

The GARGOYLE

Spring, 1970 Vol. 1, No. 3

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Alumni Bulletin of The University of Wisconsin Law School

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The Gargoyle

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The Prize



Moot Court Trials

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From the Dean

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Traditionally the job of the university teacher has been seen as a composite of teaching, research and public service. As in most fields, there are fads and fashions in the universities and there has been much variation in the relative importance attached to these three components. Once, in most schools, teaching held the center stage, and both research and public service were incidentals, not much attended to. Since World War II, research has tended to become the center, for most disciplines at least. When one has spoken, in recent years, of the sciences and even of the humanities, the scholar in his study or the experimenter in his laboratory, has become the god of the campus. A university tends to be measured by the number of its Nobel laureates, or in the fields where a Nobel is beyond reach, by the number of articles in learned journals and the number of books listed to the credit of the faculty. Wisconsin has managed to hold its own by that measure, as it has always done in teaching, for Wisconsin is a great University—one of the best in the world. But very deep in the ethos of this school is the tradition of a close tie between research, teaching and devotion to the public interest, with a special focus on the State—on the place where the people really live. The State Street axis, with an enlightened state government on one end and a great University on the other, has set a pattern that as long as three quarters of a century ago came to be known as the *Wisconsin idea*.

In these troublous days when the alienation of many middle class students from the Establishment, especially in humanistically oriented subjects, has drawn the attention of the public away from what is really happening in the universities, it has been easy to forget the volume of public service that continues to be performed in the University of Wisconsin. The State Street axis is still meaningful and live and application to the benefit of the public of knowledge acquired and taught in the University is the real *raison d'être* of the University. I do not think that sense of humane purpose has ever been lost in this law school: the record of the school demonstrates this beyond question. This issue partially documents the recent faculty concern for the public interest by a description of some things done lately. What is listed in these pages is no catalogue—it is only a sampling. Research and teaching are in this University the handmaidens of the interests of the people of this state, and nowhere is this clearer than in the Law School.

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Ruth B. Doyle, editor

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THE LAW SCHOOL AND THE WISCONSIN IDEA

FACULTY SERVICE IN THE PUBLIC INTEREST

The Wisconsin Idea

Most college traditions, such as the Homecoming Parade, the Junior Prom, or the Freshman-Sophomore bag race, serve only as hollow reminders of the WAY THINGS USED TO BE. In time of change and turmoil, they are doggedly repeated for a time for benefit of visiting alumni, and then dropped altogether when interest in the past weakens.

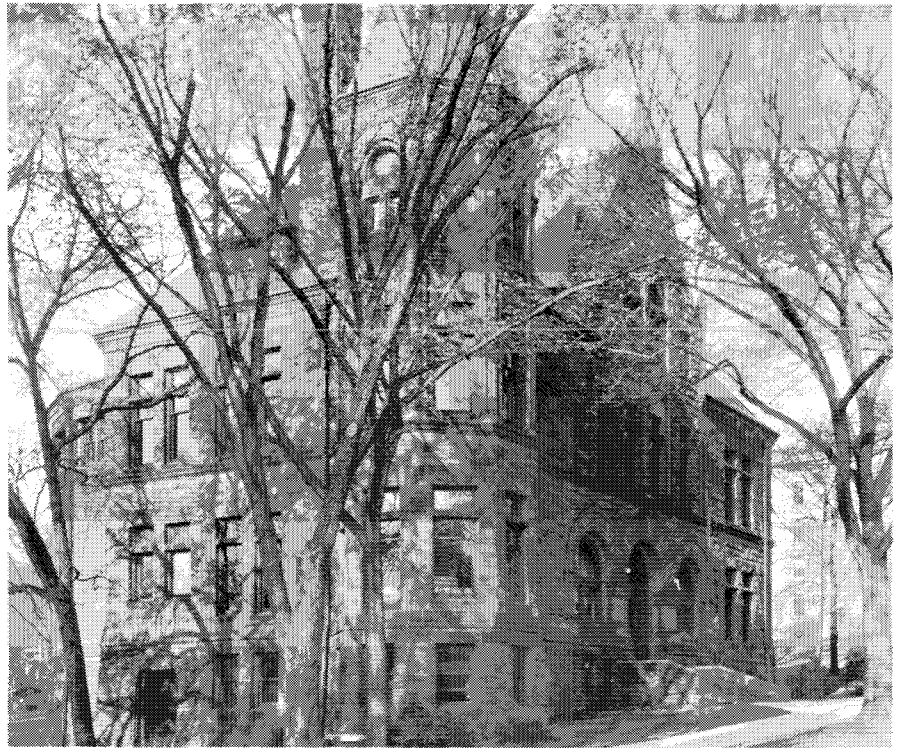
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Expressed initially in the statement that the boundaries of the University are the boundaries of Wisconsin, the *Wisconsin Idea* implies the obligation of the University to promote the well-being of all the people of the state.

Others think usually of the College of Agriculture, the Extension Division, or the Economics Department under John R. Commons as exemplifying the *Wisconsin Idea*. To the law alumnus it is the role of the Law School Faculty that is especially important.

The long history of the *Wisconsin Idea* in action has been fraught with controversy—including concern with the University's supposed political influence, particularly in the reform movements of the Progressive Era. Nor is that fear entirely absent today.

"Our University in the early and formative years of Dr. Van Hise's presidency," wrote President Birge in 1924, "was in a unique and very fortunate position. Governor LaFollette and President Van Hise were not only close personal friends but were in complete harmony regarding the fundamentals of public policy and especially regarding the relation of the University and



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the State. Thus Governor LaFollette not only put the 'Wisconsin Idea' into operation by means of administrative organizations like the Railway Commission, but he also enlarged its scope by bringing the University and its faculty into active cooperation with public life."

In his report to the Regents in 1911, President Van Hise himself acknowledged that locally the University staff was criticized for its non-teaching activities such as research, extension and public service, but he quoted from an article by Theodore Roosevelt which stated that "in no other state in the union has any university done the same work for the community that has been done for Wisconsin by the University of Wisconsin."

The criticism continues of course. The fundamental response is that a teacher who fails to improve his teaching by learning more through public service or through idea generating research will become a teacher of sterile, redundant or ir-

relevant ideas. The spirit of improvement through service and research is continued in the solid accomplishments of the *Wisconsin Idea* in action. The Law School shares in that development.

