of Law Robert Yablon, is an effort to foster that understanding.

The initiative is both a source of research and expertise and a hub for collaborations and conversations. Part of its mission is to produce rigorous research and analysis on questions of state democracy, state government, and state public law.

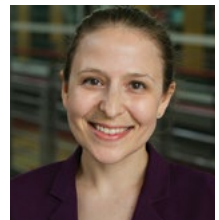
“In addition, the initiative facilitates convenings among researchers and engages in nonpartisan education efforts to strengthen state democracy,” says Legal Research Director Allie Boldt. Through its work, the initiative aspires to draw more attention to these understudied issues.

State-level issues too often get overlooked in favor of national-level issues, says Yablon.

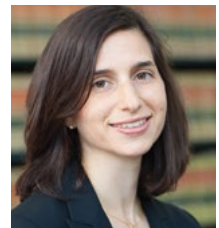
“The 2020 presidential election and the pandemic response were stark reminders that state actors routinely make decisions that are every bit as consequential as the ones emanating from their federal counterparts,” he says. “Although state legislatures, executives, and courts sit at the heart of the American democratic system, researchers, activists, and commentators tend to fixate on the federal level while giving short shrift to the states.”

An important premise of the initiative’s work is that ignoring state-level issues causes significant problems for the legal system and democracy.

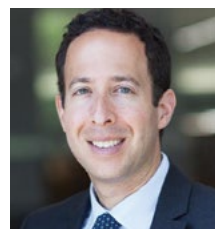
“Our collective lack of attention to the states isn’t just an academic grievance or a civics nitpick. It’s a real problem for our legal system and our democracy,” wrote Seifter in a blog contribution titled “Bringing States Into the Spotlight.” Academics and law schools can play a part in addressing this problem by “directing our attention and expertise to statehouses, not just to DC,” she continued.



Allie Boldt



Miriam Seifter



Robert Yablon

Rising Stars

Two new scholars in business law and criminal justice join the UW Law faculty.





The University of Wisconsin Law School has strengthened its faculty with two new hires, who join in a long tradition of excellence in research and teaching. Nate Atkinson and Stephanie Holmes Didwania began their appointments in summer 2021.

“We’re thrilled to welcome Nate and Stephanie to the University of Wisconsin Law School faculty,” says Dean Daniel Tokaji. “Both are rising stars in their fields. They add to our strengths in business law and criminal justice, bringing expertise that will inure to our students’ benefit, while reinforcing UW Law’s commitment to academic excellence, innovative teaching, and world-class scholarship.”



Nate Atkinson is an assistant professor whose research focuses on the fields of corporate misconduct, contract law, and social choice theory. As an economist, Atkinson applies quantitative analysis to the study of the law.

Atkinson's current research projects include examining how prosecutors' concerns for collateral consequences affect their assessments of corporate penalties; estimating corporations' profits from violating environmental laws; the behavioral effects of efforts clauses in contract design; and the design of better procedures for aggregating preferences.

What is your educational and professional background prior to joining UW Law School?

I earned my JD from Stanford Law School and PhD in business from Stanford Graduate School of Business.

Prior to joining the faculty of the University of Wisconsin Law School, I was a postdoctoral researcher at the Center for Law and Economics at the Swiss Federal Institute of Technology (ETH Zürich) in Zürich, Switzerland. I've previously taught at ETH Zürich, the University of Zürich, Northwestern Pritzker School of Law, and UCLA Law School.

How did you get into your field of research?

My main area of research is on corporate misconduct. Much of the discourse on corporate misconduct focuses on bad actors within corporations. I am interested in the corporate form more broadly. My research focuses on the question of how corporations can profit from breaking the law, even after being caught and paying fines.

I got interested in this field after regularly reading accounts in the newspaper about firms paying small penalties following illegal actions. I wondered why we would expect corporations to follow the law when fines are so low. I have been working to quantify the extent to which corporations profit following lawbreaking so we can better design laws to bring the interests of corporations in line with those of society more broadly.

How does your work fit with the Wisconsin Idea, that education should influence people's lives beyond the boundaries of the classroom?

In many areas, the law, or its application, is flawed. Well-trained lawyers can often-times appreciate these problems in ways others cannot. It is important that lawyers leave the University of Wisconsin Law School not only able to understand and apply existing law, but to recognize its deficiencies, so that they can contribute to improving the law so that it works for the benefit of society as a whole.

Describe a recent publication.

"If Not the Index Funds, Then Who?" was published in the *Berkeley Business Law Journal*. Large asset managers manage trillions of dollars of assets on behalf of tens of millions of clients. In this article, I take a close look at the underlying interests of those clients. Because asset managers' clients are affected by corporate actions as customers, employees, creditors, taxpayers, and the general public, they are interested in more than the financial performance of the corporations in their portfolios. Instead of maximizing the profits of individual firms, an asset manager acting in their clients' best interests should focus on improving the alignment between corporations and society more broadly. First, I show that asset managers can induce significant changes at portfolio companies and then put forward a set of actions that asset managers could implement that would significantly increase clients' collective welfare. Finally, I show that there is little legal risk from a reorientation toward client welfare by asset managers.

Home State: Oregon

Teaching Areas:
Contract law, business associations, and contract design

Stephanie Holmes Didwania joins the UW Law faculty as an assistant professor. She is a quantitative empirical scholar who studies the criminal legal system. Didwania is primarily interested in understanding how prosecutors exercise discretion in criminal cases and in pretrial detention. In addition to studying the criminal system, Didwania has also written on the economics of intellectual property and innovation in the music industry.

What is your educational and professional background prior to joining UW Law School?

I earned a JD from the University of Chicago Law School and PhD in managerial economics and strategy from Northwestern University.

Prior to joining the faculty of the University of Wisconsin Law School, I was an assistant professor at Temple University Beasley School of Law, a Harry A. Bigelow Fellow at the University of Chicago Law School, and a law clerk to Judge Richard A. Paez of the U.S. Court of Appeals for the Ninth Circuit.

How did you get into your field of research?

My interest in criminal law and criminal procedure developed during law school when I worked in a criminal clinic representing defendants charged with felonies in federal court. This advocacy experience has long informed my research in many ways, especially by sparking my interests in examining prosecutorial behavior and in reforming federal pretrial detention. While my doctoral work taught me how to rigorously answer research questions using quantitative methods, my experience as a law student showed me the enormous human consequences of America's criminal legal system.

How does your work fit with the Wisconsin Idea, that education should influence people's lives beyond the boundaries of the classroom?

The criminal legal system is one of the most significant sites of inequality in American society today. As a teacher, it is important to me that my students understand how inequalities perpetuate both through legal doctrine itself as well as

through external forces that operate outside of the black-letter law. Regardless of whether they go on to practice criminal law, I hope all of my students understand their critical responsibility as lawyers to help create a more equitable world.

