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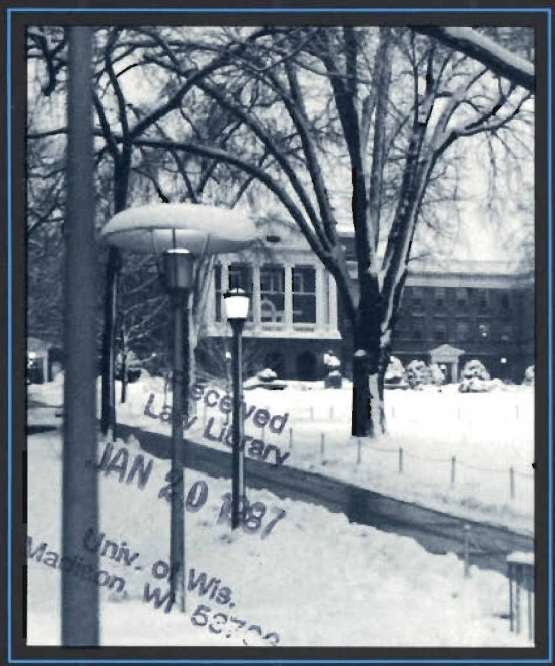

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University of Wisconsin Law School Forum

GARGOYLE

Volume XVII Number 3 Winter 1986/87

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Winter comes to Bascom Hill

An Evening with Wisconsin's Garrisons

Dean Cliff F. Thompson

This fall, Judith and I had a wonderful evening with Ellen and Lloyd Garrison, Dean of the Law School from 1932 to 1942, in Purdys, New York, at the home of mutual friends, Shiela and Steve Swett. The Swett's daughter, Evelyn, took the accompanying photo a year ago. Although Dean Garrison is presently recovering from a broken hip, I am happy to report that both he and Ellen are as vigorous as they look.

Before coming to Wisconsin, I knew of Dean Garrison and his role in fostering interdisciplinary law and society studies in legal education, which was then dominated nationally by scholars who produced traditional casebooks. I also knew of the famous New York law firm, Paul, Weiss, Rifkind, Wharton & Garrison, but—forgive me—I had not realized the two Garrisons were related, were in fact the same person.

When I did my homework, I learned that Dean Garrison had taken leave from Wisconsin in 1942, after the start of World War II, to become General Counsel and Executive Director of the National War Labor Board. Other aspects of his career were equally fascinating, such as the fact that before becoming Dean at age 35, he had co-authored with Solicitor General Thatcher the Report to the President on the Bankruptcy Act and its Administration in the Courts of the U.S. But my intention here is not to summarize his distinguished career. I simply want to share some sense of our evening with the Garrisons.

Professionally, the feeling of continuity was strong. Scholars who came to the faculty during his deanship were pioneers in areas where Wisconsin provides leadership today: Charles "Bob" Bunn, Nate Feinsinger, Willard Hurst, Jake Beuscher, and others. Law-in-action studies were then a novelty, but then are still rare enoug in the mainstream to make our efforts distinctive. On the personal level, the Garrisons' affection for Madison was warming. Ellen recalled with vivid detail and good humor their early housing problems, and made her judgement, "a lovely place for a family to live—our happiest years were in Wisconsin." By the way, if her photo looks familiar, it might be, because she plays "Mia Farrow when she is older" in Woody Allen's film Zelig.

Since we have been collecting Professor Herbie Page stories, I asked Dean Garrison if Herbie was really any good. "Sharp as a tack" summarizies his appraisal. I learned more about Dean Garrison's role in bringing Joh Steuart Curry's famous mural, "The Freeing of the Slaves," to our Law School after it had become too contrc versial for the Department of Justice in Washington. (See the story of the mural in Vol. 16, No. 1 (1985)). But Lloyd was much more interested in discussing current issues, including the debate over the confirmation of Chief Justice Rehnquist.

At the risk of shirking current controversies, I will not quote Dean Garrison after the event, but end by retelling his beginning experience in teaching, which has a timeless moral for any law teacher. His first course was Equity, a subject which seem perilously mysterious. Afte days of preparation, he still felt hopelessly inadequate, sc he cancelled his first class, scheduled for a Friday, and continued to work all weekend. With considerable misgiving, he began on Monday. After a few minutes, a student asked the first question. His head grew light with relief. "It was marvelous, a miracle. However little I knew," he chuckled, "they seemed to know even less!"

Photo by Evelyn R. Swett

Lloyd and Ellen Garrison: A summertime stroll in the country

Lawyer Legislators

Tomislav Kuzmanovic

Although a considerable number of Law School graduates go into private practice, we have also been a source for political leaders and statesmen on both the local and national levels. This public service tradition thrives today in the Wisconsin State Legislature, where, in the 1985–86 legislative session, twelve graduates of the University of Wisconsin Law School sat as elected representatives and senators. In addition, three UW law graduates served in the United States House of Representatives; two from Wisconsin and one from Michigan. What follows are the reflections of these elected officials on their legal education, its usefulness to them as legislators, and some insights as to their perceptions of public service.

Legislators were interviewed in the summer of 1986, prior to their various election campaigns of the fall. This article is the first of two parts, and begins with the most senior alumni.

Congressman Robert W. Kastenmeier ('52)

2nd Congressional District, Sun Prairie, Wisconsin

After serving in the Unites States House of Representatives for 28 years, one may think that he has had enough. But sixty-two year old Democratic Congressman Robert W. Kastenmeier's passion for getting involved in the daily affairs of national government has yet to subside.

"I'm concerned with issues that will always be with us: war and peace, civil liberties and rights, environmentalism. These are essential things one can never give up fighting for."

Although he feels his legal education was a road to a legal career, Kastenmeier strongly believes that his legal background gave him an extra edge in Congress.

"When I was in law school, there was clearly an emphasis on practice, especially from a class/subject standpoint. But when it comes to the making of federal laws, understanding existing laws and improvement in the evolution of the constitutional system, there is no better preparation, particularly with reference to the federal congress, than a solid legal education."

One course that he immediately cites as being influential in that regard was Professor Hurst's class in Legislation.

"It was a superb course because it gave me a sense of an evolution; of how people, through the courts and the legislative system were able to change things."