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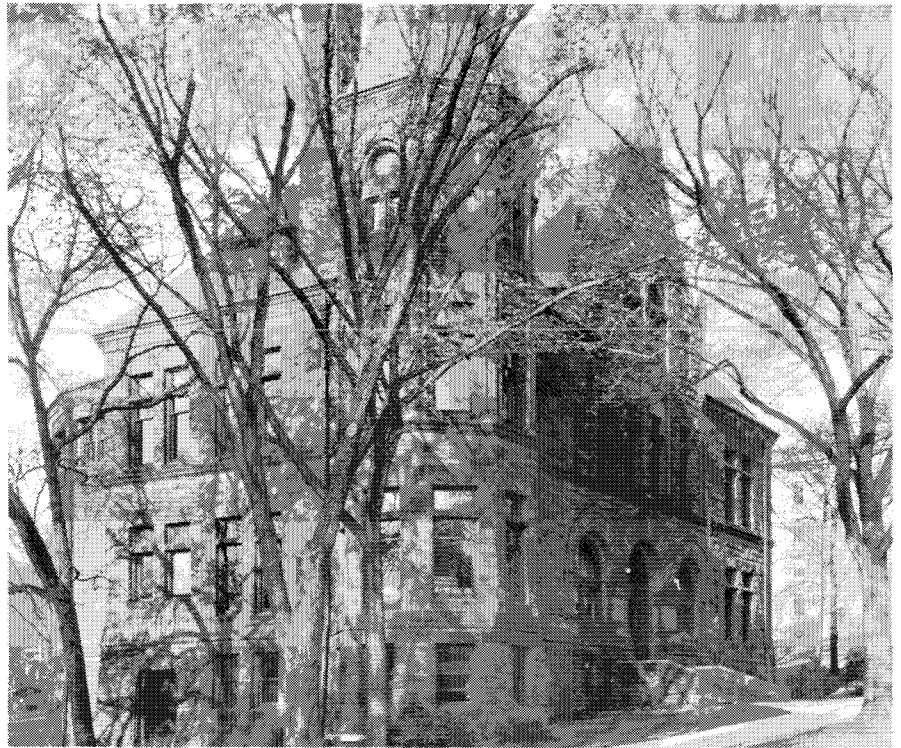
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Gradually, and not without controversy, the shift was made from a part-time to a full-time Faculty. President Adams noted in the early 1890's that success depended "far more upon energetic and systematic instruction on the part of young and vigorous professors than upon the learning of eminent judges and distinguished members of the bar called in to give the fruits of their success under circumstances that make their instruction of secondary importance."

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Between 1903 and 1920, the teaching staff was composed of both full-time and part-time members, and the turn-over was rapid. Wisconsin became known as a training ground for great law teachers elsewhere.

The change-over from a part-time to a full-time Faculty did not alter the Law School's historic mission to engage in public service. It was a shift from full-time practitioners and public servants who taught in addition to their main occupations, to a full-time teaching staff who found increasing amounts of "spare" time to devote to public and professional services.

Lawyers by temperament and training are drafters of legislation, advice-givers, fact-finders, negotiators, and advocates. They are often community leaders and agents for constructive social change. They are interested in improving their profession by continuing education and by procedural changes.

The Law Faculty, from time to time, uses all these skills in the public interest. They have served part-time while teaching, or sometimes full-time while on temporary leave. Services have been both paid and unpaid. To list all of the services would be impossible. The following are only examples. From time to time, future issues of the *Gargoyle* will return to these subjects to keep Alumni up to date on what the Faculty is doing in the

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This kind of service dates very far back. At least as early as 1909, Professors William E. Moore and Oliver S. Rundell served as secretary and assistant secretary of the American Institute of Criminal Law and Criminology. After a state conference on criminal law, the Regents provided a fund for the investigation of criminal procedure, in order to determine whether or not there were undue delays in the disposition of criminal cases. This investigation, along with a companion investigation of the time lags in civil cases, brought cooperation between the Law School, the Bench and the Bar to produce criminal law reform in 1911.

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The *Uniform Commercial Code* was finally adopted in Wisconsin in 1963 and became effective in 1965. In adopting the Code, the Wisconsin Legislature added many amendments. It has been Professor Orrin Helstad's responsibility as a member of the Legislative Council's Commercial Code Advisory Committee to bring the Wisconsin Code into line with the *Uniform Commercial Code*, by urging the reconsideration and eventually the removal of amendments previously



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It has been since the end of the second World War that legislative revisions and codifications have been undertaken most extensively in Wisconsin. The establishment in the post-war period of the Wisconsin Legislative Council and the Judicial Council have provided the vehicles through which painstaking revision and codification can proceed; they have given the impetus for other agencies as well.

One of the earliest codifications in Wisconsin was the *Corporation Code* sponsored in the Legislature by the State Bar of Wisconsin, which was adopted in 1963. Professor George Young was the draftsman of the sections on non-profit corporations, and an active participant, for a three-year period, in the drafting of the entire code.

The deep involvement of members of the Faculty has doubtless been enhanced by the presence on the Faculty of Professor John Conway, who chose a career in teaching and research after several years of service as Wisconsin's Revisor of Statutes, and who continues, after many years, as a member of the Judicial Council, as well as in many other public service roles.

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Another early revision was that of the substantive *Criminal Law*, which was approved finally in 1956 after six years of drafting, re-drafting and legislative consideration. It was the result of the work of many people, especially Professor Frank Remington of the Law School Faculty. Professors John Conway, Mari-gold Melli and Orrin Helstad also made significant contributions, the latter two even before they joined the faculty.

* * *

The Probate Code, finally adopted by the Legislature in 1969, began as a project financed by the State Bar of Wisconsin in 1964. Professors James B. MacDonald and Richard Effland served as research reporters for the two revision committees. Over the five years of its preparation, Professors MacDonald and Effland worked part-time while teaching, and sometimes full-time while on brief leaves of absence. The revised code is the first major revision of the Probate Law since 1849. In one hundred twenty years there had been many amendments, and serious conflicts and gaps in the law had developed.

When it was first introduced in 1967, the code passed the Assembly, and was then referred by the Senate to the Legislative Council for further study. During the interim, Professor MacDonald consulted with the Legislative Council Committee. Reintroduced as a Legislative Council bill (S.5) in 1969, the *Probate Code* was passed overwhelmingly by both houses and signed by the Governor.

Although it is chiefly a codification and rationalization of existing law, the *Probate Code* provides for more rapid transfer of small estates than the old law did, and facilitates the sale of real property in the same way that personal property has been able to be sold.

* * *

Wisconsin's "Long Arm Statute" (Chapter 262, Wis. Stats.) provides a statutory device for gaining juris-



Professor James B. MacDonald

diction in Wisconsin over non-resident individuals. In its revision, Professor G. W. Foster, Jr. served five years as reporter for a committee of lawyers and judges appointed by the Judicial Council. Introduced in 1959, the revision had the unanimous support of the committee and of the Board of Governors of the State Bar of Wisconsin. It passed both houses of the Legislature unanimously, and pioneered in the solution of the difficult problem of constitutionally getting jurisdiction over absent defendants, a major problem in a federal system.

The explanatory notes prepared by Professor Foster during the revision have been widely used, especially by the Supreme Court of Wisconsin, in applying the statute. A similar statute has been adopted in North Carolina, and sections of it have now been made part of the statutes of other states.

* * *

On January 1, 1970, the Wisconsin *Uniform Securities Law* became effective. Professor George Young served as Chairman of the Committee which prepared and approved the draft. Widely recognized as its principal draftsman is Professor Wilber Katz. It was his task to take the proposed *Uniform Securities Law*, which has been adopted by about half the states, and adapt it by rearranging and revising its provisions

and incorporating into it the decisions of the Legislative Council Advisory Committee. Professor Katz made detailed presentations of the bill before both the Senate and Assembly Committees. In creating a new Chapter 551, it is believed that investors of the state have been given greater protection, at the same time that the regulations have been made less burdensome for the securities industry. Greater flexibility is provided to permit adjustment to constantly changing conditions in the securities market.

