

LABOR LAW STUDIES — A WISCONSIN TRADITION

When the history of the University Law School is written — as it should be — the accomplishments of its programs in labor law will deserve special recognition. Professor Jim Jones refers to the current program as probably the “finest labor studies program in any law school in the country.” How it came to be so is an interesting story, one with a stellar cast.

The story begins sometime before 1922. In those days the Law School did not quite fill the brownstone building constructed for it in 1893. Occupying some of the extra space were offices of the Economics Department where the eminent Prof. John R. Commons taught. Commons, Selig Perlman, a student of Commons and a brilliant labor historian, and Edwin Witte, one of the authors of the social security system, had created an unsurpassed center for research in the history of American labor and related movements. From this group would come scores of noted economists, including Paul and Elizabeth Raushenbush, who were instrumental in

the creation of Wisconsin’s pioneer unemployment compensation system.

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Perhaps it was the physical proximity that promoted the cooperative and productive approach to the study of law and society for which the Law School has become known. In any event, Commons and Law School Dean Harry Richards shared a vision of education reaching out to help society, this School’s concept of “law in action.” It may have been this concept that helped attract William G. Rice, fresh out of Harvard Law School, to our faculty in 1922. The approach of Commons and Richards must have appealed to him because the next year Rice began offering a Collective Bargaining Seminar with Commons. By 1924-5 Rice was teach-

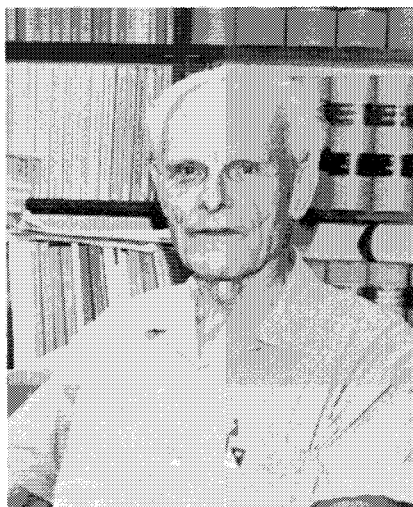
ing the first Labor Law course here, one of the first such courses in the nation.

Rice continued to teach Labor Law until 1934 when he left temporarily to become assistant general counsel to the National Labor Board, where Law Dean Lloyd Garrison was then serving as the Board’s first chairman. In 1935 Rice was chosen by the State Department to represent the US at the Geneva meetings of the International Labor Organization. Between 1939 and 1941 Rice served as a consultant to the Wage and Hours division of the Department of Labor. Public service was a way of life for Rice, as it would be for many other faculty members.

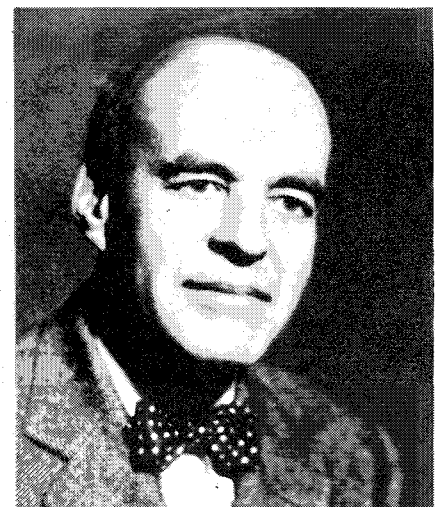
With Rice temporarily away, it appeared that Wisconsin’s labor law program might languish. Then, however, a man appeared who would come to symbolize labor studies at Wisconsin. When he first joined the law faculty in 1929, Nathan P. Feinsinger taught Domestic Relations and Insurance law. He had little or no



Dean Harry Richards



Prof. William Rice



Dean Lloyd Garrison

background in labor law, nor, apparently, any particular interest in the subject. But this was to change quickly as people and events pushed him into a new and fruitful career. Feinsinger was undoubtedly influenced by Lloyd Garrison, himself a noted arbitrator, but Madison attorney Gordon Sinykin, then counsel to Gov. Philip LaFollette, also claims some of the credit for Feinsinger's national reputation as a labor scholar and practitioner. In the mid-1930's Wisconsin and the nation suffered a pandemic of labor

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problems. Gov. LaFollette sought mediators under Wisconsin's "little Wagner Act" to settle some of these disputes. As Sinykin and LaFollette looked for help, Sinykin suggested Feinsinger. Although Feinsinger was lacking

in labor experience, Sinykin recognized his outstanding legal abilities. Feinsinger became General Counsel to the State Labor Board and thereby began a career as a labor mediator which was to bring fame and distinction to himself and to our Law School. He learned his labor law quickly, and began teaching the course with Rice in 1935-36. Winning fame in the mediation of numerous strikes, Feinsinger became permanent umpire for disputes between General Motors and the United Auto Workers in the 1950's. His files overflow with the records left from hundreds of successful settlements he helped engineer, including the Hawaiian pineapple strike of 1946-47 and the Detroit newspaper strike of 1967-68.