Describe a recent publication.

"The Immediate Consequences of Federal Pretrial Detention" was published in the *American Law and Economics Review* in 2020. Unlike the cash-bail regimes that are prevalent in state courts, federal courts rarely use money bail as a condition of pretrial release. Nonetheless, this article presents evidence that pretrial release influences case outcomes for federal defendants. Using case data spanning seventy-one federal district courts, the article suggests that pretrial release reduces a defendant's sentence and increases the probability that they will receive a sentence below the recommended sentencing range.

Pretrial release also appears to lessen the probability that a defendant will receive a mandatory minimum sentence when one is charged. The analysis exploits variation in magistrate judges' propensities to release defendants pending trial, which allows magistrate judge leniency to serve as an instrumental variable for pretrial release. The article also provides suggestive evidence that pretrial release affects case outcomes through two channels: first, by giving defendants the opportunity to present mitigating evidence at sentencing and second, by making it easier for defendants to earn a sentencing reduction by providing assistance to the government.

Home State: Illinois

Teaching Areas:
Criminal law, criminal procedure, and empirical analysis



APARTMENT
FOR RENT

+++++

Barbee's Mirror

A UW LAW SCHOOL ALUM'S PURSUIT OF JUSTICE REEMERGES IN A
LONG-LOST FILM, NOW FOUND.

BY JENNY PRICE





In his fight against housing discrimination, Lloyd Barbee '56 conducted a hidden camera investigation in the 1960s. The footage finally saw the light of day in 2021.

Lloyd Barbee '56 was just a few years out of law school and the president of the local NAACP branch when he and two friends hatched a plan to use hidden cameras to document and expose housing discrimination in Madison.

It would be more than sixty years before an audience would see the footage.

Their film, banned and locked away in the archives by university officials who initially approved its production, captured thirteen incidents of clear-cut discrimination as they played out in real time. In many cases, landlords told prospective Black renters that housing wasn't available and then later agreed to rent to white tenants. Some were more direct. "I'm sorry but I can't let you have it — not in this neighborhood. ... I don't want to have trouble with my neighbors," one landlord said.

The film — finally shown last April during an online event sponsored by PBS Wisconsin, the UW–Madison Public History Project, and the UW Archives — is a powerful piece of history that could have been made in any Midwestern city, but a few familiar buildings from some Madison neighborhoods that remain primarily white today stand out and reinforce the long-standing effects of housing discrimination. For today's audiences, it was a somewhat hidden chapter in the life of Barbee — an attorney, activist, and legislator who frequently held a mirror up to society to reflect injustices and push for change.

Barbee was still a teenager when he first joined the NAACP in his native Tennessee, participating in marches for fair housing in the South. Throughout his life, up until his death in 2002, he challenged laws and practices that were discriminatory or unfair, and urged leaders to create new ones that allowed for a version of the world he believed could and should exist in the present, not decades into the future.

"A picture is worth 1,000 words," says Barbee's daughter, attorney Daphne Barbee-Wooten, of the housing film. "Because you can actually see the houses and you can actually see the people requesting housing. You can actually see the managers and landlords refusing housing and the excuses that they have."

Barbee-Wooten published an edited



collection of her father's writings in 2017 — called *Justice for All* — including excerpts from an unpublished manuscript he started in 1982 to reflect on his early life and career. "Discrimination against Blacks was rampant in rentals, leases, and sales," Barbee wrote. "Arguments against Fair Housing ranged from notions that a man's home was his castle to automatic depreciation of property values if Blacks were permitted to move into white neighborhoods."

Barbee became president of the Wisconsin branch of the NAACP in 1961 and organized a thirteen-day sit-in at the state

Lloyd Barbee posing in front of the Wisconsin State Capitol circa 1964.

+++++

“Before the film was shot and suppressed, it was the rule, rather than the exception, for public officials, real estate dealers, and the news media to declare that Wisconsin had no problems what[so]ever with racial discrimination in housing.”

— Lloyd Barbee

capitol rotunda that year in support of fair housing and equal opportunity legislation. “He was very forthright. He laid it on the line,” says George Allez, who along with Barbee and Stuart Hanisch were members of their self-described “Social Interference Committee.”

Hanisch was an instructor and cinematographer in the UW Extension Bureau of Audio-Visual Instruction, and Allez was a French graduate student employee. Barbee and Allez first met at the Unitarian church near campus when Barbee was working there as a janitor to help pay for law school.

Inspired in part by Alan Funt’s popular TV show *Candid Camera*, the three men began to devise a plan over beers at Lorenzo’s restaurant on University Avenue (where

Vilas Hall now stands) to use a hidden camera and microphone to make the film. Allez says one conversation surrounding the film was inspired in part by a 1948 *Life* magazine feature with the cover line “The Good Life in Madison, Wisconsin.”

“Madison was and, I think, remains a very self-congratulatory community,” Allez says. “Whenever the question of housing discrimination came up, it was simply dismissed and just denied.”

Allez says Barbee saw the film as a tool to “cut the rug out from under certain kinds of arguments against fair housing legislation.”

UW Extension officials approved Hanisch’s request to make the film for the AV bureau, provided Barbee could raise a share of the necessary funds, which he did relatively quickly. “All of us were certain that the university believed that we would never be able to raise the money,” Allez says. “When we suddenly came to them and said, ‘We’ve got the money, let’s start shooting,’ that was a shock right off the bat.”

Filming proceeded with friends and supporters appearing on camera as prospective renters, including Barbee’s cousin and Allez’s then-girlfriend. But ultimately, after university administrators and the state branch of the ACLU argued the film’s hidden camera technique was a violation of privacy, the university only released the transcript and not the film.

Fearing the film would be destroyed, Barbee and the NAACP organized picketers to protest in Madison and at UW Extension sites in Kenosha, Racine, and Milwaukee. “Despite criticism from pseudo-liberal quarters, the protest showed the university’s duplicity and hypocrisy in dealing forthrightly with human rights violations,” Barbee wrote in his 1962–63 report on the activities of the NAACP in Wisconsin.

Rustam Barbee echoed his father’s sentiments during the online event that showed the footage for the first time. “My dad was not timid in calling out racism and bigots during his lifetime,” he said during the panel discussion following the screening. “He often spoke to me and Daphne about phony white liberals who spoke about civil rights, but when push came to shove their support was not there.”

Hanisch, who died in 2002, resigned in protest. Allez stayed on through the end of the school year in his project assistant post at the AV bureau to essentially keep an eye on the film. He could literally see it through the cracks in the door of a drab, locked cabinet in the editing room. At some point, it was sent to the UW Archives.

“Our protest helped focus the public’s attention on housing discrimination and the need to take corrective measures,” Barbee wrote in his 1962–63 Wisconsin NAACP report. “Before the

film was shot and suppressed, it was the rule, rather than the exception, for public officials, real estate dealers, and the news media to declare that Wisconsin had no problems what[so]ever with racial discrimination in housing.”