* * *

In 1965, the Wisconsin Legislature authorized and financed a thorough study and revision of the insurance laws of the state. Under the direction of Spencer L. Kimball, at the beginning Professor of Law at the University of Michigan and now Dean of the University of Wisconsin Law School, Wisconsin has been moving carefully and methodically toward the first truly modern insurance code in the United States. The task is far from complete, but it is well advanced. Professor John A. C. Hetherington has also been deeply committed to participation in drafting the corporation law



Professor John Hetherington



Governor Knowles signs the Wisconsin Insurance Holding Companies Act. l. to r., Paul Rogan, former Insurance Commissioner, State Senator Martin Schreiber, Governor Knowles, Dean Kimball and Stanley Du Rose, present Commissioner.

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Chapter 89 of the Laws of 1967 was the first product of the revision. It created Chapter 645 of the Wisconsin Statutes, a comprehensive law relating to the rehabilitation and liquidation of insurance companies in trouble. The law has been adopted intact in at least one other state, and has been introduced in others. It was adopted recently as an informal "Model Act" by the National Association of Insurance Commissioners.

In 1969, three other statutes were enacted. The most important created Chapter 601 of the Statutes, which provided a simplified and rationalized framework for regulation—the administrative law of insurance. This statute greatly simplified a complex and forbidding wilderness of procedural provisions. In addition a holding company law was enacted, rate regulation was reformed, compulsory pools for residual markets were created, and a post-assessment plan for dealing with insolvencies was enacted.

Many other portions of the revision are in process, and in this, as in many other fields, Wisconsin has continued to show its leadership

among the states. The results are being watched with keen interest not only in other states, but throughout the world.

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At the request of the Legislative Council's Committee on Insurance and Banking, in 1966, Professor Walter B. Raushenbush undertook the revision of the Wisconsin Statutes relating to construction liens. Supported in part by the Wisconsin Builders Association, the revision sought to remove inconsistencies, gaps, duplications and obsolete provisions of the statutes. An advisory committee, representing a broad spectrum of interested segments of the construction industry, participated in the study. Professor Raushenbush's task was to prepare for discussion at each meeting, memoranda which now provide a significant legislative history of the revision. After the Advisory Committee had reached consensus on a proposal, it was presented to the Legislature. Enacted in 1967, the new law is found in Chapter 289, Wisconsin Statutes.

As adopted, the statutes adds many new provisions, in addition to removing those that were obsolete.

Faculty members serve as consultants and advisors

Members of the Law School Faculty are constantly engaged as advisors—to the Bar, the Courts, the Agencies of Government, to the University—on the urgent issues of the day. The number of the advisory commitments of Faculty members is so large and the scope so diverse that only examples can be provided here. Future issues of the *Gargoyle* will provide more detailed information.

Professor Shirley Abrahamson has, for example, served as a member of the Mayor of Madison's Citizen Advisory Committee since 1967.



Professor Willard Hurst

Professor Willard Hurst is a member of the Advisory Committee to the American Academy of Arts and Sciences on the governance of universities.

During many years of service in the welfare field, Professor Mari-gold Melli has served as a member of countless committees. At present, she is a member of the Advisory Committee to the Legislative Council Committee on the revision of the Youthful Offender Act. She is also a member of the Advisory Board of the Federal Reformatory for Women. As a member of the Policy Advisory Committee to the Dane County Regional Planning Commission, she is participating in the plans and projects designed to improve law enforcement and the



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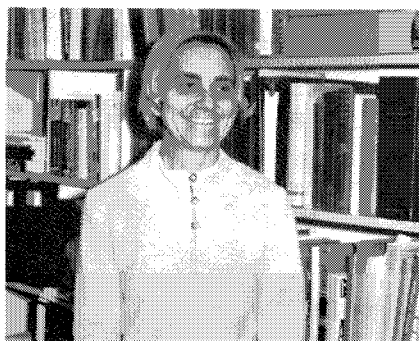
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Professor Marigold Melli

administration of criminal justice in the Dane County region under the Federal Safe Streets Act.

The country's newly awakened interest in the administration of criminal justice and correctional administration has involved several other faculty members in extensive advisory activities—formal advisory committees as well as informal and continuous consultation. Professor Edward L. Kimball is, for example, currently serving as advisor to the U.S. Bureau of Prisons and the University of Wisconsin Extension on a course in jail administration.



Professor Herman Goldstein

Professor Melli's service on the Advisory Committee to the Federal Women's Reformatory has already been mentioned.

Professor Goldstein, who came to the Faculty from his position as Executive Assistant to the Superintendent of Police of the city of Chicago and several years of intensive study of the problems of criminal justice administration, is constantly on call for consultation on police problems. For example, his report to the University Regents on university police problems in the summer of 1968 resulted in his long and detailed testimony before the Special Legislative Committee investigating campus disruptions.

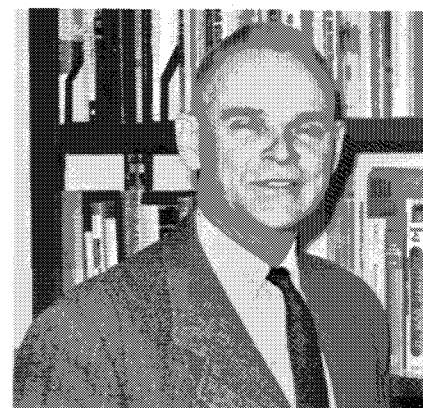
Both Professor Goldstein and

Professor Frank Remington have been deeply involved in the American Bar Association's Project on Minimum Standards for Criminal Justice. Professor Goldstein is the reporter for its Advisory Committee on the Police Function, of which Professor Remington is the Chairman.

A complete list of Professor Remington's current and past services is impossible. It is probably safe to say that no major effort in the fields of correctional administration or criminal justice administration anywhere in the United States has proceeded without his consultation or continuing advice. Among his current activities are: (1) Member of the Wisconsin Legislative Council's Advisory Committee on the Report of the National Commission on Civil Disorders (Kerner Commission); (2) Reporter on the Advisory Committee on the Federal Rules of Criminal Procedure; (3) Member of the Wisconsin Parole Board; (4) Member, Jury Instructions Committee of the Board of Criminal Court Judges; (5) Member, Criminal Procedure Revision Committee of the Wisconsin Judicial Council. The procedural revision will become effective July 1, 1970; (6) Member, Advisory Council, National Defender Project of the National Legal Aid and Defender Association.

Professor John Stedman, in addition to service on many advisory committees of the American Bar Association's Section on Patents, Trademarks and Copyrights, and on the Committees of the ABA's Section on Anti-trust dealing with Patents and Copyrights, is at present a member of the National Inventors' Council, a group advisory to the Department of Commerce on the revision of the Patent Laws.

Dean Spencer Kimball has been both an informal and a formal advisor to various insurance commissioners throughout the country. He served as a member of the Special Committee on Insurance Holding Companies, the report of which to the New York Superintendent of Insurance in 1968 was a milestone in the development of state laws to deal with insurance holding compa-



Professor John Stedman

nies. He is also Chairman of the Economic Regulation Advisory Committee for the Automobile Insurance and Compensation Study of the United States Department of Transportation.