Other classes, he adds, had incidental value in that they helped him in certain subject areas such as taxation, patent law and other intellectual property areas he deals with in Congress.

Kastenmeier feels that not enough law students are exposed to the making of law. This is one of the reasons he has a summer intern from the UW Law School working with him, helping in the day-to-day affairs of lawmaking.

"I think working for a congressman or legislator is as important as clerking for a judge or law office. They're equal as far as application of practical experience. Employers hire people who serve legal process in many ways. There are also many opportunities in the judiciary. In the purest sense, serving under the Con-

stitution in the federal system is as pure an application about what law school is all about than anything."

Kastenmeier says he especially enjoyed two things in law school; the professors and personal relationships.

"I genuinely liked my professors, although I had Professor Page and it was hard to genuinely like him because he was so intimidating. The teaching and the teachers were excellent and strongly motivated. One of my good friends to this day is Judge Joe Schultz of Watertown. We went to school together and we were both attorneys in Watertown."

He sees many aspects of his role as a US representative similar to what he went through in law school.

"In Congress one is dealing simultaneously with a great number of subjects which are almost never constant. I must be briefed constantly on issues—it's like preparing for an examination."

In addition, his time is difficult to manage because of things like "hundreds" of constituent problems and being socially available. Kastenmeier estimates that one-fourth to one-third of the biennium is devoted to campaigning for re-election.

"Bills in full committee or on the floor of the House must be managed, too. In these instances, I want to be as or more knowledgeable than anyone else on the subject. I'm really struck by the similarity of my job here and preparation for class or an examination."

Kastenmeier regrettably admits to having a bad memory.

"I tended to forget things after an exam. But my toughest challenge is having to remember and deal with, four or five separate times, the same subject, whether it's in committee, at a hearing, or on the floor. It's much like taking new courses all the time. Sometime the courses aren't of your choosing and you must deal with it the best you can."

Even with all the constraints inherent in his job, Kastenmeier enjoys what he does immensely.

"The best part of my job here, serving the public, is having something important to say about very important national issues. The freedom to respond to important matters and to shape events has sustained me over the years."

One such event, the impeachment of Federal Judge Harry E. Claiborne, has constitutional implications. As chairman of the House Judiciary Subcommittee on Courts, Civil Liberties and the Administration of Justice, it was Kastenmeier's job to help and oversee the drafting of the articles of impeachment, present them to the Judiciary Committee for a vote, then to the House, and finally send them off to the Senate for trial.

"This is the first time in 50 years that the process has gone this far. This is purely a constitutional process with very little precedent. The process is enormously different from what happened in 1936. The structure of the entire Congress is much more complex."

Kastenmeier says that it was made very difficult for the subcommittee to present the articles to the Senate.

"We had to assure that due process would be served and that the matter would be handled expeditiously. The public has a right to remain confident in the process."

He also feels confident that he did his job. The articles were drafted, presented and voted on within six to seven weeks. The votes were unanimous in both the subcommittee and the committee in favor of impeachment. A unanimous vote, 406-0, followed in the House. Judge Claiborne, who is serving a two year prison term for tax evasion, still draws his $78,000 salary.

"There's so little precedent in this area of constitutional law. The Senate is having a difficult time getting rules to try the case. There aren't any rules of evidence because the Senate isn't bound by the Federal Rules of Evidence. We don't know what the rules are. I assume that the Federal rules will be rationally applied."

Once the House voted to impeach, the case now gets tried in the Senate.

"There's no doubt in my mind that this one will go all the way and he will be convicted."

Being a member of the Judiciary Committee is of high interest to Kastenmeier. He feels that his legal education helped him better understand the workings of the system.

"We deal with yeasty subjects; school prayer, abortion, gun control, pornography, busing; all the things we know drive citizens up the wall."

The subcommittee he chairs has done a great deal to promote the administration of justice and improve the federal courts.

"We do a lot of things central to practice; minor dispute resolution, arbitration, attorneys fees, prisons. Many of these are constitutional issues. I have a very good relationship with retiring Chief Justice Burger. I'm very sorry he retired. He's done a great deal to streamline the administrative aspects of the courts. The National Court of Appeals is also something I'd like to see implemented eventually. It would ease the tremendous caseload the Supreme Court has."

Other committees on which he serves are the Subcommittee on Civil and Constitutional Rights and the House Select Committee on Intelligence, which he

'We deal with yeasty subjects; school prayer, abortion, gun control, pornography, busing; all the things we know drive citizens up the wall.'

says in terms of sheer interest is fascinating.

A Kastenmeier sponsored bill coming out of the Civil and Constitutional Rights Subcommittee is the Electronic Communication Privacy Act, or better known as the "Wiretap Law." The bill is designed to protect computer communication, electronic mail, cellular telephones and other such technological advances in communication. It has passed in the House, is pending in the Senate and has the support of both the Administration and the Justice Department, which Kastenmeier says should most likely lead to its becoming law.

In light of recent changes in the makeup of the Supreme Court, Kastenmeier feels that the nominees, Associate Justice William Rehnquist, and Federal Appellate Judge Antonin Scalia are acceptable in terms of competence and integrity.

"My objection is that they represent too conservative a nomination for purposes of the federal judicial system. These aren't like former President Nixon's appointments. These men are a notch over from Burger, who's more of a traditional conservative."

He also feels that the Senate has as much a right to reject their nomination as the President has to nominate them.

"These are the two most conservative nominees that could pass through the Senate."

Though he thinks Scalia too conservative for the Supreme Court, he finds him a good sport on a different type of court—a tennis court.

"I do occasionally play with Judge Scalia and I like to play whenever possible. It's my outlet. But I'm a gamesman and sports fan. I think I waste too much time checking out the sports pages."

State Senator Donald J. Hanaway ('61)

2nd Senate District, De Pere, Wisconsin

Throughout his career as a lawyer and holder of public office, fifty-two year old Republican Senator Donald J. Hanaway has been practicing what he calls public law; legal issues that have a direct relationship with public policy.

"Two good friends of mine, Rollie Day and Bob Warren, both instilled in me that there was more than just private practice. Many public issues are wrapped up in the law and there need to be people involved in resolving these public law issues." (Roland Day is a Wisconsin Supreme Court Justice and Robert Warren is the retiring Federal District Judge for the Eastern District of Wisconsin.)