UW ARCHIVES

Barbee was active in the civil rights movement long before he came to Wisconsin, so much so that Barbee's father was happy to see his son move north where he thought he would be safer. "He was afraid he was going to get lynched," Barbee-Wooten says.

When Barbee first arrived in Madison in 1949, he lived at the Rochdale International Co-op on West Gilman Street, which was racially integrated, Allez says. He was one of just a handful of Black students to enroll in UW Law School. It would be two decades before the school would hire its first Black law professor — James Jones '56. Law students who weren't white were barred from one of the five professional law fraternities. Two Black students — Meade Harris and John Edwards — filed a lawsuit in 1951 asking a court to order the Delta Theta Phi fraternity to remove the discriminatory clause from its membership rules.

"Conscious racial discrimination was common, and unconscious racism among the educated was appallingly common," Barbee was quoted in a 2004 posthumous profile in *Wisconsin Lawyer* magazine.

Barbee dropped out after his first year and later returned to complete his law degree.

"I'm sure he was very glad he graduated, got his law degree, and continued on in law.

But at that time, he was discouraged and I'm pretty sure it was the discrimination that he was experiencing," Barbee-Wooten says. "He probably just needed a break."

After law school in Madison, Barbee worked as a legal clerk and then as a state unemployment compensation examiner. After UW officials quashed the housing film, he remained as strong of an advocate and warrior for justice as he had been before. "It didn't stop him," Barbee-Wooten says.

Barbee moved to Milwaukee and in 1964 won a seat representing the city's sixth district in the Wisconsin State Assembly. That same year, he won the first housing discrimination case before the Wisconsin Supreme Court. He filed the lawsuit on behalf of an army captain on leave to study at the UW who was refused trailer space in a Madison mobile home park because of his race. Shortly after his election to the legislature, Barbee proposed a fair housing bill to reinforce the court's ruling. But lawmakers passed a significantly weaker version than what he put forward — about 75 percent of the state's housing stock, mostly in Milwaukee's central city, was exempt from the new law.

Outside of the capitol, Barbee continued to organize at the grassroots level in Milwaukee, his children often in tow for marches against segregation and discrimination. The family's home was broken into, and they received hate mail and threatening phone calls. When Barbee returned home to find out his daughter hid under her bed after one such call, "he told me not to live in fear and there were hateful people who did not want to see progress on race relations," Barbee-Wooten wrote in the introduction of her book. "He also told me to get over it."

Barbee was the only African American in the state legislature from 1965 to 1977. David Clarenbach, who served his first term in the state legislature in 1975 as Barbee was serving his last, sought him out as a cosponsor on a bill to decriminalize marijuana and got an earful of advice about putting forward a watered-down proposal.

Right: Screen captures of Barbee's 1960s film exposing housing discrimination.

+++++

"The lesson I learned from Barbee is that you don't compromise with yourself. Put out what you think it should be — then you can compromise if necessary with the people on the other side. But if you go halfway to start, you're not even going to get halfway."

— David Clarenbach



UW ARCHIVES

The Bureau of Audio-Visual Instruction's film reel storage room.

+++++



“The lesson I learned from Barbee is that you don’t compromise with yourself. Put out what you think it should be — then you can compromise if necessary with the people on the other side,” Clarenbach says. “But if you go halfway to start, you’re not even going to get halfway.”

Some colleagues referred to him as “the outrageous Mr. Barbee,” but his published writings, some of which were featured in African American newspapers across the nation including the *Black Panther*, would be right at home in the roster of today’s political debates: abortion rights, drug legalization, prison reform, LGBTQ rights, disarming police, and core principles found in today’s Black Lives Matter movement.

“It seems strange in a country originally founded on rather broad, democratic principles that our government can punish people for committing actions which harm nobody, crimes that are without victims, crimes that take nothing away from other people,” Barbee said in a 1973 speech to students at UW–Oshkosh.

While most legislators are focused on what they can do to keep their constituents happy and get reelected, Barbee was not concerned with either, Clarenbach says. “He looked a generation beyond and knew that much of what he was proposing would not pass, but that the groundwork had to be laid,” he says. “He caught a lot of flak.”

He also didn’t seek political power, Clarenbach says. “He wasn’t looking to become governor or congressman or anything other than do what needed to be done to move society forward and make it a better place for people who are undervalued or invisible.”

John Norquist was assigned to sit next to Barbee on his first day in the state assembly in 1975. Norquist, who went on to serve as Milwaukee’s mayor from 1988–2004, already knew who Barbee was through his father, a Presbyterian minister involved in the civil rights movement. Barbee told Norquist about how the state routed a freeway (now Interstate 43) — which Barbee called the “Dirty Ditch” — through the heart of Bronzeville, a once-thriving Black neighborhood in Milwaukee. Nine years earlier, Barbee had stood in front of a bulldozer trying to stop Bronzeville’s destruction, Norquist recounted in a recent column.

Despite his enthusiasm for intense bat-

tles over important issues he was passionate about, Barbee was still friendly with his legislative foes, Norquist says.

“He was a statesman, because it was about the issues and it was about persuasion. It wasn’t about his ego, although he did have an ego,” Norquist says. “He reveled in the idea of raising people’s consciousness.”

While serving in the legislature, Barbee also worked fourteen-hour days as an attorney, filing a federal lawsuit in 1965 challenging segregation in Milwaukee’s public schools. He won the case in 1976, a ruling that led to years of appeals and work to develop plans to desegregate the school system. Until the recent discovery of the housing film, the school desegregation case is what Barbee was most known for. He endured multiple death threats as a result of his work on the case.

As she was editing her father’s work for her book, Barbee-Wooten learned about the housing film and even pored through a collection of old family home movies to see if it was hidden among them (it wasn’t). She decided to include the previously released transcript in the appendix so people would at least know that the lost film existed.

After the book was published, UW Archivist Cat Phan attended a talk where Barbee-Wooten discussed the “lost” housing film. Soon after the event, the UW Archives staff received an email from a filmmaker hoping to view it. That’s when Phan recalled seeing boxes labeled “Housing Discrimination Film” that were stamped with the word “Restricted” and the image of a skull and crossbones during an early tour when she was hired. Phan dug around and located the film, and began working with the UW’s legal department in 2018 to lift the restrictions. Archives staff began the work of digitizing and restoring the film.

Barbee-Wooten later received an email from the UW Archives that said, “We have some good news for you. We found the film.”

“It just made me take a deep breath. It was 1962. This is 2021,” Barbee-Wooten says.

“I started asking around with other housing historians, and there were lots of films made in the mid-century about housing discrimination, but none of them use undercover footage. What we have is super rare.”

—Kacie Lucchini Butcher



A march for fair housing in Milwaukee.