Another kind of advisory service, but equally important, is the Handbook on Real Estate Law prepared for the Wisconsin Real Estate Commission in 1965 by Professors Beuscher, Effland, MacDonald and Raushenbush. It is currently being revised. Designed as a study guide for those who wish to become real estate brokers, it provides information about the law of real estate. It covers the statutes, administrative rules and court decisions—all three important sources of real estate law.



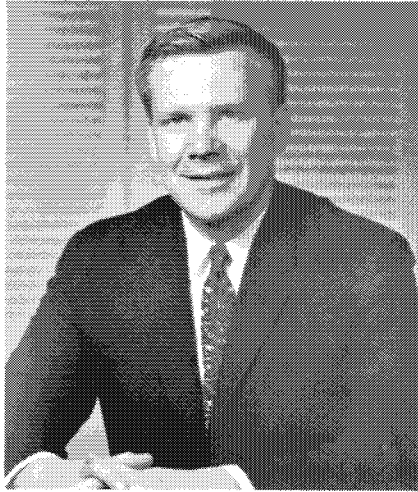
Professor August Eckhardt

A further example, which illustrates the diversity of the law faculty member's role as advisor, is Professor August Eckhardt's appointment to the Wisconsin Secretary of Revenue's Tax Advisory Committee. The purpose of the Committee is to propose revisions to the inheritance and gift tax laws, if it is decided that revisions are needed.

Faculty Fact Finders

An increasing amount of some lawyers' time and professional talents are being used in *fact-finding*. It is true, also, of the Faculty at the Law School.

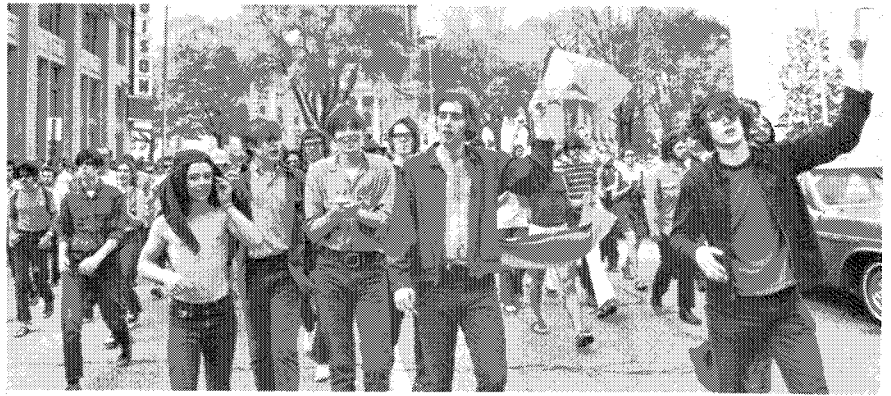
Professor Arlen Christenson, re-



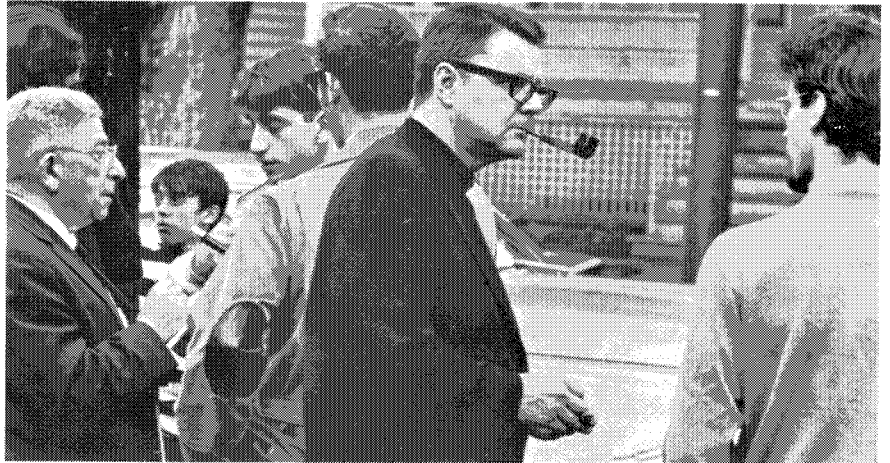
Professor Arlen Christenson

turned to the Faculty after service as Deputy Attorney General of Wisconsin, is retained from time to time as a fact-finder in labor disputes for the Wisconsin Employment Relations Commission. Most lawyers are aware that Professor George Young conducted hearings on the Eisenberg disbarment proceedings on behalf of the Supreme Court of Wisconsin, during the summer of 1969. This case is still pending.

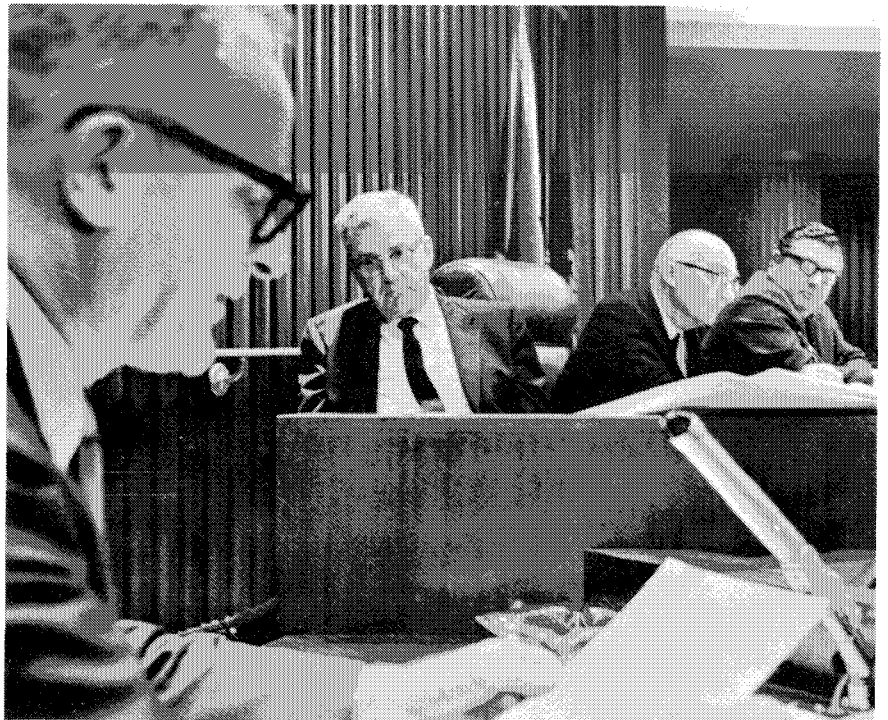
Most notable of recent fact-finding activities of the Faculty was Professor George Currie's role as Chairman of the Madison Mayor's Commission on the Mifflin Street disorders in the summer of 1969. The Commission of three members (including Mr. E. L. Wingert and Mr. Ken Hur) was appointed by the Mayor for the specific purposes of ascertaining the facts of the three confusing days during which the disorders took place and of suggesting ways to prevent their recurrence. The Commission's report is a remarkable public service, in its dispassionate account of the activities of the residents and of the police. Information was gathered in many hours of public hearings, during which 47 witnesses testified, as well as through several hundred interviews. Testimony on the miscon-



The rioters



Committee of 30



Mayor's Commission on the Mifflin Street Disorders
l. to r., Capt. Herman Thomas, Madison Police Dept., Mr. E. L. Wingert, Professor George Currie, Mr. Ken Hur.