Because of his desire to practice law, Hanaway hadn't given a great deal of thought to a political career. He viewed law school as a way of entering the legal profession. His interest in political office came about through a sort of evolution.

"I became more and more involved in public sector law but at the time I gave no particular thought to running for anything."

His evolution began when he took a job as an assistant district attorney in Brown County. He wanted to stay in Madison and was offered a job as a municipal attorney, but only after he'd accepted the job in Green Bay. Two years later, he was elected De Pere city attorney and held that position for seven years.

"I don't consider that election political, but it was motivated by my reaction to public issues such as condemnation and sewage problems."

Dissatisfied with the way problems were being handled in De Pere, Hanaway ran for mayor in 1972 and won.

"I decided that I just couldn't sit here and that something had to be done. During this time, I was fortunate to be able to maintain my practice. It became tough to do both so I ran for city attorney again and then became more active in party politics."

Having had local government experience on many legal issues, Hanaway decided to run for a vacated state senate spot in a 1979 special election.

"I was fortunate enough to win and get re-elected a year later. I got my feet wet right off in the fall with a full floor session. One of the first things we did was repeal local fiscal control boards."

Hanaway described these boards as supervisory boards made up of alderpersons, town chairpersons and other local officials. These boards supervised local school districts and their budgets and had a substantial role in educational policy.

"I thought that these boards confused the role of education with the roles of other local responsibilities. I had been chairman of one of them in the Green Bay area and knew how they worked."

Later that term, Hanaway and Representative David Prosser were instrumental in negotiating the agenda for a special session called by then Governor Lee Dreyfus on crime.

Hanaway feels that by maintaining his practice, he doesn't lose touch with the local aspect of state government.

Although he can't speak about law school today, Hanaway says that 25 years ago a difference he sees from today is philosophical.

"The public service role was emphasized not really as something you should do but as something you should be aware of. There was no real specialization either."

Having gone through the law school process, Hanaway describes it as a helpful educational approach in learning to cope with situations under stress.

"It prepares people exceedingly well to deal with situations of pressure. It was very detail oriented with an important emphasis on the facts and an ability to analyze the fact situation and come to a decision that could be made relatively quickly."

He also has nothing but respect for his former professors.

"Even though we had a very general curriculum, the public sector law courses

"Since I had a great deal of criminal law experience, I was able to contribute. Both parties wanted to get things done. Representative Prosser and I floated the idea of a constitutional amendment on pretrial detention that was eventually passed. It felt good to be involved right away, affecting public policy, having a voice. You tend to do things on the basis of experience rather than political philosophy."

His party peers must have been impressed because in 1981 he was elected as Assistant Minority Leader in the Senate. During this entire time span, Hanaway has managed to keep up his practice.

"I have maintained my law practice basically because I have not wavered in my interest in the law. Over the years I've gotten more satisfaction in public law areas rather than the private. I've represented a number of school districts in municipal cases. My practice is of a general nature with a lot of trial work, mostly plaintiff side."

were the ones that stand out. I had a course or two with Willard Hurst and constitutional law with Charlie Bunn. I also enjoyed Professor Eckhardt in Trusts and Estates and John Conway in Procedure."

It's not ironic, he says, that his four favorite professors emphasized either the public or private aspect of law practice.

Equally challenging and enjoying is how Hanaway describes his legislative work. Judiciary and Consumer Affairs, Economic Development, Energy and Environmental Resources are committees on which he sits. He's also on the board of directors for the Community Development Finance Authority.

"I find all of these committees fascinating, particularly the Judiciary committee because we deal directly with legal issues. I also sit on a number of ad hoc committees. There really isn't one that I ever disliked."

Though there are a significant number of lawyers on the Judiciary committee of each house, Hanaway sees nothing wrong with that.

"It's natural for lawyers to sit on these committees. A non-lawyer sometimes feels intimidated by all the technical jargon. Lawyers can pick up on certain issues quickly. I feel the state would be well served not only if there were more lawyers, practicing lawyers, in the legislature, but farmers too. It's unfortunate that few lawyers are willing to make financial sacrifices to serve the state."

Hanaway also sees less of an impact by lawyers and farmers in the legislature than ever in the past, and a substantial increase in full-time legislators every year.

Constituent work is another vital part of his job. He enjoys campaigning because it's a great opportunity for him to meet people and talk with them about their problems. Hanaway is much more satisfied to seek state-wide office in a public law position. That was one of the reasons he decided to run for State Attorney General.

"It's the top law enforcement agency in the state with a $60 million budget and over 400 employees. It needs to be focused and run as efficiently as possible."

Though a Republican, Hanaway doesn't always follow the party line.

"I tend to emphasize the public service aspect of my job a great deal. I'm more interested in the public policy result rather than its partisan political implications."

'I tend to emphasize the public service aspect of my job a great deal. I'm more interested in the public policy result rather than its partisan political implications.'

Representative Tommy G. Thompson ('66)

42nd Assembly District, Elroy, Wisconsin

Immediately upon graduation from the UW Law School, forty-five year old Republican Representative Tommy Thompson ran for and won a state assembly seat. The year was 1966. Thompson worked his way up the ladder over the next 15 years and in 1981 he became Assembly Minority Leader.

"I was always very interested in politics, but my legal training definitely prepared me to be a lawyer, it wasn't a means to politics."

In his last year as an undergraduate in Madison, Thompson spent a year in Washington D.C. as an intern under then 3rd District Congressman Vern Thompson, a Republican from Richland Center.

"I always knew I wanted to do it [run for office], but this really confirmed it. I wanted to get in there and do the arguing."

He says that he was "never big on being a spectator" and that law school was very helpful in that regard.

"The professors got us involved in the discussions. We weren't just a bunch of faceless students being lectured at."

Learning the tools of the trade was how Thompson described his legal education.

"When it comes to analyzing bills or drafting statutes and understanding the background of laws, what I learned in law school is still used day in and day out here at the Capitol."

He adds that private practice helped out a great deal, too.

