

The Law School Campaign

David G. Utley reports here on the first Capital Campaign in the 116 year history of the Law School. The Campaign is a major fund-raising effort designed to raise \$4,000,000 in endowment. During 1983 attention focused on enlisting alumni volunteers to assist in the drive around the country, and in beginning the solicitation phase within Wisconsin. Now, with the campaign moving into its national phase, a fuller description of the undertaking, its rationale, goals and progress to date, is in order.

Dave Utley has in the past two years been seen by and talked with more graduates of the University of Wisconsin Law School than has any member of the law faculty in the same period. And both the organization and the success to date of the Campaign are owing primarily to the combination of support from law alumni Dave has already contacted and to Dave's very considerable abilities and efforts in directing the development of the campaign so far.

Shortly before Christmas 1981 David Utley arrived on the Madison scene as Director of Development for the Law School and Vice President of the University of Wisconsin Foundation. He walked in to find the law faculty awash in the periodic flood of bluebooks to be graded at the end of a semester and for some weeks got little help from that front in acquiring understandings of the faculty's perceived needs of the School and its dreams for the Law School's future. But Dave, a patient and understanding man long associated with efforts to provide support for scholarly and intellectual



activities, found more than enough to do in other areas relevant to establishing an effective and successful capital campaign. He had done this kind of thing for some time at Beloit College and, after that, had been Director of Development for the prestigious Council on Foreign Relations in New York (which he left to join us here).

And in the two years he has been with us at the Law School, this amiable, urbane and very intelligent man has come to know us very well, well enough indeed to make us squirm now and then at the way he grins at some extravagant remark we make. But the faculty like Dave a great deal and from the record to date the law alumni who have met him appear to share the faculty's judgment.

David Utley's report on the progress of the Law School Campaign follows.

Ed.

Background

For many years observers of American higher education have noted that the nation's public universities—at least the better among them—depend on more than public funds alone. Indeed, it has become something of a cliché to refer to our major public universities as "state-assisted" rather than "state-supported" institutions. Whatever language one uses in describing the economics of higher education, it is clear that multiple sources of support are required if public institutions are to achieve and maintain excellence. At the University of Wisconsin-Madison, for instance, only about 35% of the operating budget comes from state appropriations. That figure will vary among the schools and colleges on the Madison campus, it is true, but in virtually every case support from nonstate sources, including private contributions, is required to maintain and improve the academic programs.

The Law School is no exception to this, and it has officially recognized the importance of private, voluntary support since 1969 when an annual giving program among alumni was instituted. Valuable as the Annual Fund is as a supplement to state funds, it has become clear over the past few years that by itself it will not provide the additional funds needed to maintain the level of excellence to which the Law School aspires. In addition to the Annual Fund income, there is a need for new revenues to allow medium and long-range plans for the teaching program, faculty recruitment and retention, public service and legal research.

Wisconsin alumni can be proud of their school as one that has established a national reputation for combining thorough and rigorous legal training with a rich and exciting research environment. But the fortunes of even a strong institution can be precarious. The quality of faculty and of programs can be eroded with surprising suddenness and, once lost, can be regained with only the greatest difficulty. For the past several years the Law School, like the rest of the University, has

been operating under significant financial constraints as the real dollar value of state funding has declined. In 1976-77 the state funded portion of the School's budget was \$2,160,296. In 1982-83 it was \$3,305,952. When inflation is taken into account, this 53% increase in nominal dollars turns out to be a 6.5% decrease in real dollars. The following table shows what happened.