Photos courtesy Capital Times

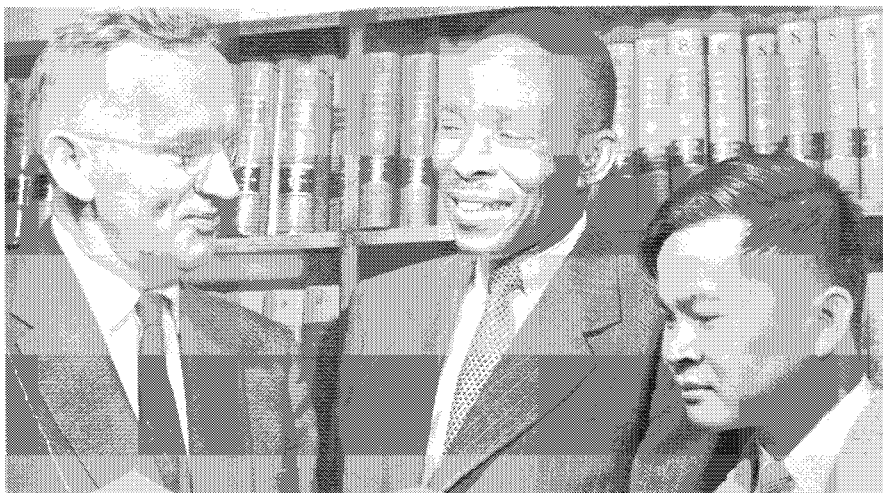
duct of both residents and police was included. The work of the Committee of 30, a group of citizens who patrolled the area after agreement that the police would be kept out, was reported in detail. The Committee of 30, which included several Law School Faculty members and students, assisted the Commission by making tape recordings of the testimony of witnesses who could not be present at the public hearings. Hospital records were examined to determine the number and nature of the injuries treated. Costs were analyzed.

The Commission determined that an underlying sense of antagonism between the police and the residents of the Mifflin Street area was the most significant cause of the riots. Denial of the requested permit for the block party and the presence of police in riot gear in advance of any violence are listed as precipitating factors.

The Commission urged, in its report, that distinctions be made between ordinary law enforcement and the problems created by the activities and protests of alienated minority groups. Consultation with civilian authorities should be required when the police have advance warning of group activities which may breach the peace. Further suggestions dealt with improved police training and increased efforts to avoid violent confrontation by negotiations conducted by a panel of experts appointed by the Mayor. Consideration should be given, the Committee urged, to the establishment of a special city office where complaints may be heard.

Jacob H. Beuscher—social engineer

No member of the Faculty more completely epitomized the meaning of the *Wisconsin Idea* than the late Jacob H. Beuscher, deceased 1967. Throughout more than thirty years on the Faculty, his public service extended to the boundaries of Wisconsin, to the far reaches of the country and, in his later years, to the ends of the earth. While he was working and writing abroad, and bringing lawyers from foreign countries here to study the legal aspects



Professor Jacob Beuscher and some foreign visitors

of planned land use and land reform, he was equally engaged at home, as the chief architect of Wisconsin's Water Pollution law in 1966.

His life was devoted to using his own legal training and talent—and to encouraging other lawyers—to bring about desirable social and economic change. Long before the problem was publicly acknowledged, Professor Beuscher was persuading public officials, private industry, and his fellow attorneys of the need for environmental controls.

"Law in Action" research was Professor Beuscher's great mission. In a memorandum to the American Farm Economics Association in 1960, he wrote, "Both economics and law departments are in the business of training technicians, but woe be unto our clouded future if this is their only business. As economists and as legal scholars, we must not devote all our energies to refining and polishing and sharpening our respective analytical tools, techniques, measuring devices and technical vocabularies. As members of university faculties, we have the obligation of enlarging man's consciousness not only of what he is but also of what he might be.

"Too often," he wrote in the same memorandum, "we think of the roles of law in our society in static rather than dynamic terms. Law as it is made by our courts, legislatures, and administrative agencies is not an end in itself; it is a means to policy goals, particularly in the

allocation of resources. It is a myth, often repeated but nevertheless quite wrong, that law's only role is that of constraint, of putting on the brakes. Instead, many legal rules and devices are efficient, flexibly adjustable conduits for change and development. American law of contracts and, yes, of property, too, (and certainly of business associations) since the industrial revolution *have not* had their major roles in the protection and maintenance of the *status quo*, but in the constant reallocation of economic decision-making powers."

So Mr. Beuscher devoted himself, not only to the stimulation of new legislation, but to the use of the existing laws of property to promote highway beautification, planned land use, and pollution controls. He dealt often with the role of the courts.

"Long before we set up administrative agencies to wrestle with water and air pollution or solid waste pollution, the courts were attempting through a system of public and private rights, to protect people from at least the worst effects of other people's residues.

Of the role of the lawyer, he said, "Only those cases which are brought to court get decided. . ." Lawyers, in these fields, he described as "social engineers." As a leading "social engineer," he conducted the monumental study of water rights in Minnesota, Wisconsin, Ohio and Indiana (1958-62); he was the architect, through the Wisconsin

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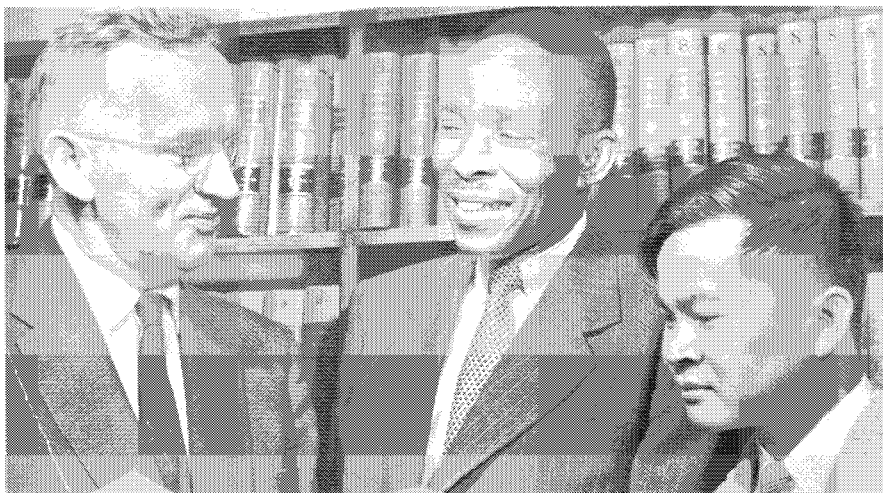
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Continued on Page 15

Detling Scholars

Named

Two outstanding law students have been named Detling Scholars for the second semester, 1969-70. Established recently by the Trustees of the Detling estate, the scholarships are awarded to graduates of the University of Wisconsin who have 3.5 or better grade point averages.

