

VIEWING CORRECTIONS AND CORRECTING VIEWS

Dean Cliff F. Thompson

During the Fall of 1983, there was considerable publicity about the Law School's continuing contributions to law-in-action. The two big stories were about Professor Walter Dickey, who had taken leave of absence to become Chief Administrator of the Wisconsin Division of Corrections, and about the Law School's Civil Litigation Research Project, most prominently featured in more than full-page coverage in *Newsweek* magazine on November 21st.

These developments are only a portion of the outstanding work being done by faculty, but they are characteristic of our professors' contributions beyond their dedication to teaching. For those of you who may have missed these stories, or for those of you who, like me, enjoy a sense of pride in even a brief retelling, I will summarize them. I'll conclude by thanking you for your support, without which our margin of excellence would not have been achieved.

— Viewing Corrections —

The Governor's selection of Walter Dickey to take responsibility for the prison, probation, and parole system of Wisconsin is a consistent and satisfying step in the School's long involvement in criminal justice administration. Professor Frank Remington's leadership in this field goes back nearly thirty-five years, and his project, Legal Assistance for Institutionalized Persons (LAIP), is nearing its twentieth birthday. The LAIP project has simultaneously made a tremendous contribution to the quality of criminal justice administration in the state and a significant educational contribution to our students, the future members of the bar.

Much of Walter Dickey's professional development at the Law School has been in connection with LAIP, as a teacher, scholar, and administrator. In addition to



analyzing aspects of criminal justice in law journals, he drafted the Wisconsin Administrative Code for the Division of Corrections. At the time of his appointment by the Governor, he was administrator for the School's LAIP project. We will therefore greatly miss him as a faculty colleague, but we are reconciled to his departure because it is not permanent and because he will continue to serve the state so well with his expertise.

In an important sense, Walter Dickey's new responsibilities are not a loss to the Law School, but a rearrangement of our commitment to service to the state. In the Fall, the Law School hosted a major conference of national and local leaders in the criminal justice field. Organized by Professor Frank Remington and Professor Goldstein, our faculty member with an international reputation in solving police-public problems, the conference provided a forum where Professor Dickey and the participants could discuss and define new directions in the corrections field. I have no doubt that these directions will be useful for Wisconsin and a model for other states.

— Correcting Views —

The other story involves another aspect of Wisconsin's outstanding tradition in law-in-action. Penetrating studies of the actual impact of law in society by our law professors have tumbled false assumptions about the role of law, and re-oriented and re-defined thinking about the real problems in society. An obvious example of this is the pioneering work by Professor Willard Hurst, whose studies of what law did — and didn't do — to foster economic development have gained him a worldwide following. Another is Professor Stewart Macaulay's justly famous article on "Non-Contractual Relations in Business" which revolutionized thinking about the real relations between contract law and business life.

In this tradition is the Law School's Civil Litigation Research Project (CLRP), directed by Professor David Trubek. Word of it reached the lay public in *Newsweek's* article "Debunking Litigation Magic." According to prevailing popular assumption, a major problem in our legal system is that we have gone litigation mad. Chief Justice Burger is a pro-

fessional champion of the view that we are trapped by hyperlexis. But the Project's analysis, based on data from five judicial districts around the nation, shows that people with grievances do not rush to lawyers, and lawyers do not rush them to courts. Out of every ten persons with a legally related grievance, only one made it to a lawyer; half of those who went to a lawyer did not file an action, and of those who filed suit, only one in ten went to trial, since most cases were settled. Professor Marc Galanter, who is quoted at length in *Newsweek*, uses the CLRP data and other information collected by the UW-Madison Disputes Processing Research Program (which the Law School sponsors) to cast serious doubt on the belief that we are in the grips of a litigation explosion. Drawing on U.S. history and comparative statistics, he shows that there is little support for the view that we are an excessively litigious society. The Wisconsin studies have struck a spark which may melt the snowballing of hyperlexis opinion, which has grown rapidly by mere repetition.

The search for the truth, and the correcting of wrong views, are part of the quest for knowledge which need no additional justification in an enlightened age. *Newsweek* emphasized that the project's findings also have an immediate and important significance for the American legal system. The conventional assumption about a hyperlexis danger has led to efforts to create procedural barriers to law suits or otherwise to restrict the public's access to the courts. But Circuit Court of Appeals Judges Harry Edwards and Patricia Wald have used the Wisconsin study to argue against such precipitous and potentially dangerous moves. Issues raised by

the Wisconsin Project are far from resolved, for more research, analysis, and discussion are needed. For Wisconsin alumni, it should be a satisfying experience to know that the Law School is providing illumination at the center of a momentous national topic.

The first-class programs and projects in law-in-action at Wisconsin require more than the annual state appropriation to fund them. Your support has been vital. Alumni support helped us initiate these projects and will be needed to keep this work going. The relative decline in federal and foundation grants, quite apart from the fortunes of the state's economy, will make your generosity more important. The annual Alumni Drive will continue to provide us with flexibility in many small but crucial matters. Our Capital Campaign, the first in the Law School's 116 year history, is a tremendous step forward. We are seeking a permanent endowment of at least \$4,000,000 which will provide annual income for two major components; (1) a general endowment for our overall program, including library, student aid, teaching materials, and faculty research; (2) specific endowments to support (a) The Business Law Program (George Young Fund), (b) The Labor Law Program (Nate Feinsinger Fund), and (c) Interdisciplinary Legal Studies (J. Willard Hurst Fund).

The National Chairman of the Capital Campaign is Irvin B. Charne, LL.B. '49 of Charne, Glassner, Clancy & Taitelman in Milwaukee. In a later issue of the *Gargoyle*, our Development Director, Dave Utley, will give you more details of an already encouraging campaign. We are grateful for your support.

Cliff F. Thompson