+++++

“Most people will say he was ahead of his time, but I say he [was] right on time. ... If we really want to excel as a society, we need to do the things my father was advocating for.”

— Daphne Barbee-Wooten

The first time UW Public History Project Director Kacie Lucchini Butcher saw the film, she immediately burst into tears thinking about what it must have meant to Barbee. As a housing historian she also recognized the value of footage that

showed the discrimination that Black families knew they had experienced for decades but couldn’t offer proof. “I started asking around with other housing historians, and there were lots of films made in the mid-century about housing discrimination, but none of them use undercover footage,” she says. “What we have is super rare.”

Wisconsin PBS offered to digitize the rest of the reels ahead of their virtual premiere during the online event in April 2021. That was when Barbee-Wooten and her brother,

along with the public audience watching online, saw the film for the first time.

“When I saw it, it made me tear up,” Barbee-Wooten says. “It’s just poignant. It’s right there. It’s so historic.”

At the same time, the past echoed the present. The pain of recognition surfaced in the chat box during the event as viewers posted comments identifying some of the apartment buildings and neighborhoods shown in the film. After all of this time, Barbee’s mirror was still there: showing people what they didn’t see before, or didn’t want to see.

“Most people will say he was ahead of his time, but I say he [was] right on time,” Barbee-Wooten says. “People were living in a different reality and not caring about other people and the future, the lack of diversity, the amount of discrimination. ... If we really want to excel as a society, we need to do the things my father was advocating for.”

EVER-EVOLVING CLINICAL EDUCATION

UW LAW'S CLINICAL PROGRAMS INNOVATE TO INCREASE STUDENT PARTICIPATION.

Long known as a pioneer in the field of clinical education, UW Law School's robust clinical programs are no stranger to innovation.

From the early days of the Frank J. Remington Center and the Economic Justice Institute to more recent changes — like supporting entrepreneurs in the state or addressing increasingly complex immigration needs — the clinical programs have evolved over time. And so, too, have the expectations for clinical programming at law schools throughout the United States.

With American Bar Association rules now requiring each law student have six credits of experiential learning courses before graduation, law schools across the country have re-calibrated their offerings. The same is true at UW Law School. While the existing programs are rich in opportunities in areas ranging from consumer to criminal law, the school is working hard to increase clinical enrollment and offer more flexible options for students.

Reimagining the clinical program offerings began in earnest with the Law School's new strategic plan, which included an emphasis on increasing curricular opportunities (read more about the plan on page 34).





“As we looked toward improving our curricular offerings on all fronts, we wanted to ensure greater accessibility and more course flexibility for all students,” says Ursula Weigold, associate dean for experiential learning. “By moving away from the one-size-fits-most model in our clinic course structure, we are giving students more choices, with the goal of eventually being able to provide a clinic spot to every student who wants to enroll in a clinic course.”

In the Law School’s traditional “immersion” approach to clinical education, students who completed their first year of law school were required to enroll in a full-year commitment to a single clinic. Students began

their clinical in the summer after their 1L year, working full time in the clinic all summer, and then continuing for another two semesters during the academic year, for a total of thirteen–fifteen required credit hours. This model emphasized in-depth learning for a select group of students, as well as — in some cases — the ability to track a case from beginning to end. The downside to this model is that only a fraction of interested students were able to enroll in clinics, due to capacity limits.

“High-quality clinical education requires close supervision and hands-on mentoring, requiring small faculty-to-student ratios,” says Mitch, clinical professor and director of the Neighborhood Law Clinic.

That impacts how many students each clinic can accept.

“As our incoming class size increased substantially, the unmet need for clinic slots has worsened, and students have had to find other options to satisfy their six-credit ABA requirement, even if their first choice would have been a clinic,” says Weigold.

As a unique learning experience — and a cornerstone of UW Law’s law-in-action philosophy — increasing student access to clinicals was a top priority as the school embarked on the strategic planning process. In the clinical setting, students develop a range of important practice skills, such as how to evaluate potential cases for credible legal issues, how to scrutinize client files and legal



documents, or how to investigate uncertain or conflicting facts. Students may interview clients experiencing trauma or distress and who may be inexperienced in navigating the legal system.

“And while students are developing these critical practice skills, they are serving people and communities who urgently need their help,” says Mitch.

“The teaching and learning methods employed in our clinical courses are truly unique,” says Dean Dan Tokaji. “UW Law’s clinics facilitate practical, hands-on learning by allowing students to take ownership of their cases and work closely with real-life clients, including small businesses, prisoners, patients, and others in need of help. That’s why increasing ac-



Left: Students in the Federal Appeals Project litigate direct appeals from the Seventh Circuit Court of Appeals. Above and opening photo: The Law & Entrepreneurship Clinic provides free legal services to nascent entrepreneurs and early stage companies through the work of law students supervised by faculty and private sector attorneys.

cess to this unparalleled learning opportunity is a cornerstone of our new strategic plan.”

Through an in-depth information-gathering process, the school examined the program’s strengths and challenges, researched the norms within the legal academy, elicited internal and external feedback through surveys and listening sessions, and gathered detailed national data on clinical education. A key takeaway: the full-year clinic model is highly unusual, and at other law schools, clinic courses are mainly offered during the academic year with a typical length of one semester.

“We weren’t willing to forego the in-depth learning that a multi-semester experience allows, but we also need to accommodate students interested in an intensive — albeit shorter — clinic course. Our clinical faculty formulated plans that will ensure a meaningful high-quality educational experience while also increasing opportunities and options,” says Tokaji.

Getting to a solution required ambitious and innovative thinking — something the clinical faculty have in spades, according to Tokaji. Through the spring

and summer of 2021, clinicians devoted time and creative thought to how their courses could be restructured to increase enrollment and provide more flexible options.

Starting in summer 2022, students will have more choices than ever, including summer clinic options, along with the opportunity for a paid project-assistant position conducting scholarly research for a faculty member. In fall 2022, students can choose between full academic-year clinics and semester-only clinic courses. Some clinics will change from a full-year to an academic-year sequence, although some students may still have an opportunity to continue their work within a clinic beyond that timeframe, perhaps as an upper-level mentor assisting their clinical professors.

“We are thrilled to be adopting a model that we hope will allow every interested student the incredible opportunity to learn alongside our remarkable clinicians while serving those in pressing need of legal services,” says Tokaji. “Thanks to our outstanding clinical faculty, our students will have access to experiential learning opportunities that no other law school can match.”



The Whole Nine Yards

UW Law's strategic plan unites new priorities with historical commitments.

BY ALEXANDER GELFAND | ILLUSTRATIONS BY DANIELLE LAMBERSON PHILIPP

Ask Dean Dan Tokaji when work first began on the strategic plan that was approved by the faculty of the University of Wisconsin Law School this past May, and his answer is as clear and concise as the plan itself.