Selected as the first Detling scholars are Mrs. Nely Lupovici Johnson and Mr. Steven Ronald Allen.

Mrs. Johnson, a native of Rumania, who is a naturalized American citizen, received a B.A. degree in French from the University of Wisconsin. She has almost completed the work on a Master's Degree in French, and is in her first year of Law School. She and her husband, who is a graduate student in History, are the parents of a year old son.

Mr. Allen is a second year Law student who has already established a fine record. He received a University of Wisconsin B.A. degree in 1969, and during his first year earned a place on the Dean's Honor list. Mr. Allen is a native of Edgerton, where his mother, Mrs. Dorothy G. Anderson, resides. He is married.

Foley and Lardner Scholarships Established

A gift to the Law School Fund from Foley and Lardner, a Milwaukee law firm, will result in the establishment of three Foley and Lardner scholarships in the academic year, 1970-71. One Foley and Lardner scholar will be selected in each class. Academic achievement or promise of achievement and financial need will provide the basis of selection.

Jacob H. Beuscher—social engineer

From Page 10

sin Legislative Council and the Wisconsin Department of Resource Development, of a number of bills on land and water resource management, particularly the 1966 Water

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Saturday, April 25, 1970

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Report of the Dean

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COIF INITIATION

BANQUET AND BALL

Resources Act. He was a member of the Committee on Research Planning of the State Bar of Wisconsin. The "Highway Corridor" movement, a far-reaching highway beautification program was conducted under his leadership, by using a wide range of legal techniques to protect and enhance the quality of land adjacent to new highways.

The Land Tenure Center, which gathers lawyers and economists from all over the world to study land planning and land use, remains a monument to Professor Beuscher's memory.

Lawyers Are Doctors

Of a total of 143 law schools, only 12 still award the LLB degree. The 12 schools being; Baylor University, Boston University, Catholic University of Puerto Rico, University of Connecticut, North Carolina Central University, University of Pennsylvania, University of Puerto Rico, Richmond University, Southern University, University of Virginia, Washington and Lee University and Yale University.

From Student Lawyers Journal
December, 1969

Professional improvement — the Faculty's contribution

Under the directorship of Professor Arnon R. Allen of the Extension Law faculty, the Institute of Continuing Legal Education for Wisconsin has been a joint activity of the State Bar of Wisconsin, Marquette University and the University of Wisconsin. Many practicing lawyers participate in its activities, as teachers and as students.

The partnership has recently been dissolved and each partner is going its own way, with the Extension Department continuing to operate under the title of CLEW.



Professor Arnon Allen

From the time of its inception in 1954 under the direction of Professor August Eckhardt, faculty members of the Law School have played important roles in its conferences, institutes, and publications. What follows are only examples of law faculty activities conducted through CLEW.

Professor Eckhardt, during 1969, conducted a 4 day program on estate planning for members of the practicing Bar. He planned and implemented a telelecture series by several members of the Bar of Wisconsin in October. He presented many lectures and participated in several workshops in the field of Trusts and Estates. Professor Shirley Abrahamson also lectured in various parts of Wisconsin on Estate Planning.

The telelecture is a new and useful technique by which lectures delivered in Madison can be communicated by telephone and broadcast in a large number of centers



Professor Shirley Abrahamson

throughout the state. It broadens the opportunities for continuing education in many fields. In May, 1969, Professor Richard Campbell delivered a series of four telelectures on Recent Developments in Tort Law in Wisconsin. Subsequently, these lectures were published in a book. Professor Walter Raushenbush delivered a telelecture series on the Construction Lien Law in 1968.



Professor Richard Campbell

Through CLEW, Professor John Conway conducted a legislative drafting course sponsored by the Council of State Governments in September, 1969. Professors Christenson, Helstad, Hurst, Katz, Melli and Remington participated with Professor Conway in the course.

Recent publications of the Institute of Continuing Legal Education include many written by members of the Law School Faculty, among which are:

Conway, John E., *Wisconsin and Federal Civil Procedure*, 1967, with supplements in 1967 and 1968.

Helstad, Orrin, editor. *Wisconsin Uniform Commercial Code Handbook*, 1965. Currently being revised.

Mermin, Samuel, *The Fox-Wisconsin Rivers Improvement*, 1969.

Raushenbush, Walter, *Wisconsin Construction Lien Law*, 1968.

Professional improvements include more than continuing education for lawyers. Law School Faculty members have been active in procedural improvements as well. Prominent among these are *Wisconsin Jury Instructions—Criminal* and *Wisconsin Jury Instructions—Civil*.



Professor Frank Remington

Wisconsin Jury Instructions—Criminal was first published in 1962, and has been continuously updated since that time. Published in loose-leaf form by the Law Extension Department, it has been prepared by the Jury Instructions Committee of the Wisconsin Board of Criminal Court Judges. Professor Remington has been a member of the Committee and a technical advisor since the study began.

At the time of its initial publication, the Milwaukee Journal remarked in an editorial,

"A chief concern of both lawyers and judges is to see that juries are correctly instructed so that they will understand their duty and render sound verdicts. . .

"The model instructions are not just labor saving devices, however, they are guides, carefully based on court precedents, to help minimize error and improve the efficiency of the jury trial process.

"It is a great step forward nev-



Professor John Conway

ertheless, and a public service."

The Foreword to *Wisconsin Jury Instructions—Criminal* says this about the contribution of Frank Remington "... The Committee could have found no better qualified individuals than William Platz and Frank Remington for technical advisers. Suffice it to say that the aid of these two men has been invaluable."

Wisconsin Jury Instruction—Civil, prepared for the Wisconsin Board of Circuit Judges by its Civil Jury Instructions Committee, was edited by Professor Conway. He became Editor, after conducting the institutes on jury instructions for trial judges in the summer of 1959. Judge Andrew Parnell, Chairman of the Jury Instruction Committee commended, in his introduction "... Professor John E. Conway for his patience, his counsel, his knowledge and his editorial skill." These instructions, like those for juries in criminal cases, are also under continuous revision.

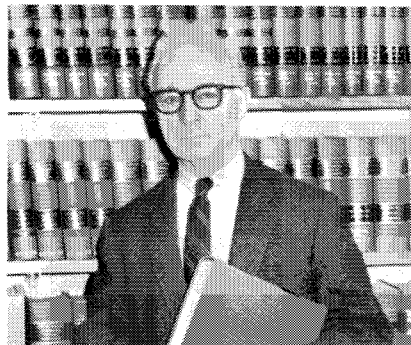
Serving with two fellow attorneys, Warren Resh (formerly Assistant Attorney General) and William Reiser, Professor George Young has been Chairman of the Legal Review Board, appointed by the state Personnel Board. The Board conducted a review of all the legal positions in state service, cutting tremendously the number of classifications. The salary and classification level of any newly established position is established by the Legal Review Board.

* * *

Of course, the basic faculty contribution to the improvement of the profession is in the creative teaching which goes on day by day, year after year, in the Law School. The General Practice course and the Clinical Program have been de-

scribed in previous issues of the *Gargoyle*.

