

ALUMNI VISIT LAW SCHOOL

The annual Alumni Visitation of the Law School took place on Friday, October 22. It was followed by a joint meeting of the Board of Directors and Board of Visitors on Saturday.

Events of the visit included class attendance, lunch with students in the student lounge, discussion of problems with members of the Faculty, and a well-attended Faculty-Visitors dinner.

Mary Bowman, Assistant Attorney General, is currently Chairperson of the Board of Visitors. Her report to the alumni follows:

November 3, 1976

Chancellor H. Edwin Young
University of Wisconsin-Madison
158 Bascom Hall
Madison, Wisconsin 53706

Dean Orrin L. Helstad
University of Wisconsin
207 Law Building
Madison, Wisconsin 53706

Re: October, 1976 Law School
Visitation

Gentlemen:

Members of the Board of Visitors and of the Board of Directors of the Wisconsin Law Alumni Association and other interested alumni conducted the annual U.W. Law School visitation on October 22 and 23, 1976. The visitation included a morning of attendance at Law School classes, of which some 15 were made available to the visitors. This was followed by lunch and an "open forum" with students and faculty, discussion and demonstration sessions on new teaching techniques and curriculum questions, dinner

with faculty and friends of the Law School, and further discussion at the joint meeting of the Board of Visitors and Board of Directors of the WLAA on Saturday, October 23.

The Board of Visitors is pleased to report a productive exchange of views among alumni, students, faculty and administration. In particular, we commend the Law School community on the progress made in meeting and obviating the criticisms voiced in 1975 by the American Bar Association law school accreditation team. Those present at the visitation were made aware of substantial and timely assistance rendered to the Law School by the University administration and the legislature.

Since we did not report to you last year, this report will refer to issues raised at the October 3, 1975, visitation where appropriate.

I. ABA Accreditation Matters. Dean Helstad has kept the Chancellor, the alumni, and the law school community well informed of steps taken to correct the deficiencies identified by the ABA accreditation teams in 1971 and 1974 inspections. This report will not reiterate the details of the comprehensive reports submitted to the ABA on November 26, 1975, and May 27, 1976, which were published in the Winter, 1975 and Summer, 1976 issues of *The Gargoyle*, respectively.

To summarize, however: the Council of the ABA Section of Legal Education and Admissions to the Bar severely criticized the funding and physical plant of the U.W. Law School. Noting particular problems with inadequate library facilities, faculty salaries, faculty-student ratios, rooms for faculty offices, and provision of space for small-group instruction, the Council in 1975 required the Law School to submit proof of compliance with the Council's standards by July 1, 1976. By May of 1976, Dean Helstad was able to report substantial improvements, including: increased allocations to the annual instructional base budget totalling over \$166,000; an improvement in the student-faculty ratio from 28:1 to about 19.5:1; modest improvement in the faculty salary scale; acquisition of rented office space outside the Law School to alleviate the space shortage within the building; and progress on plans and funding for library and classroom additions to the Law School itself.

The Board of Directors of the WLAA offered further support through its October 4, 1975, resolution approving, inter alia, establishment of a \$50,000 fund available to the Dean of the Law School in his discretion for professional and program improvement activities. The dean indicated that his reports to the ABA Council have now shifted, from showing compliance with minimum standards, to showing progress beyond those standards.

VISITORS cont.

We cannot overemphasize our commendation of the Law School administration, faculty, and students for their contributions to bringing the school into accreditation compliance, and for persevering in the business of legal education during the past several years in spite of the major inconveniences caused by insufficient funds and space.

In discussing pending plans for the proposed addition for classrooms and offices, members of the boards were unanimous in their concern that friends and supporters of the Law School might underestimate the difficulty of getting final approval and adequate funds for the proposed classroom and faculty office addition. Expanding enrollments are the most common justification for physical plant expansion. However, the Law School enrollment has exceeded the school's physical capacity since the late 1960's, and further enrollment increases are clearly unwarranted

until the proposed addition is constructed.

The boards agreed that close monitoring of the addition's legislative and administrative progress will be necessary, and that follow-up by Association representatives may be needed to: 1) secure the needed approvals of any classroom/office addition; and 2) obtain enough funds to counteract the effect of inflation on the amounts presently proposed for the addition.

Dean Helstad showed models of the proposed library and classroom additions. Construction of the library wing is expected to begin in early 1977.