Law School Budget—State Funds

Year	Budget	Nominal Change	Real Value (In 1977 dollars)	Real Change (From 1977)	% Change (From 1977)
1976-77	\$2,160,296				
1982-83	\$3,305,952	+\$1,145,656	\$2,019,300	-\$140,996	-6.5

In 1982, following an extensive review and analysis of the Law School's programs and finances, the faculty determined that the single most effective way to meet the School's resource needs in the foreseeable future was to increase substantially its income-producing endowment. Unlike the better private centers of legal education, and even some of the public ones, Wisconsin's law school entered the 1980's with a very modest endowment of approximately \$750,000. This left the school dependent on state appropriations, occasional research grants from foundations and government agencies, and annual contributions from alumni, all of which are subject to fluctuation, and the first two have been declining in recent years. On the other hand, if the Law School could substantially increase its endowment, two benefits would quickly result. First, of course, the funds available for annual operations would be significantly increased. Equally important, the assurance that these funds would be available year after year would permit more effective long-range academic planning.

Accordingly, the decision was made to undertake a capital campaign to raise \$3,000,000 in endowment. The dollar goal was established after

reviewing the Law School's needs in several areas (described below), but it was influenced also by an awareness that this would be the School's first major fund drive, and that the goal should be a reasonable one for a school with a modest history of private support.

No sooner had the goal been agreed upon than the School unexpectedly became the beneficiary of a truly mag-

nificent bequest of \$1,400,000 from the estate of Mr. James P. Shaw, LL.B. 1899, and the late Mrs. Shaw. This gift, the principal of which resides with the Milwaukee Foundation, is being used to endow a scholarship and loan fund at the Law School. Because of the size and the early arrival of this addition to the Law School's endowment, it was quickly decided to raise the campaign goal, and we now have our sights set on increasing the endowment by at least \$4,000,000.

Components

When raised, the \$4,000,000 in added endowment will be used to support a number of Law School programs. Approximately two-thirds (\$2,600,000) will be allocated to the overall legal education program. Just over one-third (\$1,400,000) is sought for the support of three particular programs—Business Law, Interdisciplinary Legal Studies, and Labor Law—in which the Law School has established a national reputation, or, as in the case of Business Law, where the faculty has agreed additional support and strengthening is desirable. A fuller description of these objectives follows.

I. Support of the Overall Legal Education Program: \$2,600,000

A. The Endowment of Six Bascom Professorships: \$600,000

One of the major challenges facing the Law School today is that of faculty recruitment and retention. Wisconsin is facing increasingly stiff competition for the best faculty. Put simply, Wisconsin's faculty salaries, traditionally somewhat lower than those at our peer institutions, have been falling further behind. A somewhat grim joke has been heard on campus for years: Lake Mendota is worth (name your figure) thousand dollars in salary. Perhaps. But an essential qualifier to any such assertion is: "up to a point." Unfortunately, the Law School has passed that point. The average "gap" in salary between that of our faculty and faculty at comparable law schools has more than doubled during the past five years. To date this state of affairs has cost the Law School several new additions to the faculty, as promising teacher-scholars who were asked to join the teaching staff have accepted offers elsewhere. While Wisconsin salaries at the junior faculty level were in general competitive, what had turned them away were the very substantial lags in salaries in the mid range and senior levels of the law faculty. This salary deficiency, if not corrected or compensated for, may result in loss of some of the best of the current faculty and, more seriously for the long-run interests of the Law School, turn away the kinds of people who make up a great faculty.

By providing support for scholarly and professional activities, the Bascom Professorships can make the Law School more attractive to top legal scholars and teachers. Bascom Professorships, to be endowed at a minimum of \$100,000 each, have been identified by the university as an important inducement in attracting outstanding professors. Such professorships will be rotated among distinguished faculty, teaching in different areas of the law, and, by providing funds for released time for research

and for the development of new courses, as well as for secretarial support, attendance at professional meetings and scholarly materials, will strengthen the entire educational program.

B. For Scholarship Endowment: \$1,250,000

Currently 80 percent of Law School students are receiving some sort of financial aid, but of the amount devoted to scholarships and loans only six percent comes from the School's own funds. Ninety-four percent consists of federal and state aid programs now threatened with reductions and eligibility limitations. To assure that qualified students will not be barred from obtaining a legal education, the Law School has sought to establish an endowed student aid fund which will provide an adequate level of scholarship and loan assistance.