Much of what Faculty members write is directed at improvement of the profession. A recent notable example is *The Lawyer in Modern Society*, [Little Brown, 1966] of which Professor Ted Finman is co-author with Professor Vern Countryman of Harvard Law School. The book is designed by the authors "to facilitate the efforts of those [teachers] who agree, and, as a consequence, spend part of their teaching time exploring the many problems suggested by the phrase 'professional responsibility' ". It is the view of the authors that "it is a mistake to think of these matters as essentially 'private' rather than 'public' problems. Certainly, for example, questions concerning the extent to which practicing lawyers ought to be guided by conceptions of public as well as client interest are not devoid of social importance; the matter of defining and maintaining standards of competence and care in servicing clients is not unrelated to the functioning of the legal system; and the approach of the organized profession to solicitation of business and unauthorized practice-of-law problems has obvious impacts on the kind and extent of legal service available to the public."



Professor Abner Brodie



Professor Ted Finman

Faculty members serve as arbitrators and negotiators

The legal profession has *negotiation* as one of its most important components. The Faculty lawyers, in some cases, are also negotiators in the public interest. Professor Arlen Christenson has been serving during this year as a member of the Faculty Committee appointed by the Madison Campus Chancellor to conduct negotiations with the Teaching Assistants Association. This difficult and time-consuming task has so far been fruitless.

Professor Nathan P. Feinsinger is a world-renowned negotiator, whose experiences over the past thirty years are well-known to the alumni. A long-range study of strikes in Wisconsin, to include the causes of strikes, and whether voluntary means could have been used to prevent or settle them is now being considered as a cooperative effort with the Wisconsin State AFL-CIO by Mr. Feinsinger's Center for Teaching and Research in Disputes Settlement. A proposal to consider broadening the subjects of labor-management negotiations beyond the usual "bread and butter" issues to include matters of concern to the public at large (such as industrial pollution) is also being studied by the Center.

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Professor John Conway

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The Foreword to *Wisconsin Jury Instructions—Criminal* says this about the contribution of Frank Remington "... The Committee could have found no better qualified individuals than William Platz and Frank Remington for technical advisers. Suffice it to say that the aid of these two men has been invaluable."

Wisconsin Jury Instruction—Civil, prepared for the Wisconsin Board of Circuit Judges by its Civil Jury Instructions Committee, was edited by Professor Conway. He became Editor, after conducting the institutes on jury instructions for trial judges in the summer of 1959. Judge Andrew Parnell, Chairman of the Jury Instruction Committee commended, in his introduction "... Professor John E. Conway for his patience, his counsel, his knowledge and his editorial skill." These instructions, like those for juries in criminal cases, are also under continuous revision.

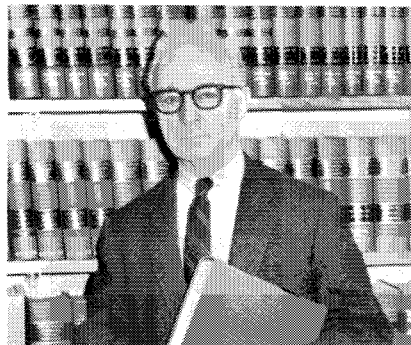
Serving with two fellow attorneys, Warren Resh (formerly Assistant Attorney General) and William Reiser, Professor George Young has been Chairman of the Legal Review Board, appointed by the state Personnel Board. The Board conducted a review of all the legal positions in state service, cutting tremendously the number of classifications. The salary and classification level of any newly established position is established by the Legal Review Board.

* * *

Of course, the basic faculty contribution to the improvement of the profession is in the creative teaching which goes on day by day, year after year, in the Law School. The General Practice course and the Clinical Program have been de-

scribed in previous issues of the *Gargoyle*.

Much of what Faculty members write is directed at improvement of the profession. A recent notable example is *The Lawyer in Modern Society*, [Little Brown, 1966] of which Professor Ted Finman is co-author with Professor Vern Countryman of Harvard Law School. The book is designed by the authors "to facilitate the efforts of those [teachers] who agree, and, as a consequence, spend part of their teaching time exploring the many problems suggested by the phrase 'professional responsibility' ". It is the view of the authors that "it is a mistake to think of these matters as essentially 'private' rather than 'public' problems. Certainly, for example, questions concerning the extent to which practicing lawyers ought to be guided by conceptions of public as well as client interest are not devoid of social importance; the matter of defining and maintaining standards of competence and care in servicing clients is not unrelated to the functioning of the legal system; and the approach of the organized profession to solicitation of business and unauthorized practice-of-law problems has obvious impacts on the kind and extent of legal service available to the public."



Professor Abner Brodie



Professor Ted Finman

Faculty members serve as arbitrators and negotiators

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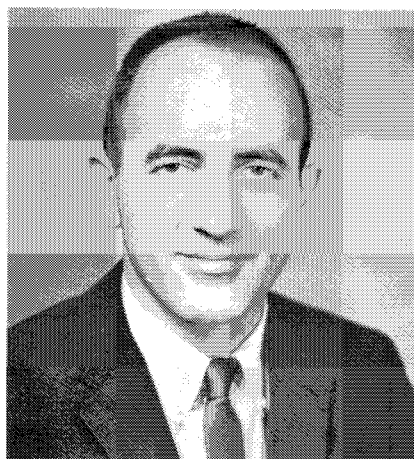
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Faculty members labor in the cause of international understanding

No more important public services are performed by members of the Law School Faculty than those provided to the nation in time of War and in pursuit of peace.

In each of the great World Wars, 1970. (See *Gargoyle*, vol. 1, no. 2.) many Faculty members have served on active duty in the Armed Forces or have accepted civilian appointments in the war efforts. Alumni are well aware of Professor Carl Runge's service as Assistant Secretary of Defense from 1961 to 1963.



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Emeritus Professor William Gorham Rice, Jr. took leave from the Faculty over 30 years ago to establish the United States Department of Labor's office in connection with the International Labor Office in Geneva. He also served as Assistant General Counsel of the United Nations Relief and Rehabilitation Agency at the close of World War II.

Professor Charles Bunn served during the second World War in the Division of Commercial Policy of the U.S. Department of State. Also, in the interests of peaceful promotion of international trade, Professor Richard Bilder served as a representative of the United States on a panel of four experts to arbitrate a dispute involving coffee quotas, under the International Coffee agreement of 1962, which included all 40 member states of the International Coffee Organization.



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Professor George Bunn joined the Faculty in 1969 after having served as General Counsel of the United States Arms Control and Disarmament Agency. He had served as Alternate United States Ambassador to the Eighteen Nation Committee on Disarmament in Geneva, Switzerland.

Since joining the Faculty, he has served as a consultant to the Senate Committee which has been seeking an amendment to the Defense Procurement Authorization Act to provide restrictions on gas and germ warfare research and procurement. Interest in these restrictions and the resultant legislative proposals came as a result of adverse public reaction to the killing of 6000 sheep near Dugway Proving Ground, to the Army's plan to ship obsolete nerve gas bombs by rail from Colorado for disposal in the Atlantic Ocean, as well as to the revelations that nerve gas was stored by the Department of Defense in large quantities on Okinawa and in Germany.

