

DEAN'S ANNUAL REPORT

Editor's Note. This is adapted from the report which Dean Helstad delivered at the Alumni Spring Program luncheon on April 23, 1983.

By the end of the current fiscal year (June 30, 1983) I will have served eight years in the position of dean of the University of Wisconsin Law School, counting one year as acting dean. Although I have considered this service both an honor and a privilege, there comes a time, from both a personal and institutional perspective, when a change in administrative leadership seems desirable. I decided about a year ago that this point had been reached in my career. Hence, I submitted my resignation so that a search process to select a new dean could get under way. I am pleased that the search process was successful. A new dean, Cliff F. Thompson, will be assuming the responsibilities of that position in the summer of 1983.

Since this will be my last annual report as dean, I hope you will forgive me for an occasional backward glance in my review of the topics normally covered in these reports.

The Budget

In my first report in 1976, I noted that the legislature, through the biennial budget bill adopted late in the session, had finally added a substantial sum of money to the Law School's budget. I said that the extra money would enable us to not only continue but strengthen a number of instructional programs which at times in the recent past we had thought we would have to abandon. I noted that these included particularly our major clinical programs, some of which were being threatened because the non-budget grants with which they had been started were being phased out by the granting agencies.

I can report that seven years later our clinical programs still are going strong and that, despite some recent internal reallocation of funds to other programs, we rank among the top dozen law schools in the country in terms of the total resources we devote to clinical instruction. These resources include substantial monetary support from state and

federal agencies whose clients are being served through the clinical programs. The Law School's budget as a whole also has grown steadily over the past eight years (from \$2,160,000 to \$3,306,000 in annual state support), but the growth has not been quite sufficient to keep pace with the high rate of inflation during many of those years.

Physical Plant

In my 1976 report, I commented that important steps also had been taken toward solving our space problems. The refurbishing and modernizing of an old building on University Avenue, I said, will provide suitable space for the students and supervisors in our clinical programs. I noted further that by 1977 ground would have been broken for a 10,000 square foot addition to the Law Library. Moreover, I noted that plans were under way for a 22,000 square foot addition to the office and classroom part of our building.

The Law Library addition was completed in 1978 and has been of great help in temporarily ameliorating space problems. The remodeling of the clinical program facility has been done little by little as remodeling funds became available from year to year and can be considered to have been substantially completed. The classroom and office addition, however, has not progressed as well. The original plans have been scaled back and changed considerably because of aesthetic and environmental concerns about the possible impact on the Bascom Hill area. The project, however, has been moving up the campus priority list of building projects, and prospects seem reasonably good that the scaled-down version of the project may be funded within the next two to four years.

Law Extension

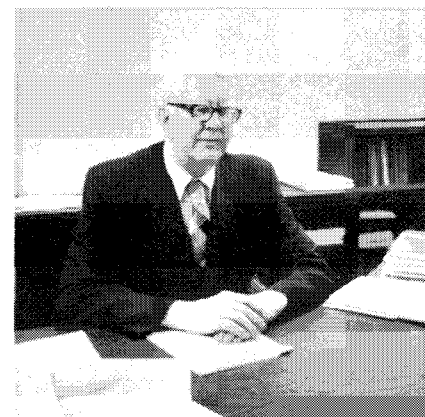
In my 1976 report, I wrote: "Potentially one of the most significant actions taken by the law faculty during the past year is approval of the concept of continuing legal education as a proper function of the Law School. The action

included authorization to appoint an Associate or Assistant Dean for Continuing Legal Education. We expect to work closely with the Extension Law Department in this matter."

Unfortunately, I must conclude that my prediction was overly optimistic. As the University in general has discovered, it is not easy to achieve program integration between academic and extension departments when the fiscal administration and budgetary responsibilities of the two units are entirely separate. An attempt to remedy this matter currently is under way on a University-wide basis, and a number of committees are working to achieve better integration of the outreach functions of the University. Among other studies and discussions, special program committees are at work in the various substantive areas, including a committee to study possibilities for better integration of outreach programming in law. This is not to say that cooperation between the Law School and Law Extension has declined but rather that it has not progressed to any great extent along the lines we projected in 1976.