C. For Support of the General Law Curriculum: \$750,000

While a high quality faculty, and an able, motivated student body will always be the key elements in the learning process, other resources are essential for a quality legal education. Unfortunately, today's budget constraints prevent the Law School from providing them in sufficient measure. Compared to that of other schools the Law Library is underfunded and additional resources are needed for acquisitions. Support is needed for the lectureships and fellowships which, by bringing to campus outstanding legal scholars and practitioners, greatly enriches the learning program. The Legal Education Opportunities Program is playing a significant role in helping minority and disadvantaged students to earn their degrees, but it needs additional funds to support intensive instruction in writing and legal analysis. Finally, the additional resources sought would enable the Law School to expand its offerings in clinical and practice skills, to develop new courses, to support teaching methods workshops for the faculty and would allow more small group instruction.

II. Support of Programs in Business Law, Interdisciplinary Legal Studies, and Labor Law: \$1,400,000

In recent years the Law School has been fortunate to have on its faculty three men who established themselves as leaders in their field: James Willard Hurst in Legal History, George Young in Business Law, and Nathan Feinsinger in Labor Law. The substantive areas in which these men worked are fields in which the Law School already enjoys considerable strength and upon which it wishes to build. We believe the most appropriate way to do this is to establish an endowment fund to support teaching and research in each of the fields in which Professors Hurst, Young and Feinsinger worked so productively. In so doing we intend both to honor these men and carry on the work they so significantly advanced. Specifically we will seek gifts to establish:

A. The George H. Young Fund for Business Law: \$300,000

The George H. Young Fund is intended to strengthen teaching, research and education in the field of business law. This field, including all the regulatory programs and tax laws affecting business, is becoming increasingly complex. The faculty has determined that added emphasis should be placed on this area of the law in order to meet the more demanding needs for business law education in the 1980's.

To carry out this goal, the faculty has voted to establish the George H. Young Fund for Business Law as a memorial to the late Dean Young, whose work in this area is well known to generations of students, practitioners and alumni. A principal purpose of the Young Fund will be to establish a George H. Young Professorship of Business Law. Distinguished members of the faculty active in areas of law affecting business will be eligible for the Young Professorship, and Professorship funds will be used to support teaching, research and education in the business-related portion of the

Law School's curriculum, including the development of new or improved courses. At the discretion of the appointees, the Professorship income could be used for research and secretarial support, conferences, and other purposes approved by the faculty.

In addition to financing the Young Professorship, income from the George H. Young Fund for Business Law will be used to support visiting lecturers, scholars and professors in the business law field, and generally to support faculty research and curriculum development in this area.

B. The James Willard Hurst Fund for Legal Studies: \$800,000

In the classroom and through his writing, Willard Hurst taught that the law can only be understood when seen in its historical and social perspective. From this lesson several generations of Wisconsin scholars have developed a unique approach to the study of "law in action," an approach which made the school one of the major centers for legal research in the country. The Hurst Fund will support the investigations and publications needed to continue this tradition of research on the history, meaning and impact of the law.

We propose to establish the Hurst Fund at this time for two reasons. First, we wish to honor Professor Hurst on the occasion of his recent retirement from active teaching, and we want to acknowledge the central role he has played in the school and in its research effort. Secondly, our research program faces a serious challenge which must be met. Only six percent of the regular law school budget is available for research. For many years that modest amount was significantly supplemented by federal and foundation research awards. More recently however, these awards have been drastically curtailed in number and amount. If we are to continue to be a major center of legal scholarship we must secure other sources of support.

The Hurst Fund will provide an ini-

tial endowment of \$700,000 for the Law School's planned Institute for Legal Studies. By assuring a source of ongoing support, the Hurst Endowment will enable the Law School, through the Institute, to maintain and build upon its present status as a leader in the study of law in action. The Institute will support faculty research and disseminate the results of such investigations to the legal profession and the public. By concentrating on issues of current concern and fundamental importance it will contribute significantly to both the teaching and practice of law. Examples of the types of studies to be conducted under the Institute's auspices includes the administration of civil justice, the costs of litigation, the role of lawyers and of law in the regulation of business, and the changing nature and needs of the legal profession.