"Being a private practitioner one can see problems by the execution of, or in the extreme case, exploitation of laws. Who's the better expert at trying to rectify a problem? Practice gave me an idea of how to change things for the better."

As of January 1, 1986, Thompson gave up his private practice in Mauston to run full time for governor.

As a new state representative, Thompson did not come into the Assembly cold.

"I worked in the [State] Capitol, as a research clerk for [State] Senator Allen Busby [a Progressive Republican from Milwaukee]. This is what really helped me understand the process.

Perhaps the most important tool of his trade as both a state legislator and a lawyer is the skill of research.

"Law school and my intern experience aided the development of my research skills. By the time I was elected, I had already learned quite a bit about doing my homework and coming in with the supporting facts to hearings and meetings. It's a tool that unfortunately is sometimes overlooked."

Thompson singled out Property with Professor Raushenbush, Civil Procedure with Professor Finman and "any classes I had with Professor Hurst" as being some of the most influential.

As for politics, Thompson defines it as something internal.

"It has to come from the inside, your political desire. My family has always been in government. My father was a Juneau County board member. It's just kind of a natural evolution."

He says his greatest satisfaction comes when he can lead the Republican party, the minority in the Assembly, into constructive action.

"A while back we had a dilemma with unemployment compensation. It took bipartisan support but we as a party came in with a strong voice and were able to implement our position. When we can do something positive like that and get things accomplished as a result, it's very satisfying."

"Being elevated to floor leader by my peers," he adds, "is also very gratifying."

But like almost every other occupation, his job is not without its downsides.

"Floor leader carries with it a great deal of responsibility, which I enjoy, but it is also frustrating. I have to be concerned about 47 different personalities and I must help, lead and assist all of them in their endeavors."

Thompson adds that it's also tough to be a spokesman for what's good for the state and represent his district simultaneously.

"Your constituents usually don't expect you to respond in a manner which might hurt them in the short run but may benefit the state in the long run."

The time and travel of a state legislator are at times difficult obstacles.

"People sometimes don't understand that you have a family too and you want to spend time with them."

The toughest part of his job, he feels, is being in the minority party.

"I'd much rather be the initiator in the majority than the respondent in the minority, which is often the case. We almost always have to react to what's given us or we have to react to something we initiate because it's been changed from what we had intended. For a change, I'd love to reverse that."

Thompson says his most interesting committee work lately has been the

'When it comes to analyzing bills or drafting statutes and understanding the background of laws, what I learned in law school is still used day in and day out here at the Capitol.'

Select Committee on the Future of the UW System, on which he is vice-chairperson.

"The changes in the system from my time to now impressed and taught me a great deal. The continuation of excellency in the UW System is impressive."

The committee discusses everything from access to quality of education to admissions quotas.

"We learned a great deal on the day to day effects of the University on the state, as well as helping develop and eventually implement the catch-up pay plan."

Thompson says that he'd still go to law school today if he had to do it over again.

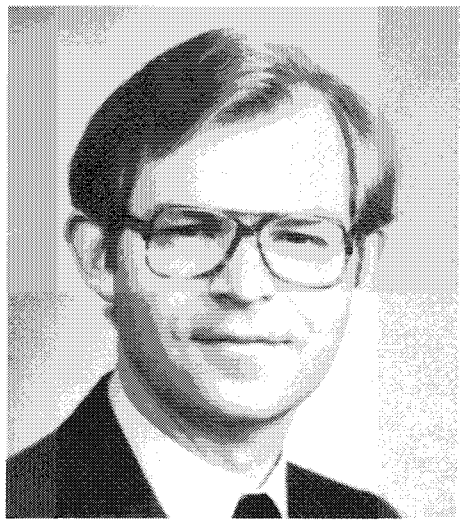
"It's a very valued education and it's enabled me to do a great variety of things in the state legislature."

As for his legislative career, he has no regrets.

"I'm very happy to have served my constituents and the state in the legislature. The experience was rewarding and fulfilling because I had a chance to get involved and work toward a positive change on whatever issue arose during my time spent here."

Representative David T. Prosser, Jr. ('68)

57th Assembly District, Menasha, Wisconsin



Political aspirations notwithstanding, forty-four year old Republican Representative David T. Prosser, Jr., feels his law school training was a means to an end.

"There was no question that I ought to go to law school. It always was and still is seen as a means to a career in public service, though not necessarily political office."

Pausing to reflect on the usefulness and practicality of his legal education, Prosser had nothing but praise for what he sees as an ideal learning process; one which now enables him to be able to deal with the incredible variety of issues he sees as a state legislator.

"There are two real advantages. First, lawyers tend to break things down into pieces, to disassemble a problem and solve all the little ones instead of the whole big one. Second, lawyers can see how things are going to work because they see the law in action as practitioners."

A political science undergraduate at DePauw University, Prosser sees law school in part as a refinement of the teachings of political science. He sees legal training as a way a person can operate as an analyst and advocate in many areas of government.

"Good public policy really needs to be thoroughly and properly analyzed. This analysis must, however, take up much too small a time frame and important questions are sometimes not asked."

According to Prosser, this leads to serious shortcomings in the legislative process. To illustrate his frustration, he uses as an example a hearing on a proposed bill.

"Many bills and statutes have vague words or terms. Is it a meaningless ritual when people speak in generalities? In a sense, yes. In theory, all members of the committee should have read the bill. This means that all the detailed work should be done in committee. It's just like oral argument before a court when someone testifies at a public hearing."

Prosser says the problems begin when people ask questions.

"I love asking people questions but many committee members don't like people who ask questions. In law school, legend has it that you don't ask a question you don't already know the answer to, but that's not the case here. This is the place to get the answer. They do not want you to ask questions. The bill must move along and other matters must be attended to. People really resent it sometimes when you try to think through implications of language."

His persistence stems from what he learned in law school.

"The whole experience in general had a profound effect on the way that I think. It really affects your thought process."

He says that his Criminal Procedure class with Professor Remington helped him a great deal when he worked for the United States Justice Department as an attorney and advisor from 1969-72.

"I loved that class. I did a lot of criminal work there and what I learned in class was very meaningful."

The course he remembers most distinctly was Professor Hurst's Legislation class.