II. *Law School Administration in General.* A recurring issue in the 1975 and 1976 visitations was the Law School's policy on the admission of women and minorities. Women students attending the "open forum" at the 1975 visitation pointed out that the percentage of women in the entering class had dropped from approximately 35 per cent in 1974 to 28

per cent in 1975. According to then Acting Dean Helstad, the drop resulted from abandonment of the school's admission policy of selecting a woman applicant over a man when all other factors were approximately equal. In selecting the 1975 entering class, the admissions committee had followed a sex-neutral policy in close cases, leading to the admission of approximately 15 fewer women than in previous classes. The women students strongly urged the restoration of the female preference policy. The policy was restored during selection of the 1976 entering class, with a comparable restoration in the overall percentage of women in the class. The visitors noted in 1975 that they were pleased to see the number of women students, compared to the profession generally. The visitors also supported the school's emphasis on increasing legal education opportunities for all minorities in the profession including women.



Visitors—left to right Paul Van Valkenburg, Robert Voss (foreground), Conrad Goodkind, Tomas Russell, Robert Pekowsky, Robert B. L. Murphy. Dale Sorden smiling in the rear; Professor Steven Herzberg, upper right; Justice Nathan Heffernan, back to camera.

VISITORS cont.

At the 1976 visitation, women students expressed the opinion that the school's efforts to recruit and graduate women were still inadequate, and that the percentage of women in the school should compare closely with that of the general population—about 50 per cent. Dean Helstad raised the same question at the joint meeting of the boards, noting that considerable time had been spent at faculty meetings this year on the admissions policy. The second of two fairly close faculty votes reversed an earlier decision and favored restoration of the female preference policy; in light of the apparent division among the faculty, Dean Helstad asked the Boards' opinions. After discussion by members of both boards, the Board of Visitors voted three to one, with one abstention, in favor of a resolution supporting the faculty position, in which a female applicant is chosen over a male applicant when other factors are generally equal.

At both visitations, women students reiterated the need for adequate day care facilities for women students with children. Although the law school community had attempted to organize and assist such a program in recent years, persons working on the project reportedly found quality day care to be almost prohibitively expensive.

Dianne Post, a coordinator of the March 1977 national conference on Women and the Law, furnished printed information and a verbal report to the 1976 visitors concerning the conference. Planners of this, the eighth national conference, anticipate up to 2,000 participants from all over the country, and re-

quested the boards' support in the form of money, recommendations for seminar leaders, and housing. Noting that the Wisconsin women lawyers and law students had invested considerable effort in bringing the conference to Madison, the visitors commended the women for "winning" the host designation, over stiff competition from the University of Michigan and other law schools.

A number of students complained of significant inconveniences and disappointments in the perennially-difficult area of class scheduling and registration. The pervasive popularity of the office practice course, for which participants must be chosen by lottery, reportedly led to registration and class planning problems, since the results of the lottery were not announced until the morning students had to sign up for classes. Some students stated that the major time commitment required for office practice made late announcements of the lottery "winners" especially inconvenient, since many had to plan part-time jobs and family commitments. Other students mentioned continuing difficulty in getting the classes they wanted, suggesting that some popular courses seemed to be scheduled simultaneously so that attendance would be spread between them.

After hearing the dean characterize some of the complaints as valid and others not, the visitors acknowledged the extreme difficulty of balancing the desire for innovations in small-group teaching, the difficulty of getting the right number of faculty members to teach all of an optimum variety of courses at any given time, and the extreme physical

plant limitations of recent years. However, the visitors encouraged the administration to keep looking for ways to facilitate the registration and scheduling processes.

III. Curriculum and Teaching.
In the 1975 and 1976 visitations, students, faculty, and visitors expressed a desire for greater emphasis on professional responsibility and ethics questions in the curriculum. The Student Bar Association passed a resolution last year that professional responsibility should be addressed in all law school courses. The dean reported that three practice and clinical courses, in addition to the traditional one-credit course, now satisfy the professional responsibility requirement. A new course will be offered next spring, emphasizing ethical questions. Several students commended individual faculty members for working ethical questions into their presentations of such traditional courses as Corporations and Torts. The visitors strongly approved this increased effort to emphasize ethics in both new and traditional courses as part of the training in responsible conduct for practitioners of the law.



**REMEMBER THE
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The 1976 visitors enjoyed demonstrations of the school's new videotape and computer research ("Lexis") systems, and commended the administration and faculty for their willingness to try these potentially productive new methods of teaching and research. The visitors strongly encourage continued exploration—and funding—of these and similar innovations, and note that substantial increases in faculty productivity (and, commensurately, student learning) may result from such labor-saving devices.