Most encouragingly, the firm of Foley & Lardner and the Wisconsin law alumni in that firm have gotten this segment of the campaign off to a good start by endowing the Foley & Lardner-Bascom Professorship in honor of Willard Hurst. This professorship will be awarded on a rotating basis to faculty members whose scholarly work continues the Wisconsin tradition of the study of law in action.

C. The Nathan P. Feinsinger Fund for Labor Law: \$300,000

The third goal is to strengthen a well established program of teaching, research and service in the labor law field.

Sixty years ago—in 1922—the Law School was one of the first in the United States to officially recognize this emerging field when it added courses in labor law and collective bargaining to its curriculum. During the subsequent half-century the School has continued to build on its pioneering efforts and has become a leader among law schools in labor law teaching and research.

The Law School's prominence in labor law is attributable importantly to the work of Professor Nathan P. Feinsinger. Upon joining the faculty in 1929, Professor Feinsinger pioneered

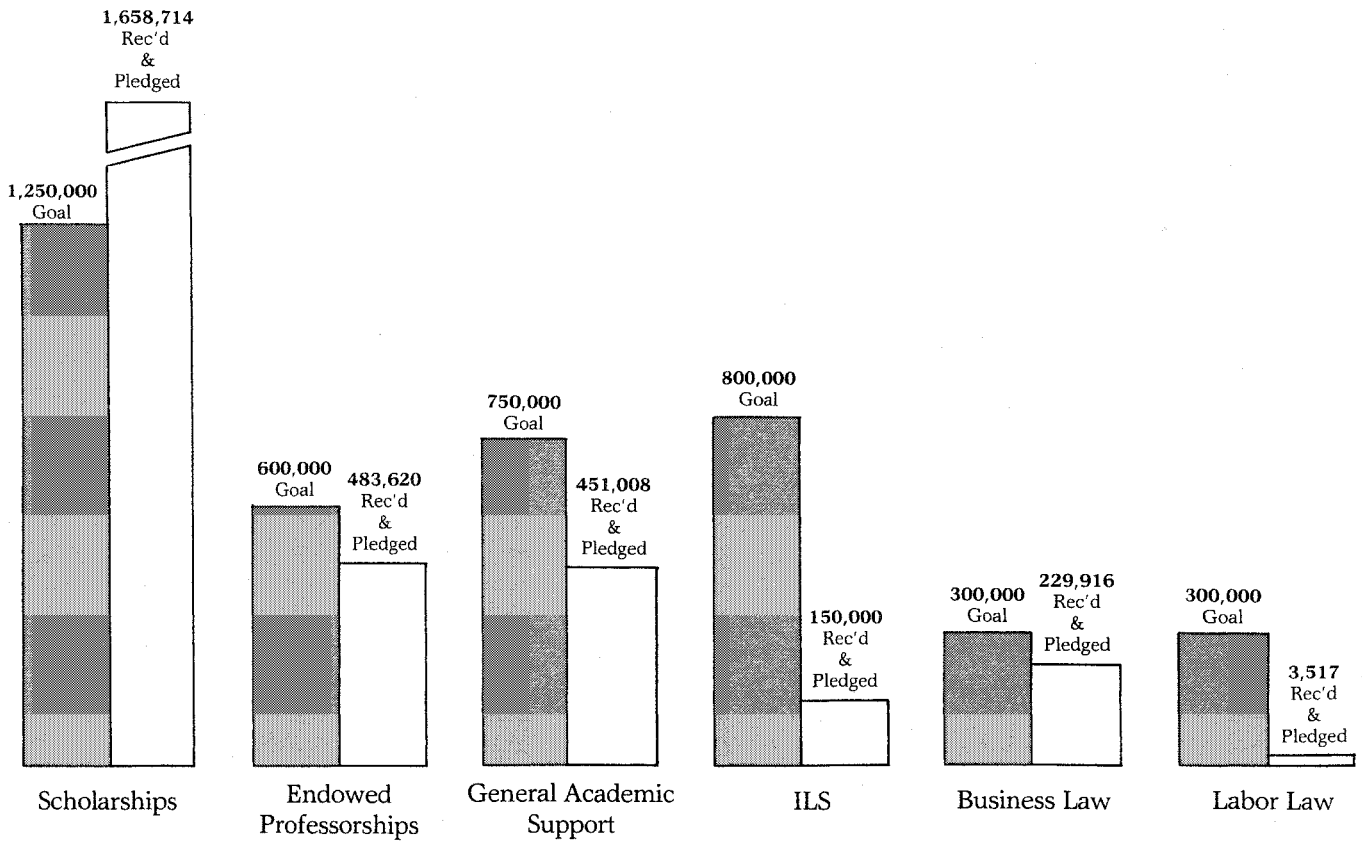
in the fields of labor law and collective bargaining, and well before his retirement from active teaching in 1973 had established a national and international reputation as a mediator and arbitrator. His scholarly research was augmented by an exceptional career in public service.