Instruction and Research

In my 1977 report I focused on the multi-faceted nature of our instructional program. I did this as a way of commenting on the longstanding tension between the professional and academic aspects of legal education. I noted that this tension has existed ever since for-



mal legal education moved out of lawyers' offices and into the law schools but that the tensions tend to be compounded in the larger law schools connected with major universities (such as Wisconsin) because of the multiple nature of the goals those law schools tend to pursue. Professor Charles Kelso of Indiana once outlined those goals as follows: (1) teach legal fundamentals; (2) train practitioners; (3) develop lawyer-leaders; (4) prepare students for all roles in which lawyering is relevant, including teaching; and (5) participate in or lay the foundation for improvement of law and its administration as well as promote knowledge of law and its relation to society.

It is fair to say that our Law School pursues each of these goals although we seldom articulate them this clearly. The problem, in a world of scarce resources, is to achieve an optimum mix with respect to resource allocation to achieve these objectives. We have exceptional strength in both teaching and research in the general area of law as it relates to other disciplines such as economics, sociology, political science and other social sciences. This is important in fulfilling the goal of promoting knowledge of the law and its operation in society and in laying the foundation for improvement of the law, but I believe it also is important in fostering the goals of developing lawyer-leaders and competent practitioners.

I noted previously that we devote considerable resources to the clinical teaching concept, including simulation courses such as General Practice and Trial Advocacy, although I suspect there would be those who would say we don't do enough. Moreover, I believe we have not neglected the teaching of legal fundamentals.

In substantive areas we have strong programs in criminal law and labor law. There is a faculty consensus, as a result of a recent major self-study, that we need to improve our offerings in the business law area, broadly defined. Our faculty recruitment process has in fact focused on this area in recent years, with some success



but not to the extent we would have liked. My own theory of the reasons for this involve (1) a smaller than normal pool of top quality individuals interested in teaching careers because of the relatively more lucrative careers available in private practice for such individuals, and (2) the competitive disadvantage we suffer because of our salary structure being at a substantially lower level than the salary structures at the top law schools with which we compete for faculty.

Administration

My 1978 report was devoted in large measure to a description of the administrative structure of the Law School. In retrospect, I doubt that this subject was of great interest to very many of you. Let me now simply take the opportunity to publicly recognize a few of the many persons who have contributed to the smooth functioning of the Law School over the past several years.

As I noted in my 1978 report, many faculty (too numerous to mention at this point) have undertaken important and often burdensome committee and other administrative assignments. Two who perhaps have served beyond the call of duty are Stuart Gullickson and David Trubek who have been my associate deans for the past several years. I am also grateful to my long-time, full-time administrators, Assistant Deans Ed Reisner and Joan Rundle, for the help they have provided. For many years prior to his retirement a year ago, Maury Leon ably administered the Law Library, a modest-sized administrative operation in its own right. In the last year of my deanship, two able new administrators came on board — Anita Morse as director

of the Law Library and Steve Rocha as Assistant Dean.

Let me also pay tribute to the typically unsung laborers of the classified staff (civil service). Many of you who graduated some time ago are fond of saying (with a considerable degree of truth) that it was Mrs. D (Nellie Davidson) or, in an earlier era, Miss Merz, who "really ran" the Law School when you were there as students. Let me assure you that we still have our Mrs. Ds and Miss Merzes. In the larger and more complex administrative operations of today, there are several in this "key person" category, and I cannot do justice to all of them. Any such category, however, certainly would include Gail Holmes who has been an employee of the Law School since 1964 and secretary to the dean since 1972. But she is much more than that. She has become the Law School's budget specialist, and her extensive knowledge of almost every aspect of Law School administration has more than once kept me from trying to reinvent the wheel. Certainly another key person during my administration has been Doris Wallsch who took over supervision of the main administrative office in 1972 upon Mrs. Davidson's retirement. Other long-time employees with somewhat narrower but nevertheless significant administrative roles include Mary Duckwitz in the Admissions Office, Nancy Hubacher in the Placement Office, Ruth Saaf in the Copy Center, Mary Beth Shiels in the Assistant Deans' Office and Terese Wilimovsky in the Payroll Office. These, and others, are the people who make a dean's job not only tolerable but even pleasant most of the time.