Both visitations included extensive discussions of the proper place of "clinical" and "practice" courses and apprenticeship in legal education. For purposes of discussion, "clinical" courses were defined as a teaching method giving students experience in the field with "real" cases, under law school supervision; "practice" courses were classroom courses, using simulated cases and emphasizing such practice skills as oral argument; and apprenticeship was a period of legal work and study in the field, under supervision of a licensed attorney but not of the law school.

Many visitors and some faculty expressed concern that the school might invest too deeply in time-consuming clinical courses, with a corresponding loss in the academic area. Prof. Stuart Gullickson, who has run the general practice course, pointed out that acquisition of practice skills inevitably takes an "inordinate" amount of time. He added, practice and clinical courses are necessarily time-consuming because they are conducted for students in transition between theory and application. One visitor noted that practice courses

may not be crucial for the graduate who will go to a reasonably large firm and receive supervision and training from older members; however, some solo and small practitioners have never acquired certain practice skills that the law school is now able to teach.

While most visitors expressed strong support of *some* clinical and practice education, both as a welcome break in the usual case-method routine and as a stimulating exposure to "real world" cases, others urged with equal vehemence that the traditional academic courses not be neglected, either in quantity, quality or variety. There was general agreement that a moderate offering of clinical and practice courses was desirable, provided they did not impair the quality of the basic academic curriculum.

This led the visitors, students, and faculty into the third area of apprenticeship as an element of legal education. It was generally agreed that the "apprenticeship" program which the Law School dropped several years ago provided insufficient supervision of the new attorney in too many cases. Several visitors argued that a program of supervised office training could be set up in such a way as to make the experience desirable and beneficial for both the apprentice and the supervisor. One visitor, speaking from long years of close contact with the medical profession, pointed out that the three-month "preceptorships" in the fourth year of medical school provide an intensity and diversity of clinical experience not available in Madison. He noted, and other visitors agreed, that the designation of supervisor or "preceptor" under those circumstances was considered an honor.

At a continuation of the discussion Saturday morning, an attorney from northern Wisconsin mentioned that he and his partners had been extremely pleased with their supervised clerkship program. In the program, a student was encouraged to take off a semester or more from school, usually during the second year, and handle a variety of supervised assignments for members of the firm. Another visitor suggested that the school directly confront the continuing anxiety of graduates over their practice skills (or lack thereof) by establishing a one year required apprenticeship. Other visitors cautioned that any such proposals should under no circumstances reduce the number of years of academic courses required.

The teaching methods discussion on Friday afternoon led into an extensive exchange of ideas and concerns over the alarmingly low level of English writing and usage skills among many law students and new lawyers. The visitors acknowledged that the problem is not unique to the present law students; however, they noted that undergraduate educators were warning that entering undergraduates appeared to have steadily declining skills in writing and composition. Judges among the visitors commented that briefs submitted to them at times revealed a shocking inability to write clearly and effectively. Legal education, it was suggested, also needs greater emphasis on identification and effective use of significant facts from a client's narrative or from a trial transcript.

Some students and visitors argued that writing competence is something a law student either has or lacks; that legal education is not going to change the bad

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habits or failures of the preceding 15 years of school; that "good writing" can't be taught; and that efforts to improve writing skills are an unwarranted deviation from the Law School's academic vocation. Others argued that writing skills *can* be improved, but the process is expensive because its requisites are frequent student written assignments and faculty feedback—both time-consuming.

Dean Helstad stated that the faculty had voted to emphasize writing assignments and skills in the small sections of first year classes, and was already requiring and critiquing more written work. Justice Heffernan noted that the Harvard School of Business strongly emphasized the future executive's communications skills and required frequent but not necessarily extensive written work throughout its graduate program. The school critiqued the assignments for English competence as well as substance, with a positive effect on the student's writing skills.

Mrs. Ruth Doyle, who has counselled hundreds of students interested in applying for law school, commented that she routinely encourages such students to take undergraduate courses requiring extensive writing practice. She noted that the school could always increase its prerequisites in the writing area.

Almost all participants in the discussion expressed dissatisfaction with—and ignorance of ideal solutions for—the school's present "Legal Writing" program. One student, a former English teacher himself, suggested that some of the second and third year stu-

dents teaching the writing sections were inadequately prepared to teach writing. He once returned his instructor's comments with annotations to the instructor's grammatical and structural errors. Another student commented that a fair amount of support for the legal writing program exists among students generally, but only because the course is the student's first and best exposure to the problems of legal bibliography and legal research.