“As soon as I became dean: August 1, 2020,” he says. “We really hit the ground running.”

From the outset, Tokaji aimed to have a plan approved by the end of his first academic year at the helm of UW Law. That he succeeded is a testament to all those who worked on the plan and provided input through surveys and listening sessions, from faculty and staff to students and alumni.

The resulting document is at once ambitious and succinct, sweeping and specific. Fitting neatly onto three typed pages, the plan comprises nine priority areas and forty-one action items, all designed to further the school's mission of educating a diverse group of exceptional lawyers and leaders while advancing knowledge and equal justice under law.

PLANNING THE PLAN

The task of developing the plan fell to four different work groups, each focused on a specific theme: teaching and learning; diversity, equity, and inclusion (DEI); student opportunities and wellness; and the research enterprise. Each group included a variety of faculty, staff, and administrative personnel with interest and expertise in their respective areas.

“The work groups were designed to be inclusive of different sets of interests,

positions, and views,” says Professor John Ohnesorge, who chaired the steering committee that led the planning process.

The DEI work group, for example, was chaired by Professor Alexandra Huneus, an expert on human rights law who also chairs the Legal Education Opportunities (LEO) Program, which is focused on student diversity, equity, and inclusion. The working group also included a clinical faculty member, the dean of admissions, the dean of external affairs, and a staff member in the Office of Career and Professional Development with an interest in diversity issues.

Similarly, the research work group included several tenure-track faculty and was chaired by Susannah Camic Tahk, associate dean for research and faculty development and director of the Institute for Legal Studies. But as Ohnesorge points out, supporting the research mission requires finding money for things like faculty leaves and summer projects, so the group also included Bethany Pluymers, the associate dean for administration and the Law School's chief financial officer.

To get as much feedback as possible from the Law School's various stakeholders, the work groups reached out to faculty, staff, students, alumni, and employers through surveys and listening sessions. According to Ohnesorge, each constituency had its own perspective and interests, which ranged from improving support for student wellness and mental health to increasing the diversity of students, faculty, and staff.

GETTING IT DONE

The overarching goal of the planning process was to engage in long-term strategic thinking.

“We focused on what we wanted the Law School to look like five or even ten years down the road,” Tokaji says.

That meant not only setting broad objectives such as maintaining affordability and supporting students in their job searches, but also coming up with concrete steps to achieve them: expanding financial aid, for example, or boosting student competitiveness on the job market by considering changes to the curriculum or the class rank system.

“You can have the best plan in the world, but if you don’t implement it, it doesn’t mean very much. We’re going to make sure that we implement this plan,” says Tokaji, who adds that nine additional working groups — one for each priority area — are currently hammering out a separate implementation plan complete with deliverables and a timetable.

Not surprisingly, some priorities will require more time and effort to achieve than others. But work has already begun.

Priority Area 6, for example, calls for recruiting new tenure-track faculty while retaining the outstanding faculty already at UW Law. Toward that end, the Law School launched a faculty recruitment and retention fund that has already met its goal of raising \$500,000. Thanks to matching funds, UW Law will have \$1 million to help meet its long-term goal of increasing the number of tenure-track faculty to thirty-five by 2026 while continuing to give current faculty the resources they need to advance the teaching and research components of the Law School’s mission.

Work is also underway to dramatically expand the flexibility of the Law School’s clinical options and guarantee a clinical opportunity to every student who wants one.

“Those are things we can do relatively quickly,” says Tokaji.

On the other hand, maintaining the affordability and quality of a UW Law education while simultaneously strengthening the faculty and meeting other resource-intensive goals such as improving the Law

School building and infrastructure (Priority Area 9) will be a heavier lift.

And as Ohnesorge explains, under the Law School’s shared governance model, some changes will require approval by the faculty. For example, enhancing student competitiveness on the job market could involve changing the curves on which students are currently graded. And the faculty would need to vote on a specific proposal to that effect.

DEEP ROOTS

Reading through the plan, it becomes clear that the various priority areas are related in ways both obvious and subtle.

For example, while three priority areas explicitly address DEI issues, the themes of diversity, equity, and inclusion — not only racial and ethnic, but intellectual and socioeconomic — run through all the other priority areas as well. Other examples are embedded in additional priority areas and include the call for greater support for first-generation students and the emphasis on diversity in faculty hiring.

Such interconnections are hardly surprising. The plan as a whole is suffused by UW Law’s historic commitment to equal justice under law and its concomitant dedication to law in action and the Wisconsin Idea, with their complementary emphases on how the law is applied in the real world and how the Law School can improve the lives of people across the state and around the globe.

Those animating principles appear in everything from the recurring emphasis on enhancing the clinical experience to the action item devoted to deepening the Law School’s collaborations with Native peoples in Wisconsin and across the country.

The result, says Tokaji, is a plan that will have a transformative effect on the Law School and those whom it educates.

“Our students and the things they go on to accomplish are at the center of everything we do,” he says, adding that the new strategic plan will allow UW Law to give students “unparalleled preparation for their careers as lawyers and their lives as leaders” for many years to come.