The Law Library

Perhaps the most important support service at any law school is the law library. We are fortunate in having a well-stocked library of close to 300,000 volumes and a dedicated staff of a dozen or so librarians and library assistants to serve the students and faculty. Like most libraries in recent years, however, our Law Library has fallen on hard times because of the failure of the budget to keep pace with rapidly

accelerating book prices. This has meant that, in the past two or three years, very little has been left for buying books after paying for the continuations of our numerous loose-leaf services, case reporters, and the like.

The library also is an area where changing technology poses both problems and opportunities for the future. Miniaturization (microfilming) of many of the lesser used volumes is needed to save storage space, and more equipment is needed in the rapidly growing area of computerized legal research. Some of these developments may save money in the long run, but they cost money in the short run. Clearly this is an area where some further improvement in funding is needed.

The Students

In my 1979 report I said that "the students continue to be an impressive group. Aside from their outstanding academic credentials, well over half of them have had one or more years of work experience before enrolling in law school. Almost 37% are women and between 6 and 7% are members of racial minorities."

The statement continues to be true except that the proportion of women has grown even larger, seemingly having leveled off at about 42% of the student body. The influx of women to legal education and the legal profession in the last 15 years clearly has been a most significant and welcome phenomenon.

The ample supply of well-qualified applicants, while generally a boon to legal education and the legal profession, has not been without drawbacks. Each year we admit 285 and turn away hundreds of others who are sufficiently well qualified so that they deserve the opportunity to go to law school. That, in my view, is a very unfortunate aspect of the great demand for legal education we have experienced in recent years.

The Faculty

I have reported to you from year to year on changes in our faculty. This past year we added one person to our staff. He is Hendrik

Hartog, an expert in legal history who taught for a number of years at Indiana before coming to Wisconsin. We lost two faculty members to other schools — Mark Tushnet to Georgetown and Robert Gordon to Stanford.

During the eight years of my deanship, we have hired 15 new faculty members. Sixteen have left, of whom seven retired, five left for teaching jobs at other law schools and four left for other pursuits. This probably is not an excessive turnover in a faculty of about 50, although I regret that a number of good teachers have left. We place great emphasis on hiring good new teachers, however, and they bring with them a freshness and enthusiasm which is important in sustaining the vitality of the faculty. As I noted previously, the one area in which I believe we have not been successful in attracting enough faculty of the caliber we seek is in the business law area, but I am sure we will keep trying.

The Capital Fund Drive

Perhaps the most significant event in recent years from the standpoint of the long-range well-being of the Law School is the launching of our Capital Fund Drive. Through this drive we seek to establish an endowment of at least \$4,000,000 which will continue to generate significant income each year. We still are working on completion of the campaign's organizational structure, so it may be several months before most of you will be contacted. Nevertheless, we have been fortunate in already receiving some major gifts which we are counting toward the campaign's goal. These include a major bequest of about \$1,400,000 for scholarship support.

Why is a capital funds campaign so important at this time? I adverted to this in my 1981 report when I said:

"We have been very successful in the past in assembling and retaining a high quality faculty in competition with the top law schools in the country. I am concerned, however, that the gap between our salary scale and that of other top law

schools seems to be widening, not to mention the gap between what top law graduates can earn in private practice as compared with what they can earn as law teachers. The salary problem is one which exists throughout the University, so I do not believe we can expect much help from the University in solving these problems. Neither are we likely to get much help from the Legislature in these financially austere times. What I believe we must do is follow the lead of a few other public law schools in enhancing the compensation of our faculty. Some of them have developed sizeable sums through their alumni associations which provide a sum of money from which faculty members can draw for such important incidental expenses as book purchases, summer research support, expense of travel to professional meetings, extra secretarial support and the like. Some of them also provide additional salary support in this manner."

Thus, the main emphasis of the fund drive will be to provide funding for a number of "professorships" and other ways of supporting our faculty. This does not mean we will turn down support for scholarships, library acquisitions or a number of other needs which, if met, will help maintain and enhance that "margin of excellence" to which we aspire. On the basis of experience to date, I am confident the drive will be a success. Each of you can help make it so.

Concluding Remarks

As I said at the beginning, I consider it both an honor and a privilege to have been able to serve the Law School as dean during the past eight years. It is obvious that I leave enough problems to challenge a new dean for some time to come. I believe I also leave to the care of the new dean a top-flight, smoothly-functioning law school which I hope is just a little better than it was eight years ago. Thanks to all of you for your friendship and support.

Orrin L. Helstad
Dean 1975-83