Feinsinger was an early believer that mediation techniques need not be confined to labor disputes. This belief led, in his retirement from teaching, to the

creation of the Dispute Resolution Center at the Law School, where techniques were studied for application to all kinds of disputes.

As World War II ended, large numbers of law students returned to campus and the uneasy war-time truce between labor and management ended. Our Law School needed help in its labor law program. Turning, as it often would, to an experienced practitioner, Abner Brodie was asked to join the law faculty. A former litigator with the Dept. of Labor, in Fair Labor Standards, Brodie brought with him a wealth of practical experience. He joined Feinsinger as associate GM-UAW umpire in 1964, and later succeeded Feinsinger as umpire. Brodie's teaching was not confined to the traditional labor/management issues but also included matters of protective labor legislation and the rights of workers, rights pioneered on this campus by Paul and Elizabeth



Prof. Nathan Feinsinger (right) meets with Pres. Truman, George Taylor and Fred Bullen on appointment as Chairman of the National Wage Stabilization Board in 1952.

Raushenbush, Harold Groves and Lloyd Garrison.

By the mid-1950's the campus boasted a new Industrial Relations Institute and a doctoral program in labor economics. These attractions helped bring Jim Jones back to his alma mater, where he joined the law faculty in 1969. Nate Feinsinger and Abner Brodie were nearing mandatory retirement, and, after they left, Jones became the senior professor in our labor studies program. (His story is told in another part of this issue).

The program continued to grow and, in 1974, June Weisberger joined our Law School faculty. Jim Jones was first attracted to her work while Weisberger was a visiting professor in the Industrial and Labor Relations School at Cornell University. Before that she had served as an assistant city attorney for Rochester, New York, and Legal Counsel to the Rochester Board of Education. It was in this latter capacity that she developed her expertise in the labor area. In January, 1981 the out-going US Solicitor of Labor, Carin Clauss, also joined the faculty. Her presidential appointment to the Solicitor's position capped a fourteen year career in

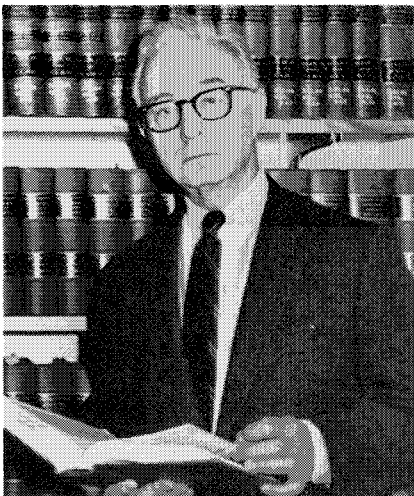
the Department of Labor. As Solicitor she was personally involved in the settlement of several recent landmark labor law cases.

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It is worth pointing out that labor studies at this Law School are not confined to traditional labor law courses. When Arlen Christenson came to the Law School from private practice in Minneapolis, he quickly integrated labor arbitration techniques into his Local Government course. With the rise of public sector labor issues in local governments, his decision was prophetic.

Jones, Weisberger and Clauss share responsibility for teaching current offerings in the labor area, although each has additional teaching responsibilities in other substantive fields. Labor related courses currently offered include: Labor Relations Law; Protective Labor Legislation; seminars in Collective Bargaining, Negotiations and Arbitration; Equal Employment Law; Public Sector Collective Bargaining; an advanced seminar in NLRB Practices and Procedures; Sex Based Discrimination; up to 10 credits in

clinical placements with seven different agencies; and up to 6 credits in law related courses offered outside the Law School but credited toward our graduation requirements. This wide selection, probably the most complete offering of any law school, allows our students to accumulate as many as 37 credits in labor studies. Nevertheless the labor faculty admits gaps remain in the curriculum in the areas of OSHA, ERISA, labor statistics, and the internal regulation of unions. The advanced seminar in NLRB Practices had to be deleted this year because of budget cuts, and money problems have created problems in scheduling basic courses as well as clinical offerings in the labor area. No flexibility now exists which would permit faculty research on such important issues as plant closings and employee takeovers. These problems, which if not addressed, may jeopardize our recognition as the top law school labor program, point out the need to secure additional support over and above the tax supported Law School base budget. These additional monies would be used to support and improve our excellent labor program.



Prof. Abner Brodie



Prof. June Weisberger



Prof. Carin Clauss