Nine Priority Areas & Selected Action Items

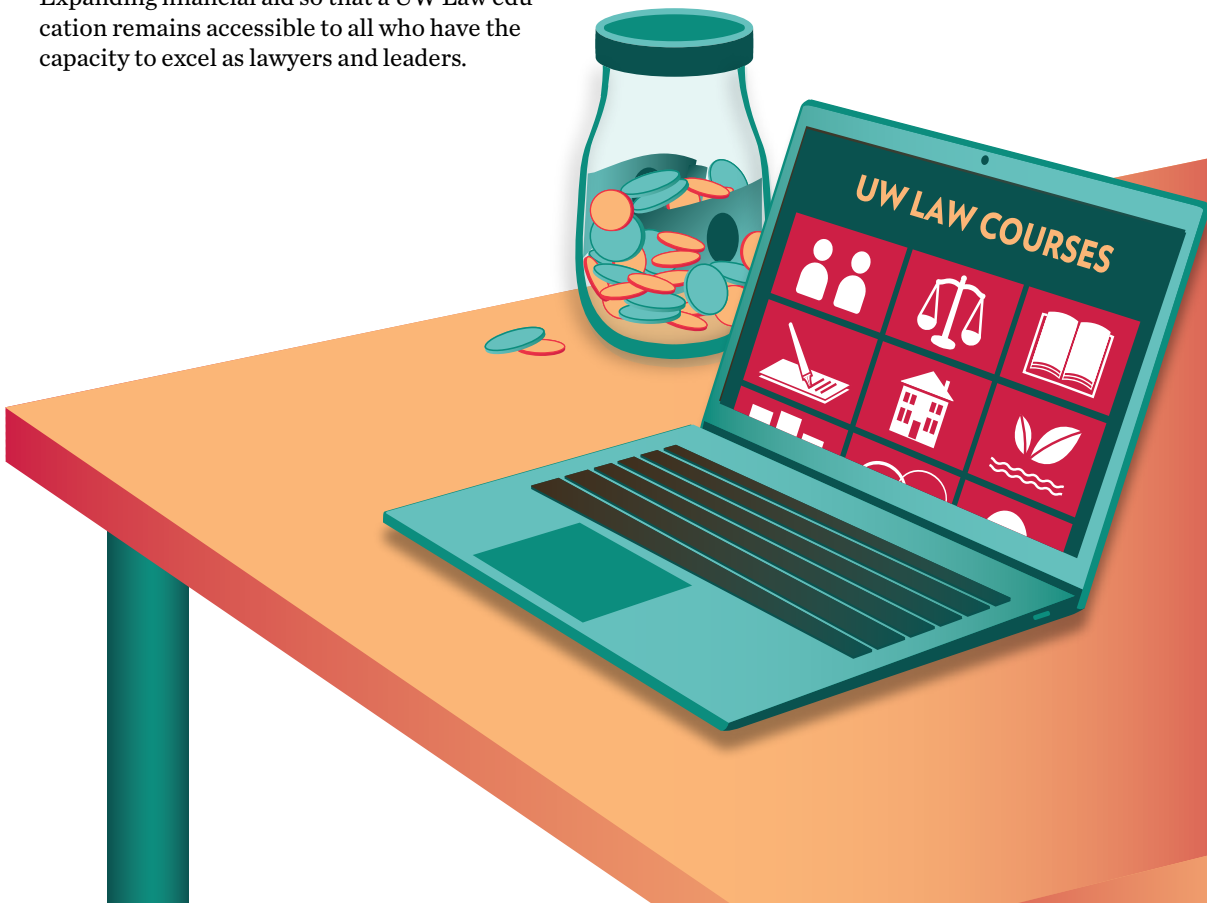
Here's a guide to the new strategic plan, including all nine priority areas and a selection of action items in each one. For a comprehensive listing, visit law.wisc.edu/about/mission/.

1

Deliver an outstanding and affordable legal education, while developing flexible curricular choices to allow students to explore diverse legal subjects and learning methodologies.

Along with the expansion of our faculty, this resource-intensive priority area represents the greatest challenge for the years ahead. Maintaining affordability and access for all students is crucial to achieving UW Law's mission of educating a diverse group of exceptional lawyers and leaders. Key action items include:

- Providing more clinical opportunities with more flexible options for students;
- Helping students meet degree and bar admission requirements more efficiently;
- Expanding financial aid so that a UW Law education remains accessible to all who have the capacity to excel as lawyers and leaders.



2

Cultivate an inclusive community that supports the success, well-being, and belonging of all our students, staff, and faculty, dedicating resources to help them thrive.

“We’ve got to pay attention to student well-being alongside educational opportunities,” says Dean Dan Tokaji. “This has been especially true during the pandemic, when we’ve seen a lot of mental health challenges for students. But it’s also true in ordinary times.”

Students and alumni agree. In listening sessions, both groups said they wanted more support for student wellness, including mental health. Action items include:

- Expanding academic counseling and support through the Academic Enhancement Program;
- Helping first-generation students acclimate to law school and the legal profession;
- Providing faculty, staff, and students with opportunities to learn how they can help develop a more inclusive and equitable learning environment.



3

Be a campus and national leader in promoting diversity, equity, and inclusion, with an emphasis on racial and social justice.

DEI is nothing new at UW Law: the LEO program dates back decades, and the Law School has historically been a national leader on diversity. This priority area will ensure that it remains so well into the future. Action items include:

- Establishing a senior leadership position dedicated to DEI (learn more about Associate Dean Michael States on page 6);
- Creating a pipeline for underrepresented groups to explore law school and the legal profession;
- Providing scholarships to ensure diversity in all dimensions.





4

Empower students to engage in effective job searches spanning diverse practice areas and locations.

Students with strong job prospects experience less stress and greater well-being. And as Tokaji says, “We owe it to our students to help them find satisfying careers.” Key action items include:

- Heightening students’ ability to compete for jobs nationally and globally by expanding the Law School’s network of employers;
- Developing programs highlighting the wide variety of legal careers available;
- Promoting satisfying job prospects for all students by considering changes to everything from the curriculum to financial aid.

5

Prepare students to be change agents in a diverse society grappling with persistent racial, social, and economic inequities.

This priority area builds on the Wisconsin Idea and our law-in-action tradition.

“We want our students not only to be capable and skilled lawyers, but to address some of the big-picture problems in our society,” says Tokaji. “We provide a legal education that will prepare them to make a real difference in real people’s lives.” Key items include:

- Incorporating diversity, equity, and inclusion into the curriculum;
- Recruiting students, faculty, and staff who embody different identities, backgrounds, experiences, and viewpoints;
- Expanding the Law School’s presence in Indigenous law.



6

Advance our position as a premier research and teaching institution by strengthening our faculty.

As the Law School continues to tackle some of society's most complex and pressing issues, it is critical to build upon the already impressive faculty community, giving students access to incredible legal thought. Key action areas include:

- Increasing the size of our tenure-track faculty to thirty-five by 2026, hiring professors who are or will become leaders in their fields;
- Considering lateral as well as entry-level candidates every year, informed by long-term teaching, research, and engagement goals;
- Retaining the outstanding clinical, legal research and writing, and tenure-track faculty we have.



7

Provide an intellectual environment and resources that will enable our faculty to be productive scholars.

With a commitment to excellence in research and a faculty embracing a wide variety of substantive concerns and methodological approaches, UW Law School is doubling down on its support to create a rich intellectual environment. Key action areas include:

- Improving research support, including research assistants and help in obtaining external funding for research;
- Ensuring that research-productive faculty members receive two months summer salary or the equivalent;
- Surveying faculty to determine what additional resources would best help them improve the quality and quantity of their scholarship.



8

Increase the visibility of our faculty and the impact of their scholarly endeavors.

The strength of the faculty and the quality of their research have a direct bearing on the Law School's teaching mission and its commitment to making positive social change.

"Our mission of educating great lawyers and future leaders is intimately connected to the research that our faculty do," says Tokaji. "Being leaders in their fields helps make them better teachers, and our students deserve to learn from the very best." Key items include:

- Raising the Law School's scholarly profile and stature, by highlighting the excellence and diversity of our faculty to external audiences;
- Emphasizing our strengths in research that crosses national and disciplinary boundaries, including law and society scholarship;
- Fostering faculty and staff engagement with communities at the local, state, national, and international levels, including efforts at law and policy reform.



9

Improve the Law School building and infrastructure, focusing on functions that are essential to our students.