"It has an effect on me today on how I nitpick on statutes. We used to have intense, stimulating discussions about one word. It's unfortunate that we don't have enough time to do that now."

All his legal education, however, did

not prepare him for what Prosser feels is the toughest part of his job—re-election. He describes going through the mechanics of running again as being very unpleasant.

"One lives in terror that the Elections Board is going to report that you left someone's address out of a nomination paper."

The process requires, among other things, that all campaign checks be photocopied and submitted to the Board.

"I don't like asking people for money and self-financing is very tough. All the other things like yard signs and so forth, it's a very trying and difficult process."

Prosser emphasizes, however, that there are great benefits due to the strong role of the Elections Board.

"Wisconsin is an exceptionally clean state politically, although the interest groups in the state are very strong. It's reassuring to see that as long as the political parties are strong, interest groups won't fill a void left by a weak party."

Though re-election isn't always easy, Prosser wouldn't want to be anywhere else.

"My greatest satisfaction comes when I'm working on a case and getting something turned around for an individual."

He says that what he learned in law school is frequently applied to legislative problems.

"One must decide, 'What's the procedure, who are the decision makers, how can we keep within the rules?' all things one learned how to do in law school."

The bottom line, however, is getting bills passed or amendments adopted.

"Let's face it, I'm here to make public policy. I'm not in this for an ego trip."

Prosser, who serves on the Joint Finance Committee, would love to see some changes in the legislature.

"For one thing, I'd like to see a Republican majority in the legislature. The budget process needs reform also, there's never enough time to think. Being the majority is a great advantage. There's more staff, more time, the list is endless. The majority does very little to make the minority look good."

In the ideal world, Prosser says he ought to be voting on purely good public policy. He gets this chance when he serves on the Commission on Uniform State Laws.

The nine-member commission consists of two senators and two representatives from the two major parties appointed by the governor for two year terms. Others on the committee include two public members appointed to four year terms; the Chief of the Legislative Reference Bureau or designee; the executive secretary of the Legislative Council or designee; and the revisor of statutes.

"This is very satisfying professionally. People are firing questions at the drafting committee about every word. Nothing is sacred."

A bill is drafted and presented to the nationwide commission only after it has been analyzed every which way in two annual meetings. When it has been thoroughly scrutinized twice, the whole conference votes to approve and promote a uniform law.

Prosser adds that he spent two of the most fascinating days of his life at a drafting committee meeting in Chicago putting together the Uniform Anatomical Gift Act.

"This is legislation in an ideal setting. It makes sense and almost always is very clear because time is taken to discuss, haggle and ask questions that are impossible to do in the state legislature."

If the Republicans gain control of the state legislature, Prosser doesn't see that the present process would change all that much.

"Time would still be a thorn in our side. But if the majority changes, a lot of people will be surprised about what else will change. The Democrats have had 16 years of control. It's hard for them to conceive that they won't run the show."

'The whole experience in general had a profound effect on the way that I think. It really affects your thought process.'

Representative Thomas J. Crawford ('78)

8th Assembly District, Milwaukee, Wisconsin

Viewing law school as generic training for a variety of things, including law and government service, thirty-four year old Democratic representative Thomas J. Crawford never thought he'd end up in a political environment.

"I didn't grow up wanting to be a lawyer and I had always viewed political life as difficult and mysterious. For me, it was either graduate work or switching to another field. At the last minute, I decided to try for law school."

The UW-Madison political science graduate saw no openings for someone with his major and has had no regrets for changing his mind.

"It wasn't easy in law school and I was never a 4.0 student in life. The challenge kept me studying hard and it showed me that I could succeed even though others had better prelaw schooling."

Crawford feels that law school gave him the confidence and willingness to take risks.

"Knowledge is power and when you know more it helps you win. The adversarial nature of law school hits home quickly because that's life. It helps in politics because you only have a few minutes to get your point across in a debate. You must convince 98 other Assembly members and 33 Senators that your solution is best."

While in law school, Crawford got very involved in a number of activities. Working in the Public Intervenor's office he learned the operation of the state Justice Department and introduced him to substantive procedures. As a summer clerk in the District Attorney's office of Columbia County, he learned practical experience in criminal law.

"I was one of the people to take advantage of the student practice rule. I appeared in court under the supervision of the DA's office and prosecuted drunk driving and other traffic cases."

Crawford was always interested in environmental issues. When Citizens For a Better Environment, a private Wisconsin environmental watchdog, was looking to hire attorneys, Crawford found a home.

"I was very fortunate because this opened a lot of doors for me. It thrust me into a tremendous amount of responsibility right out of law school. Handling this gave me confidence in handling agencies and their bureaucracies. This was very valuable experience which gave me confidence and the skill to master a variety of things, provided that you worked hard."

That was 1978. Two years later, Crawford ran for the Assembly against the incumbent and won. He has been active in the legislature ever since. Confidence played a significant role not only in Crawford's legislative career, but in his law school days as well.

"I remember a course I had in the UCC. I had no business background and I had the highest grade in my class. But I made the mistake of taking it pass/fail so it didn't get put into my average."

As with many graduates of the past 30 years, Professor Hurst was an important influence.

"He had a big impact on everybody. Law was seen as a reflection of society and its priorities at different times in history. All this was very helpful for a better life and not at all abstract."

As an example of this philosophy, Crawford talks about penalties and punishment.

"Enforcing regulation of professions or trades should follow their primary purpose; deterrence of forbidden or unwise behavior. That is the cornerstone of enforcement, which may seem unfair in some cases but overall is good."

Crawford feels that an integral part of the legislative process, the art of compromise, is one of the toughest to master.

"Managing a bill and floor debate is tough. What you think is a flawless bill gets changed. Everyone has different levels of knowledge about the subject and there are always differing philosophies."

But the toughest part of his job goes hand in hand with what he likes the best. Debate on bills, the ability to mobilize public opinion and the press, oral argument in courts of law and on the floor of the Assembly are all things he enjoys.

"The best time comes when nobody has the votes and you're speaking, looking for marginal votes either killing or supporting a bill."

As one of many lawyers who sits on the Judiciary Committee, Crawford thinks that there's a shortage of lawyers in the legislature.