This tradition, of outstanding teaching and direct personal involvement in the practical aspects of labor law, remains a strong and active one at Wisconsin. Indeed, the Law School's program is one of the strongest in the country. Faculty members working in the field are nationally renowned teacher-scholars with extensive experience in labor-management relations. Students interest in the field also is exceptionally high. With additional support this already very good program could become truly outstanding.

Today, new laws and court decisions dealing with equal employment opportunities, worker safety and pension rights are appearing with growing frequency. At the same time, increased recognition is being given to the problems of productivity, comparable worth, and the role of the work force as vital factors in the long term health of the American economy. As a result of these developments, the field of labor law is acquiring additional significance. We propose to build on the tradition of excellence and achievement Professor Feinsinger brought to the discipline by establishing an endowment fund to support research and teaching in the field, to fund graduate study in Labor Law, to arrange for national and international conferences, and to establish an endowed Bascom Professorship. With such resources we can capitalize on our strengths and supplement them, thereby assuring Wisconsin's continued leadership in the field.

Progress To Date

As of December 31, 1983, \$2,976,842 in gifts and pledges to the Law School Campaign had been recorded. Of this amount, \$2,672,248 had been received and was functioning as endowment.

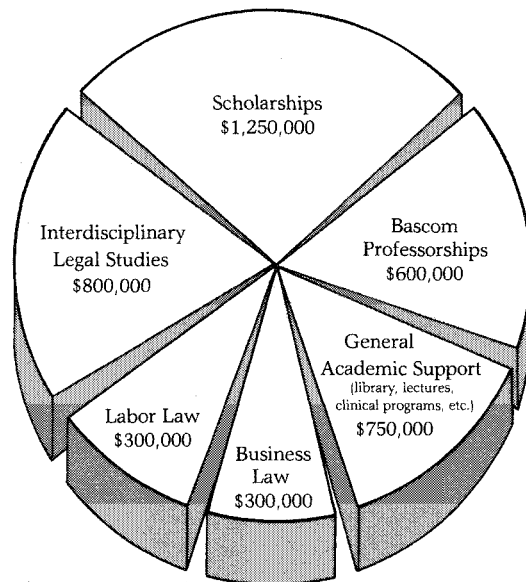


While the drive has thus gotten off to an encouraging start, with over 70% of our goal achieved, much remains to be done. The total amount added to the Law School's endowment is indeed gratifying. But as in most major fund drives, substantial early progress

was made possible by a relatively small number of very generous donors who contributed to the support of particular components of the Law School's program. As a result, we are much closer to reaching our goal for some segments of the drive than for

others. The endowed scholarship fund, for instance, which benefited from the Shaw bequest and a few other generous gifts, has already exceeded our dollar objective. In other areas, much remains to be done, and the following graph illustrates.