"We have a great building, but there are many places where it needs some updating, especially in student-facing areas," Tokaji says. Key focus areas include:

- Creating a new Legal Research and Writing Center and new office suites for the Law and Entrepreneurship Clinic and the Office of Career and Professional Development;
- Creating a new shared office suite for the offices of Admissions and Financial Aid, Graduate Programs, and Diversity, Equity, and Inclusion;
- Providing a more welcoming space for the Academic Enhancement Program.





Four prominent Ho-Chunk leaders address campus on significance of treaties

Jo Deen B. Lowe '85, JoAnn Jones '86, Wendi Huling '01, and Michelle Greendeer-Rave '98 moderated campus discussion on treaties, as the marquee event of Treaty Day 2021.

As a University of Wisconsin Law School student years ago, Lowe felt a deep connection to the land where she studied every day. The campus — and the territory around it — is the ancestral home of the Ho-Chunk, her forebears.

"I always appreciated that I had this tie to Bascom Hill and to the people who came before me on this land and the sacrifices they made," says Lowe, chief judge for the Ho-Chunk Nation Trial Court.

Many of her fellow students, though, were unaware of the Indigenous history of the land, she says. That's starting to change with recent university initiatives, Lowe says, which is why she eagerly agreed to moderate a campus discussion about treaties.

"I hope it will provide people with a basic understanding of the importance of where we come from and what our histories are as a people," she says.

Four of the Ho-Chunk Nation's leading legal experts, including Lowe, offered perspectives on the fundamental significance of treaties and Indian law at the live virtual roundtable.

The panel discussion, titled "Treaties: How We Come to Be Where We Are," was the marquee event for Treaty Day 2021, an annual

campus commemoration begun three years ago.

Treaty Day is named for the Treaty of 1832, signed on September 15 of that year. It forced the Ho-Chunk Nation to cede territory that is now Madison and the UW-Madison campus — a place the Ho-Chunk call Teejop (Dejope, or Four Lakes).

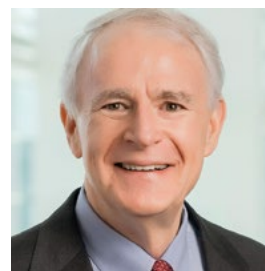
Lowe is a 1985 graduate of UW Law School. Prior to that, she was in-house counsel for a number of tribes and worked at the Great Lakes Intertribal Council. She served as the district attorney for Jackson County, Wisconsin, and was the first attorney general for the Ho-Chunk Nation.

In addition to Lowe, the panelists included three other UW Law graduates:

- **JoAnn Jones**, associate judge, Ho-Chunk Nation Trial Court. Jones was the first female president of the Ho-Chunk Nation and has been active in national-tribal-state issues and matters involving tribal sovereignty. She is a 1986 graduate of UW Law School.
- **Wendi Huling**, senior tribal counsel, Ho-Chunk Nation Department of Justice. Huling has been working for the Ho-Chunk Nation since her graduation from UW Law School in 2001.
- **Michelle Greendeer-Rave**, tribal attorney, Ho-Chunk Nation Department of Justice. Greendeer-Rave has worked for the Ho-Chunk Nation as an in-house tribal attorney since her graduation from UW Law School in 1998.

TATIANA SHIRASAKI '18 NAMED YOUNG LAWYERS DIVISION'S OUTSTANDING YOUNG LAWYER OF THE YEAR

Shirasaki, a Wisconsin public defender, was recognized for her impact on her practice area and service to the State Bar of Wisconsin and to the community. Fluent in Spanish as well as English and Portuguese, Shirasaki worked as a lawyer at the Immigrant Justice Clinic at the UW Law School, a "dream job" that allowed her to provide free legal services to Wisconsin's underserved immigrant community.



THOMAS BARRETT '80 NOMINATED FOR AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY TO THE GRAND DUCHY OF LUXEMBOURG

Thomas Barrett, who has served as the mayor of Milwaukee since 2004, was nominated by the Biden Administration to serve as an Ambassador to Luxembourg. Luxembourg, a western European nation with a population of approximately 620,000 people, is slightly larger than Milwaukee, and is between France and Germany. Barrett's new position is subject to U.S. Senate confirmation.

UW Law Grads Kelliann Blazek '14 and Jessica Shoemaker '04 Lead on Rural Issues

Two UW Law graduates are at the forefront of issues facing rural communities. At a critical junction point, rural America faces challenges and opportunities, often intersecting with complex issues of industrialization, climate change, and racial justice.



KELLIANN BLAZEK '14 was tapped to join the Biden Administration as a special assistant to the president for agriculture and rural policy. A Wisconsin native, Blazek spent several years working on agricultural and rural legislation at the U.S. Capitol before returning to Wisconsin, where she became director of the Wisconsin Economic Development Corporations Office of Rural Prosperity. She previously worked as counsel to U.S. Representative Chellie Pingree and helped include provisions in the 2018 farm bill to support local food economics and organic agriculture. She taught food law and policy at George Mason University's Antonin Scalia Law School. Blazek grew up on a small beef farm outside of Bangor in La Crosse County, which her family still runs.



JESSICA SHOEMAKER '04 was awarded the 2021 Carnegie Fellowship to explore rural futures. Shoemaker, a law professor at the University of Nebraska Law School, was recently named co-director of its Rural Reconciliation Project.

“Modern agriculture is highly industrialized and increasingly characterized by concentrated, absentee land ownership. Many rural places face a crisis of depopulation, political alienation, environmental decline, and racial injustice,” Shoemaker said in an interview with the University of Nebraska. “While 98 percent of farmlands are owned by people who are white, the people who work the low-wage, often dangerous agricultural sector jobs are overwhelmingly not white and more likely to live in segregated rural geographies of concentrated, persistent poverty. This project analyzes the overlooked role of property law — including our most fundamental land-tenure choices — in constructing these dynamics.”

1970s

Howard Quenton Bain '72 received the 2019 Brigadier General Olan G. Waldrop Jr. Unsung Hero Award from Judge Advocate General Jeffrey Rockwell, Lt. General, U.S. Air Force. Bain retired from the Department of the Air Force in 2015, having received the Outstanding Civilian Career Service Award and two Meritorious Civilian Service Awards during his career.

1980s

Ned Jaeckle '80 retired in June from the Colorado State Public Defender Appellate Division. One of the many appellate cases he litigated was *Nelson v. Colorado*, 137 S.Ct. 1249, 1251 (US 2017), holding that Colorado violated due process by requiring defendants whose convictions have been reversed or vacated to prove their innocence by clear and convincing evidence to obtain the refund of costs, fees, and restitution paid pursuant to the invalid conviction.

1990s

Bryan A. Schneider '92 recently joined the law firm of Manatt, Phelps & Phillips as a partner in the firm's financial service group.

David Ansel '93 retired from private practice after twenty-one years at Loeb & Loeb LLP and seven years at Thatcher Proffitt & Wood and now focuses on environmental matters. At Loeb, he was a partner in the corporate department specializing in mergers and acquisitions, partnerships, and joint ventures. He now serves as a trustee of the Waterkeeper Alliance and as a director for the Westchester Land Trust.