Professor Bunn, during his year on the Faculty, has also been active in the movement to secure approval by the U.S. Senate of the Geneva Protocol of 1925 which bans poison gas and biological warfare. He was the lead-off witness before the Subcommittee on Security Policy and Scientific Developments of the House Committee on Foreign Affairs. He served as advisor in the preparation of a draft report on Biological Warfare and the National Security, which was issued by a group of Republican Congressmen, who urged resubmission of the Pro-

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Professor Bunn is also continuing to aid in planning for implementation of the Non-proliferation Treaty, which will occur early in 1970. The Treaty was approved by the Senate in the spring of 1969.

Conclusion

A single issue of the *Gargoyle* cannot possibly cover all the many public services of the Law School Faculty. The deep involvement of many Faculty members in the affairs of the University—such as the services of Professors Eckhardt, Raushenbush and Finman as chairmen of the Conduct Hearings Committee and the Conduct Appeals Committee, or Professor Hetherington's service on the University Committee and the Student Housing Committee, Frank Remington's long-time service on the Athletic Board—has not been included.

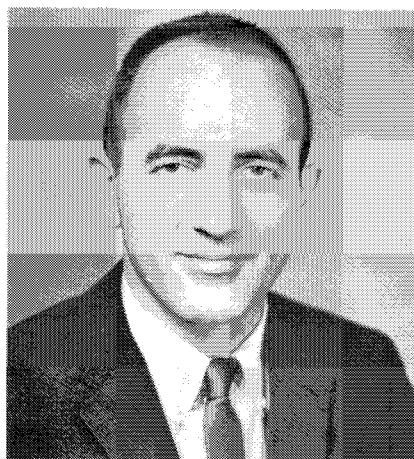
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A future *Gargoyle* will deal with the Faculty as teachers. It will also include information about the changing and developing curriculum. Together, these two issues of the *Gargoyle* can be used to provide a well-rounded view of life at the Law School.

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Law School Fund First Annual Report

This first annual report of the Law School Fund covers the period from November 15, 1968 to January 31, 1970. Henceforth the reports will cover the period between February 1 and January 31 of each year.

November 15, 1968, is selected as the beginning date, because it was on that date that the WLAA Board of Directors, meeting with the Board of Visitors, gave preliminary approval to the establishment of the Fund and established a committee composed of Patrick Cotter, M. A. McKichan, and Associate Dean Gordon Baldwin "for the purpose of considering, planning and organizing an annual alumni giving campaign for the Law School, and further, . . . it was the sense of this meeting of the joint boards that the members present favor the proposal to organize such an annual campaign."

On February 19, 1969, meeting in Milwaukee, the joint boards gave unanimous approval to the proposed charter of the Law School Fund, as presented by the Committee. The charter establishes the Law School Fund as an organization in which operating authority is vested in a National Committee, (see *Gargoyle*, vol. 1, no. 1) of which Mr. John Lord, Chicago, has been the first Chairman, to organize and conduct the Fund Drive, and to recommend the uses of the proceeds of the Fund. According to the Charter, the purpose of the fund is to "promote gifts from alumni and friends of the University of Wisconsin Law School which will help build the school's general resources and support special activities."

The initial officers of the Fund, in addition to Mr. Lord, have been Mr. Carroll Heft of Racine, vice-chairman; Mr. George Cleary of New York, Scholarships vice-chairman; Mr. Robert Curry of Madison, Class Agent vice-chairman. Associate Dean G. W. Foster, Jr. has recently replaced Associate Dean Gordon Baldwin, as Fund Director.

The national committee met on

May 5, 1969, to begin the organization of the Fund Drive.

The past months have been largely months of preparation. The Fund Drive will go into high gear during 1970. Alumni in a number of localities, particularly Milwaukee, New York, Chicago and Washington have organized themselves to conduct a personal solicitation of all Alumni. Deans Kimball and Foster and other faculty members have visited with groups of alumni in a number of cities. A general mailing to all Alumni was made in December, 1968 and in December, 1969. Class agents have been appointed by Vice-Chairman Curry, and are in the process of contacting their classmates for the support of the Fund for the 1970 drive.

The establishment of the Law School Fund permits the consolidation of other funds to which Alumni and friends of the Law School have in the past made contributions. Included in the consolidated Fund are the Dean's Contingency Fund, the Legal Education Opportunities Fund, the WLAA Scholarship and Loan Fund, the Benchers Fund, the Jacob Buescher Fund and the John P. Andersen Fund. Included also are a few individual contributions

which have been made annually.

The total of the Law School Fund, plus such other alumni contributions as are mentioned above, between November 15, 1968 and January 31, 1970 is: \$60,378.69.

Not included in this total are two large gifts made for special purposes. Securities with a market value of over \$21,000 were contributed anonymously in memory of Charles Bunn, and earmarked for the Legal Education Opportunities Program.

Liquidation of the Phi Alpha Delta Building Corporation resulted in a contribution to the Law School of the Phi Alpha Delta Student Loan Revocable Trust. At the time of its establishment, the Revocable Trust had a value of approximately \$29,000.

Contributions made for very limited and specific purposes are also not included in these totals. Gifts of books, for example, or the substantial support given to the Center for Teaching and Research in Disputes Settlement, a contribution to provide the annual Backus lectures, or a contribution to finance the preparation of the history of the Law School, are not included in the Law School Fund totals. Nor are government or foundation research grants included.

WHERE ARE YOU NOW?

Help keep our mailing list up to date.

NAME.....

FORMER ADDRESS.....

NEW ADDRESS.....

no. street

city state zip

FIRM NAME.....

POSITION.....

Names of other alumni who may not be on the mailing list.

NAME.....

no. street city state zip

Detling Scholars

Named

Two outstanding law students have been named Detling Scholars for the second semester, 1969-70. Established recently by the Trustees of the Detling estate, the scholarships are awarded to graduates of the University of Wisconsin who have 3.5 or better grade point averages.

Selected as the first Detling scholars are Mrs. Nely Lupovici Johnson and Mr. Steven Ronald Allen.

Mrs. Johnson, a native of Rumania, who is a naturalized American citizen, received a B.A. degree in French from the University of Wisconsin. She has almost completed the work on a Master's Degree in French, and is in her first year of Law School. She and her husband, who is a graduate student in History, are the parents of a year old son.

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Foley and Lardner Scholarships Established

A gift to the Law School Fund from Foley and Lardner, a Milwaukee law firm, will result in the establishment of three Foley and Lardner scholarships in the academic year, 1970-71. One Foley and Lardner scholar will be selected in each class. Academic achievement or promise of achievement and financial need will provide the basis of selection.

Jacob H. Beuscher—social engineer

From Page 10

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COIF INITIATION

BANQUET AND BALL

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The Land Tenure Center, which gathers lawyers and economists from all over the world to study land planning and land use, remains a monument to Professor Beuscher's memory.

Lawyers Are Doctors

Of a total of 143 law schools, only 12 still award the LLB degree. The 12 schools being; Baylor University, Boston University, Catholic University of Puerto Rico, University of Connecticut, North Carolina Central University, University of Pennsylvania, University of Puerto Rico, Richmond University, Southern University, University of Virginia, Washington and Lee University and Yale University.

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