One participant questioned the recent shift from numerical to letter grades which are not included in the student's overall average. Dean Helstad mentioned that inconsistency in grading had been a problem in the legal writing program, making faculty reluctant to give much weight to legal writing grades. Others commented that more faculty input could alleviate suspicion over student grading practices, and that the writing program would not be viewed seriously unless writing grades carried the same weight as substantive courses.

After discussing the subject further at the Saturday meeting, participants in the visitation concluded:

1. Many students and graduates increasingly demonstrate such deficiency in English writing skills as to impair their ability to practice law;

2. The traditional Legal Writing course is not adequate, as presently structured, to stem the increasing decline in writing competence;

3. The Law School faculty is to be commended for its efforts to emphasize writing skills in first year classes;

4. The Law School must invest the effort and money needed to improve students' writing skills, even though that responsibility arguably rests with educators at the undergraduate and secondary level; and

5. The Board of Visitors and Board of Directors should help the faculty in every way possible to develop and to fund a better writing skills program.

IV. *Miscellaneous.* The visitors were generally impressed with the excellent quality of teaching and student participation in the classes they attended. Recognizing that the Friday visitation suffered stiff competition from sunny autumn weather and the demands of students' part-time jobs, the visitors agreed that a visitation should be scheduled on a Monday, with the visitation portion compressed somewhat. The visitors also discussed condensing the "open forum" and discussion groups, with more emphasis on the "forum" aspects of lunch with students and faculty.

V. *In Summary.* The visitors were pleased to see some easing of the severe budget and space problems which have haunted the Law School since the late 1960's. Both boards recognize that serious crowding still exists, and that the relief anticipated from physical plant expansion may not materialize soon enough unless friends of the school remain alert to possible abandonment of projects and commitments, or erosion of the funding promised.

The boards continue to support and encourage the school's efforts to admit and graduate more women and minority students. To that end, the Board of Visitors specifically supports the faculty's vote to admit female over male applicants when all other factors are equivalent. The Visitors commend the women law students for their accomplishments and efforts in securing and planning the eighth national conference on Women and the Law, set for March, 1977.

COMING ATTRACTIONS IN

THE WISCONSIN LAW REVIEW

The familiar problems of class scheduling, crowding, balancing of traditional and clinical or practice courses, and boredom with traditional education methods remain with us, to no one's surprise. The visitors identified and expressed profound concern over the apparently accelerating decline in writing skills in some of the student population. While identifying pre-law school causes for the problem, the visitors agreed that a student's writing deficiencies become the Law School's concern and responsibility if not corrected earlier. The writing skills problem will undoubtedly occupy further time and discussion in future visitations.

Reports on the School's explorations into computerized legal research ("Lexis") and videotape teaching methods provoked considerable interest and excitement among the visitors, who encourage the school's continued investigation of these potential tools.

The Board of Visitors will experiment with different visitation days in the future in an effort to facilitate greater student and faculty participation in the visitation process. The Board of Visitors and the other attorneys who participated in the 1976 visitation were consistently positive in their reactions to the overall quality of education available at the U.W. Law School.

Respectfully submitted,
WLAA Board of Visitors

Mary V. Bowman
Chairman

In number 3, volume 1976 to be published in December 1976:

Articles:

Renaissance of Retribution—An examination of *Doing Justice*
Martin R. Gardner

Electing State Judges
David Adamany and Philip DuBois

Student notes and comments:

Access to Student Records in Wisconsin: A Comparative Analysis of the Family Educational Rights and Privacy Act of 1974 and Wis. Stat. Sec. 118.125

Campaign Finance in Wisconsin After *Buckley*

Procedural Due Process in Public Schools—The "Thicket" of *Goss v. Lopez*

Section 8(b)(1)(B) National Labor Relations Act: When Does Union Discipline of Supervisor-Members Constitute Restraint or Coercion of the Selection of Employer Representatives?

Secured Transactions Under Article 3 of the Uniform Land Transactions Act

In number 4, volume 1976 to be published in February 1977:

Articles:

When Push Comes to Infringement of State Sovereignty: Implementation of EPA's Transportation Control Plans
Robert A. Gordon Jr.

Piercing the Veil of State Action: The Revisionist Theory and a Mythical Application to Self-Help Repossession.
Anthony Thompson

Promotional Price Cutting and Section 261 of the Robinson-Patman Act.
Daniel J. Gifford

Student notes and comments:
SEC Regulation of Corporations Making Illegal Foreign Payments

State Action and Primary Elections

The Use of Federal Receiverships to Protect Constitutional Rights

Scope of Bargaining in Teacher Negotiation in Wisconsin

Impleading Third Party Defendants in Workmen's Compensation Cases

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