With the campaign now moving into its national phase, the Law School are confident we will reach our overall goal. The support received to date from law alumni in areas where the drive has been underway has been very encouraging and augurs well for the remainder of the drive. The substantive objectives of the drive—maintaining a top flight program of teaching, public service and scholarship at the Law School—is surely one that all law alumni can support. As the case for the Law School is carried to alumni during the coming year, we are confident it will receive a sympathetic hearing, and, we hope, a generous response.



Goal: \$4,000,000

The Bascom Hill Society

The Bascom Hill Society consists of those individuals who have contributed \$10,000 or more to support the programs of the University of Wisconsin. The Law School wishes to express its deep appreciation to the following alumni and friends who have contributed to the Law School Campaign by making Gifts or pledges at The Bascom Hill Society level during 1983.

Mr. & Mrs. Robert W. Arthur
Joseph R. Barnett
David E. Beckwith
Glen H. Bell
Mr. & Mrs. John S. Best
Mr. & Mrs. Theodore C. Bolliger
James P. Brody
Mr. & Mrs. Patrick Cotter
Eyjue Foundation
Mrs. Leon F. Foley
Foley & Lardner (firm)

Laurence C. Hammond, Jr.
Gerald J. Kahn
Marvin E. Klitsner
Charles A. Krause Foundation
Robert W. Lutz
Thomas G. Ragatz
Harry V. Ruffalo
Helen M. Schlough
Leonard F. Schmitt
Virginia Wattawa
William J. Willis



Planned Giving: Another Way to Help!

Many friends of the Law School may wish to support the Capital Campaign by feel their circumstances do not permit them to make an outright gift at this time. In that case they may want to consider arranging for a bequest or other form of deferred gift which will benefit the School at a later date.

Such gifts can be of great importance to the Law School, as recent experience demonstrates. In addition to the Shaw gift, described elsewhere in this issue, the Law School has received over the past year and a half several other sizeable bequests. These include gifts of \$143,000 from the estate of the late Thomas M. Tracey, LL.B. '37; \$287,000 from the estate of

William H. Voss, LL.B. '29; over \$106,000 from the estate of M.E. Davis, LL.B. '39 of Green Bay; and \$35,000 from the estate of Mrs. Maud E. Otjen. All of these gifts have been added to the Law School's permanent endowment.

The Thomas M. Tracey gift is being used to provide badly needed support for the Law Library. The Voss bequest will be used to establish one or two Bascom Professorships in Law. The Davis and Otjen gifts will provide additional scholarship support, with Mrs. Otjen's bequest being added to the Christian J. Otjen Scholarship Fund previously established in memory of her late husband.

A Word of Thanks

No fund drive of the size being undertaken by the Law School could succeed without the active support of concerned alumni willing to invest time and effort in the undertaking. The Law School is fortunate to be receiving the active assistance of numerous alumni who have agreed to serve on campaign committees in various parts of the country.

To date the following area chairmen have agreed to lead the Law School's fund-raising effort in their areas. To them, and to the many additional loyal alumni who have agreed to help, we extend our deepest thanks.

Finally, a thanks also to alums Douglas H. Soutar, Sr. of New York and David Previant of Milwaukee and Washington, D.C. who have agreed to co-chair a special fund-raising effort in support of the Labor Law program at the Law School. Unlike the other segments of the drive which are being organized primarily on a geographical basis, the Labor Law component is being organized substantively, with a national committee now being formed. The fund-raising efforts of this group will be getting underway this year.

Area

Milwaukee
 Dane County
 Kenosha & Racine Counties
 Green, Rock, Walworth & Jefferson Counties
 Sheboygan, Calumet & Manitowoc Counties
 Sauk, Columbia & Dodge Counties
 La Crosse, Trempealeau & Vernon Counties
 Outagamie County
 Winnebago County
 Wood, Portage, Marathon & Oneida Counties
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