"Lawyers used to be a large part of the legislature. Many got their degrees after they were elected. Many legislators are now teachers and they're good. But it's a shame there aren't more lawyers here."

Part of the reason Crawford thinks there aren't as many lawyers in the legislature as there should be is that the pay isn't high.

"Only if you're a Dane County legislator or a member of the minority party can you be successful with a private practice."

The other reason is the time commitment.

"You're basically living out of a suitcase in Madison. I don't recommend it for people with children. The essence of the problem is that many of the best and the brightest tend to leave the legislature. More people who are lawyers should run for office. I'm the perfect example of how anyone can come inside the system without political experience and win an election against an incumbent."

The Environmental Resources Committee, on which he is vice-chairperson, is one he is fond of.

"My role was the in-house expert. I asked the hard questions at public hearings and had the ability to challenge people. It's one of the committees that gets bad bills introduced all the time. I spent more time killing bad bills than I did promoting them."

From killing bad bills, Crawford went

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to help pass a bat bill; the Bat Protection Bill.

"This bill prevents exterminators or whomever from using chemicals to kill bats, who we all know are completely harmless. From now on, they can't use their favorite toxics on your pests. I'd suggest a badminton racquet instead."

As Chairperson of the Elections committee, Crawford sees a lot of the good in Wisconsin.

"There are generally honest persons complying with the rules within our political system and that's always nice to see."

Although he says he'd get re-elected handily, Crawford decided not to run for re-election for a variety of reasons.

"It's just time for me to move on. I'll seek a job with a large firm or corporation in the Milwaukee area. I'm looking forward to a change in my career. People always have problems in understanding how the legislature works. These problems come about because people fail to communicate to the legislature or anyone about what the real problem is. Besides, as long as you're in law, you're never out of policy making."

But probably the most important and valuable thing he learned in law school and through his legislative experience was a sense of history.

"One thing law school gives you is a sense of history. The system relies on delicate balances and you're liable to make mistakes if you don't understand these balances. Where we came from and where we're going is essential for understanding why the system operates the way it does."

New Faculty: Vicki Schultz

Vicki Schultz leaves a job as Trial Attorney for the U.S. Department of Justice, Civil Rights Division, in Washington, D.C., to come to the Law School as an assistant professor.

At the Justice Department Schultz was responsible for conducting investigations, and litigation in employment discrimination cases brought under Title VII of the Civil Rights Act of 1964.

Schultz originally hails from Massachusetts. She attended the University of Texas at Austin, where she earned a B.A. in Government, and graduated with highest honors.

At Harvard, where she received her J.D. in 1981, she was a Legal Methods instructor and a member of the Board of Student Advisers. In these roles she taught pre-trial discovery, legal research and writing, and oral advocacy skills to a group of first-year students. She also served on the Harvard Civil Rights Action Committee.

After graduation, Schultz was a legal intern with the Children's Defense Fund in Washington, D.C., where she helped develop a litigation approach in the area of educational competency testing for students.

She then went on to clerk for U.S. District Judge Robert E. Keeton, and later for U.S. District Judge Charles E. Wyzanski, Jr., both in Boston, Mass. She joined the U.S. Department of Justice in the fall of 1983.

Assistant Professor Schultz has a broad range of legal interests and expertise. She will teach Civil Procedure in the first semester, and courses in Employment Discrimination and Women and the Law in the second semester, here at the Law School. Look forward to hearing more news of her in upcoming issues of the Gargoyle.

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Crime Discovered in the Law Library

In the recent bestseller, and now movie, "The Name of the Rose," much of the action takes place in a medieval library. Not to be upstaged, we have recently discovered an old crime in our own library. Dean Thompson and several others were touring some of the seldom-visited regions of the library when someone pulled an old copy of the Wisconsin Reports from the shelf and opened it at random. There, defacing one of the blank pages was the following attempt at humor:

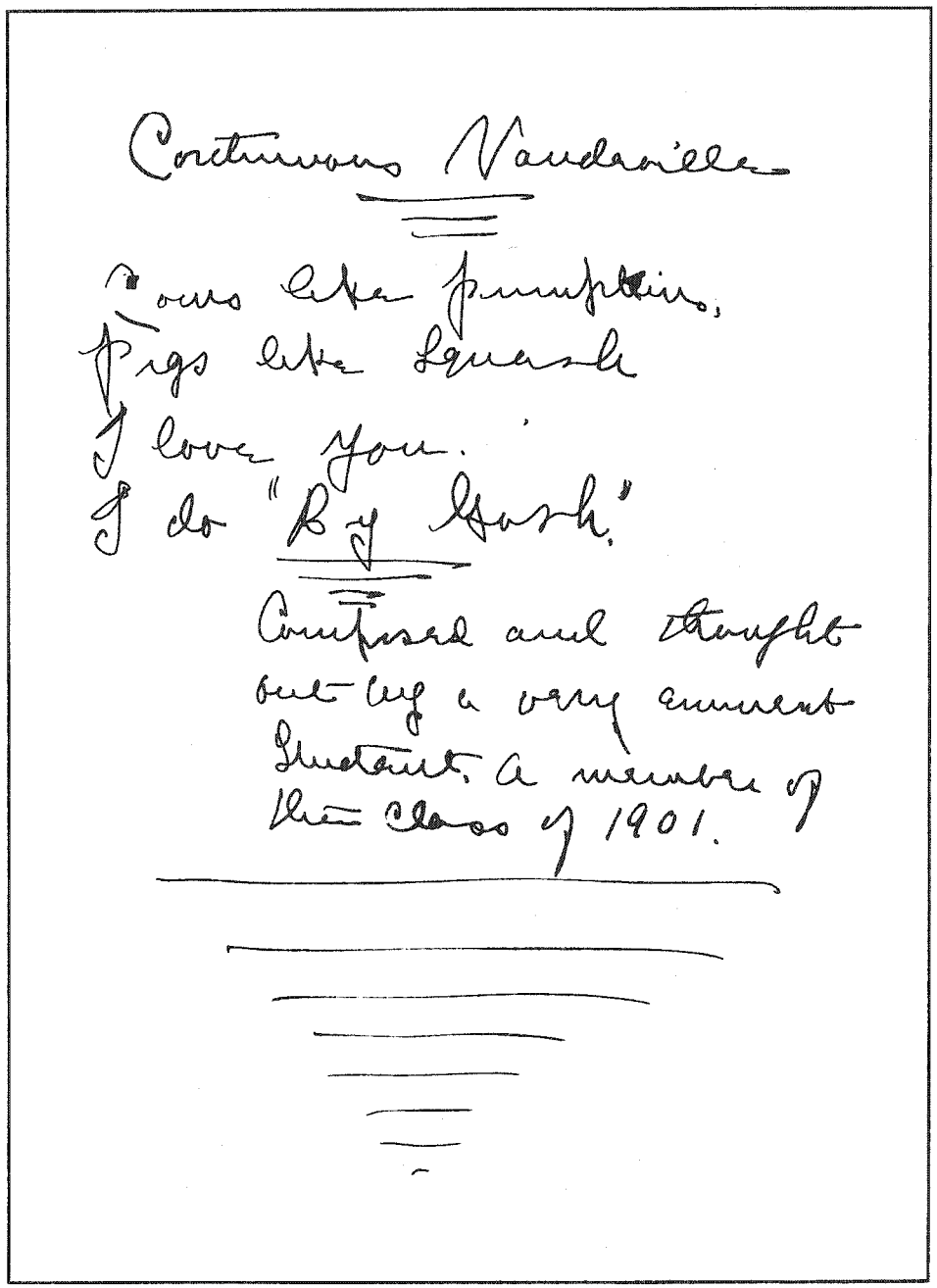
Continuous Vaudeville

Cows like pumpkins,
Pigs like squash.
I love you,
I do "By Gosh."

Composed and thought
out by a very eminent
student. A member of
The class of 1901.

While the statue of limitations for criminal destruction of state property has probably expired, we are still interested in catching this criminal. Perhaps, as a sanction, we can withhold the culprit's transcript!

If you have information concerning this crime, or would like a list of members of the Class of 1901 to consider the suspects, write to the editor. This wanton destruction of state property has to stop.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Faculty Notes

Ann Althouse reports she has been working on an article which deals with the doctrine of sovereign immunity in response to the recent flurry of Supreme Court activity in this area. In the summer of 1985, the UW graduate school awarded Ann a grant to assist her in her work on a study piece which posed "a theory of federalism and judicial power that is applied to three divergent doctrines of federal jurisdiction: equitable restraint, state sovereign immunity, and the independent and adequate state ground doctrine."

Bill Clune and **David Trubek** are key organizers of a conference on Critical Theory and Sociology of Law, to be held in Bremen, West Germany in July, 1987. Bill will present a paper on the Theory of the State at the conference, which he hopes to later develop into part of a Law School seminar.

Since June of 1985, **Ken Davis** has served as a member of and as one of the two reporters of the Corporation and Business Law Committee of the State Bar of Wisconsin, which is charged with the responsibility of recommending a complete revision of the Wisconsin Business Corporation.

Martha Fineman is now recognized as somewhat of an authority on custody issues in divorce cases. Martha presented a program on joint custody before the City of Madison's Women's Issues Committee which was videotaped and subsequently broadcast over Channel 12, Milwaukee. Last year, she was a frequent guest on radio talk programs concerned with custody proposals and women's issues.

Dick Hartog is a member of the panel responsible for planning a symposium issue of the Journal of American History for the Bicentennial of the United States Constitution in 1987.

In November of 1985, **Jim Jones** was named to the NAACP Legal Defense and Education Fund's "Committee of Law Professors."

Gary Milhollin received a number of grants, including one each from Rockefeller Bros. Fund and the W. Alton Jones Foundation, to work on a book-length study entitled "U.S.-Origin Reactor Fuel and the Spread of Nuclear Weapons."

Tom Palay is a member of the Wisconsin Elections Board.

Joseph Thome is a member of the board of directors of the Wisconsin Coordinating Committee on Nicaragua, where he participates in various educational and support programs on Nicaragua and Central America.

Rob Williams has contracted with Little, Brown and Co., for publication this year of the fourth edition of *Land Use Planning: A Casebook on the Use, Misuse, and Re-use of Urban Land,* with co-authors Haar and Wolfe.

Ted Finman, a member of our faculty since 1963, has, on the recommendation of the Chancellor, been appointed a Bascom Professor of Law. Prof. Finman teaches courses in civil procedure, legal process, free speech and professional responsibility. In addition to teaching law, Prof. Finman has served two years as Chair of the University Committee, and gave a report to the Wisconsin Alumni Association Board of Directors this summer on the question on University enrollment limits.

Frank Remington has recently presented a number of talks. He addressed the Midwest Correctional Administrators meeting on "Research in Corrections," the Wisconsin Judicial Conference on "Child Sexual Abuse," and the Madison Lions Club on the NCAA Sports Enforcement Program.

Bill Whitford reported to the Association of American Law Schools on the Wisconsin approach to teaching contracts. This method has received a great deal of attention in the legal education community.

John Conway and **Daniel Bernstine** have recently authored "Wisconsin and Federal Civil Procedure."

Notes on Alums

Jack Aulik ('58) was elected to the bench in Branch 4 of the Dane County, Wis., Circuit Court in April, and assumed his new position in August. Aulik has practiced law and lived in Sun Prairie since 1959.

Steven W. Weinke ('66) was recently elected Circuit Court Judge for Fond du Lac County, Wis. Weinke succeeds Eugene F. McEssey ('49), who served the county for 24 years.

Pat Richter ('71) has been named director of personnel for Oscar Mayer Foods Corp., Madison. Richter was personnel manager for the beverages division of General Foods, White Plains, N.Y.

Alan R. Post ('72) has become an associate with the firm Sorling, Northrup, Hanna, Cullen and Cochran, Ltd., Springfield, Ill. Post had been with Illinois Bell, Chicago.

James H. Haberstroh ('75) became a vice president of First Wisconsin Trust Co., Milwaukee. Haberstroh had joined the company as an estate tax specialist in 1977.

Ronald A. Suppa ('73) has been appointed a Senior Executive Vice-President of Production for Kodiak Films, Inc., a Los Angeles based film production and distribution company. Mr. Suppa previously practiced entertainment law for Mitchell, Silberberg & Knupp, and produced seven feature films.