Arthur Gollwitzer '94 has joined the Texas-based law firm Jackson Walker LLP as a partner in the Austin office. Gollwitzer combines experience as a federal prosecutor with twenty-five years in private practice and focuses on intellectual property litigation. He is also highly experienced in criminal matters and internal investigations.

Frank DiCastrì '97 was named the chair of the business reorganization practice at Reinhart Boerner Van

Syl Sobel '83 coauthored *Boxed Out of the NBA: Remembering the Eastern Professional Basketball League*, a book examining the Eastern League, the top pro basketball minor league in the country in the 1950s and '60s, when the NBA had ten or fewer teams and an unwritten quota on African American players. Sobel and his coauthor, Jay Rosenstein, interviewed more than forty former Eastern League players, officials, owners, and fans to highlight a bygone era in pro basketball and under-recognized players.



Cherylyn Harley LeBon '91 joined Copart's board of directors. She also currently serves as a partner with Dunlap Bennett & Ludwig based in Washington, DC, where she is a member of the firm's corporate and government contracts practice.



Carol R. Ashley '00 joined Jackson Lewis PC as a counsel at the firm's Washington, DC, region office. Previously, she worked at the U.S. Department of Education's Office for Civil Rights and has experience concerning a wide range of civil rights issues arising in educational institutions, including the enforcement of federal statutes pertaining to harassment and discrimination.



Deuren. DiCastrì focuses on insolvency proceedings, including corporate reorganization cases, liquidations and receiverships, and other litigation and trial work arising from sophisticated commercial transactions.

2000s

Brian Joseph Bushaw '04 was appointed as family court commissioner in Outagamie County. Bushaw has practiced as a family law attorney and Guardian Ad Litem for sixteen years.

Nicki Vander Meulen '04 was included in the video "State of Disabled Women in Politics" alongside other elected officials, including Pennsylvania State Representative Jessica Benham and U.S. Senator Tammy Duckworth. In 2017, Vander Meulen was elected to the Madison Metropolitan School Board, becoming the first openly autistic school board member in the United States.

Beth Ann Richlen '06 was named the executive director of Wisconsin Judicare, the civil legal aid provider for northern Wisconsin and members of the eleven federally recognized tribes.

Randy Enochs Jr. '07 joined Magna International, Inc., an automotive supplier, as in-house labor and employment counsel.

Gabriel Krambs '09 co-founded DISCO, a legal technology company. The company went public in July 2021 and is listed on the NYSE under the ticker LAW.

Elizabeth Wamboldt '09 was promoted to partner at Quarles & Brady. She is a member of the intellectual property team in the firm's Milwaukee office. Wamboldt focuses her practice on IT transactions, commercial contracting, e-commerce, IP counseling, and data privacy.

2010s

Emily Kelchen '11 relocated her government affairs and legal marketing firm, Kelchen Consulting, to the Knoxville, Tennessee area.

What's new? Share
your updates at
[gargoyle.law.wisc.edu/
class-notes](http://gargoyle.law.wisc.edu/class-notes)

David Groose '13 was promoted to partner at Quarles & Brady. He is a public finance attorney in the firm's Milwaukee office. He serves as bond counsel, disclosure counsel, underwriter's counsel, and special tax counsel representing a full range of governmental issuers and financial institutions.

Travis Romero-Boeck '14 joined Regal Beloit Corporation as its associate general counsel in litigation. He was previously a senior associate at Quarles & Brady, where he served as national counsel to clients in product liability litigation matter.

Emily Paust '14 joined Symbiont Sciences as assistant general counsel and contracts manager. She develops and negotiates contracts with clients and vendors for the firm's construction, design-build, engineering, and procurement services.

Caroline Hecht '11 has been promoted to partner at Buckley Fine Law. She concentrates her practice in estate planning, estate and trust administration, prenuptial planning, and guardianships. Hecht also serves as a Guardian Ad Litem for the Lake County Circuit Court's probate division.



Jorge Fragoso '12 joined Gimbel, Reilly, Guerin & Brown LLP, where he practices in the firm's criminal defense, appellate, and civil litigation teams. He previously worked at the Wisconsin State Public Defender's Office.



1940s

Ralph W. Arnold '48
Betty R. Brown '48

1950s

Richard E. Conner '50
Arthur J. Vlasak '50
Gene A. Berman '54
Clarence B. Sorensen '54
William Chapman '57
Cornelius G. Andringa '58
David A. Duerwachter '58
William R. Smith '59

1960s

Paul R. Lynts '60
Edward A. Ross '60
Thomas G. Ragatz '61
Jerome Taslitz '62
William E. Bolle '63
Frederick J. Hahn '66
David L. Gagermeier '68
Stephen J. Rowley '68
Frederick Wagner '68
William P. Fallon '69

1970s

John D. Schauss '72
Thomas P. Weidner '72
Victor S. Falk '73
Thomas E. Warmington '76
Ina Pogainis '77
Jeffrey P. Clark '79

1980s

Judith C. Lansky '80
Timothy Terrill '81
Judy A. Derouin '83
Frank Z. Calero '85
Teresa A. Miller '89

1990s

Nancy A. Stevenson '92
David S. Knoll '94
Jon E. Maki '98
Tara K. Kleinhans '98





SPRING 2021



FALL 2021

These photos underscore the difference a year can make. In the fall 2020 semester, everything looked different on campus, including Homecoming traditions like the Cane Toss. At Camp Randall, the Law School's annual Cane Toss couldn't be held and fans didn't fill the stadium. During the spring 2021 semester, the Law School held a Cane Toss event at

Camp Randall, albeit without fans and with masks. Fast forward to the fall 2021 semester, and much has changed. Once again, third-year law students were able to partake in the traditional Cane Toss event — running across the field ahead of the Homecoming game and tossing their canes over the goalposts to predict the outcome of their first case.

BADGERS HELP BADGERS.

Share your expertise and help UW Law students launch their careers.

- Be a resource for current UW Law students and other alumni.
- Share your expertise on career and professional development matters.
- Provide perspective on how to enter the job market in your city.

If you are a UW Law School alum willing to share your expertise, join UW Law's Alumni Network Connect. Become part of a community of alumni who have volunteered to give career advice and guidance to law students and recent graduates. Only accessible to UW Law students, this resource is a great way for Badgers to help Badgers.

To join, please contact UW Law's Employer Relations and Diversity Initiatives Coordinator Bryant Park (bryant.park@wisc.edu) with your preferred email address.





975 Bascom Mall, Madison, WI 53706-1399

Nonprofit
Organization
U.S. Postage

PAID

UMS



BRYCE RICHTER, UNIVERSITY COMMUNICATIONS