Robert A. Pasch ('72) has joined the firm of Murphy & Desmond in Madison, Wisconsin, as a partner. Tim Valentyn ('82) has also been named as a partner in that firm.

Randall L. Nash ('79) has joined Smith & O'Neil, Milwaukee, and will concentrate in litigation and banking law.

Howard I. Golden ('72) has been named an Executive Vice President of Guaranty Acceptance Credit Corporation in New York City.

Brian P. Turcott ('78) has joined the Atlanta firm of Hurt, Richardson, Garner, Todd & Cadenhead. Mr. Turcott recently completed a tour of duty with the US Marine Corps.

Paul J. Fisher ('60) has been appointed General Counsel for Ariston Capital Management and California Divisional Manager.

US District Judge John Reynolds ('49), a member of the Law School's Board of Visitors, has announced that he will take senior status in the Eastern District of Wisconsin. Judge Reynolds had also served as Wisconsin Attorney General and Governor.

David W. Wood ('81) has joined the Columbus, Ohio firm of Vorys, Sater, Seymour and Pease.

Scott Jennings ('75) has been named an Associate Editor of the Lawyers Cooperative Publishing Co., Rochester, NY. For the past seven years, Mr. Jennings was with the US Department of Energy and the Federal Energy Regulatory Commission.

Laurence A. Weinstein ('47) was unanimously elected President of the UW Board of Regents this summer.

Shirley Abrahamson ('62), a Justice of the Wisconsin Supreme Court, has been elected to the Executive Committee of the American Judicature Society.

Thomas R. Hefty ('73) has been named President and Chief Executive Officer of Blue Cross & Blue Shield United of Wisconsin. Mr. Hefty had been vice president and general counsel before his selection by the board of directors.

US Bankruptcy Judge William H. Frawley ('34) retired recently from his position in Eau Claire, Wisconsin.

Terry Rose ('67) was elected this spring to the Kenosha County Board of Supervisors.

John E. Lenahan ('49) has become US Magistrate in the Virgin Islands. He has practiced in the Islands since 1976.

Editor's Note

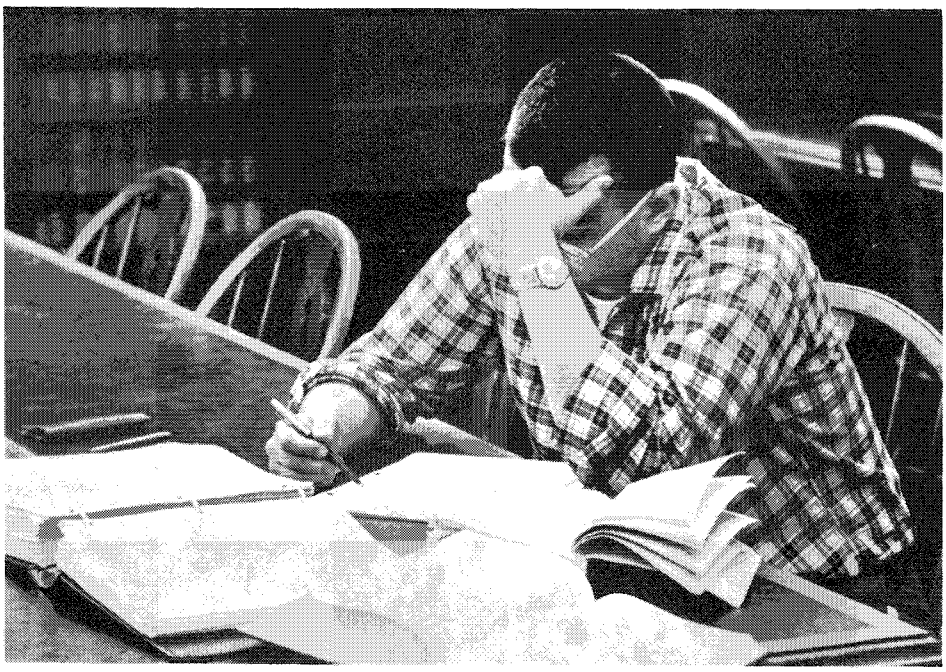
It is November in Madison. The first snow that can "track a cat" fell last night. Across the Law School's courtyard are the tracks of students who are now bundled against the cold. All the fun events of the semester—Homecoming, Halloween and the rest—have passed. Now we are down to the serious time when exams and papers begin to take precedent.

Our Board of Visitors has just made its annual inspection of the School. You will read their report in an upcoming issue. While the overall impression is quite favorable, the Visitors did note some problem areas, particularly in the Library, that need to be addressed. "Nothing," they said, "that money can't fix." Money is on our minds as the year closes. The University is talking budgets, the state legislature must consider levels of tax support, our Annual Fund Drive is about to get under way, and, perhaps most importantly, the federal tax laws are about to change with an uncertain impact on voluntary contributions.

Dean Thompson received a letter recently from John Byers ('57). John had just seen the newly published Law School Bulletin, prepared primarily for prospective law students. On one page John was surprised to find a recent picture of himself holding open the front door of the Law building. He was even more surprised, however, to find, on another page, a picture of his son, Christopher, who graduated this past June. Those who edited the Bulletin did not know of the relationship, and occult explanations fail since a picture of John's daughter Susan, a current student, was not included.

Over the past few years we have been printing mystery pictures from our own files. I suspect that some of you have pictures of your own that you might share with other alumni. I would be happy to print yours, even to crop you out of the picture if you wish to remain anonymous.

In the last issue, our mystery picture showed just two students, standing in front of a Law School Centennial display. Peter Williams ('71) and Nell Kozak ('69) both identified the woman as Maggie Baggott Dadd ('70) who Nell says is now living in New York. Nell says, "I know the display was up during my senior year—or maybe it was my junior year? But everything is a blur except studying, volunteer lawyering at legal aid, . . . late nights at the Nitty Gritty, (and) the days in the Commons at the world's longest-running floating bridge game . . . "

Thomas Miller ('78) and Charles Kenyon ('79) also volunteered identification of persons in the mystery picture from Vol. 17, No. 1. Of course they assigned the picture to two time periods that could not have overlapped!

Mystery Picture