

DEAN'S ANNUAL REPORT

This is my sixth annual report to the alumni as dean of the University of Wisconsin Law School, including one year as acting dean. Perhaps this would have been an appropriate time to take stock and to review the past six years, but I prefer to focus on the future rather than dwell on the past. However, Wisconsin Law Alumni Association President Dale Sorden's kind letter in the Winter 1980-81 issue of *The Gargoyle* compels me to take at least a quick backward glance.

It is not because of any false sense of modesty that I disclaim most of the credit which Dale gave me in what he termed bringing the school back to its former eminence. In the first place, I do not believe that we could be considered anything but a first class law school even in the financially troubled days of the early seventies. In the second place, although I certainly believe the dean has important roles to play in keeping the institution functioning smoothly and in seeing to it that financial and other support is available to the greatest extent feasible for the teaching, research and public service functions, there are many factors which go into the making of a fine law school. These certainly include a talented and dedicated faculty; a loyal, experienced and conscientious supporting staff; a talented, motivated and diverse student body; an understanding and supportive University administration; and interested, loyal and supportive alumni. We are fortunate in having all of these in considerable measure. Couple these with a long-standing tradition of high quality teaching, research and public service and an association with one of the great Universities of the world and you have the makings of a great law school.

Two news items during the past year attest to the long-standing quality and eminence of the University of Wisconsin Law School. The American Bar Foundation recently completed a study of the backgrounds of law teachers. The study found that 20 of the roughly 170 accredited law schools in the country produce almost 60% of all law teachers. Wisconsin is among those top 20. Similarly, Wisconsin ranked among the top 15 producers of top lawyer-executives of large American companies, according to a story in the *Harvard Business Review* reporting on a 10-year survey of more than 11,000 persons recently promoted to president or vice president of a major American company. I agree wholeheartedly with the editor of *The Gargoyle*, Ed Reisner, when he wrote in a recent issue: "These two reports indicate not only a healthy respect for our graduates, but also the diverse career paths

available to lawyers. With only about 45% of our graduates entering private practice we are pleased to see that the others are successful in their chosen fields."

On one point, I definitely agree with Dale Sorden's letter. The Wisconsin Law Alumni Association and alumni generally have been helpful in filling "many small but important gaps in what could be done with budgeted funds, particularly in connection with recruiting and keeping quality faculty and in keeping quality students." In the future, I see the need for even more help if we are to maintain our eminence. I discussed a number of our needs in the Fall 1980 issue of *The Gargoyle*. This is not the appropriate time to repeat what I said there, but let me reiterate one point of considerable priority. 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



Dean Orrin Helstad

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 this problem. Neither are we likely to get much help from the State 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 funds 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.

Turning next to some news about our faculty, I can tell you that we have hired two new faculty members since my last annual report to you. Carin Clauss joined the faculty at the start of the second semester of the 1980-81 academic year. She is an expert in labor law, having worked for the U. S. Department of Labor since she graduated from Columbia Law School in 1963. During her years with the Labor Department, she held a variety of responsible positions, culminating with the position of Solicitor of Labor during the last four years.

The second person is Judith Lachman, who will join the faculty in the second semester of the 1981-82 academic year. She received her PhD from Michigan State in Economics, taught five years in the Economics department at Vanderbilt University, and then went back to law school. She will graduate from Yale Law School in 1981 and will be teaching Taxation when she joins our faculty.

I also must report two faculty retirements at the end of the current academic year. One is Willard Hurst; the other is Carlisle Runge.

Willard Hurst has been a member of the faculty since 1937. He has been Vilas Research Professor since 1962 but has continued to teach the courses in Legislation and Modern American Legal History to hundreds of students each year in addition to fulfilling his role as the Law School's preeminent legal scholar. The Madison Capital Times in a recent story accurately referred to him as a legend. To quote briefly from the Capital Times story: "Most widely known as a legal historian and constitutional expert, Hurst has always seemed to embody the rich history of jurisprudence he teaches, his former students will tell you. Many recall his lectures as their most memorable moments in law school, and they often cite Hurst himself as their greatest single influence."

Carlisle Runge joined the law faculty in 1951 but has been on leave from the Law School for extended periods of time to hold other important public service and University assignments. Among these are service as Assistant Secretary of Defense for Manpower in the Kennedy administration and chief of staff for the state Coordinating Council for Higher Education prior to the merger which created the University of Wisconsin System. In recent years, he has served as chairman of the University's Department of Urban and Regional Planning, chairman of the instructional program of the Institute for Environmental Studies and Director of the University's Center for Public Policy and Administration.

Death also took its toll of our staff during this past year. They include two persons from our support staff, Violette Moore from the secretarial staff and Catherine Booth from our duplicating office staff. Death also claimed Arnon Allen, chairman of the University's Extension Law Department and Associate Dean for Continuing Legal Education. Professor Allen had devoted almost all of his professional life to the field of continuing legal education. He had served continuously as Chairman of the Extension Law Department since 1963.

I will not devote much time this year to faculty and student activities. I can say very briefly that faculty members continue, as in past years, to engage in a wide array of scholarly pursuits and public service activities, in addition to meeting their teaching commitments. The students continue to be an impressive lot. Interest in legal education on the part of those not yet in law school continues at a high level. For the fall 1981 entering class, for example, we have about 1,650 applicants competing for about 285 places in the entering class. Job placement opportunities for graduates also have been holding up very well. Starting salaries keep increasing each year, the median for 1981 graduates now standing at about \$20,000 with offers ranging as high as \$37,500.

For the remainder of my report, let me provide you with a brief summary of the self study which the law faculty engaged in this past year. It is about as thorough an examination of our total operations as has taken place in a long time. One aspect of the study still continues, namely, a thorough review of our second and third year curriculum. This could turn out to be the most significant as well as the most controversial aspect of the study as goals are examined and proposals for change are reviewed. I cannot report further on this aspect except to say that I have appointed a special 3-member faculty committee to gather facts, do an analysis and report findings, conclusions and recommendations to the faculty in the fall of 1981.



The rest of the study encompassed a broad range of subjects. This will become apparent as I briefly outline some of the conclusions and recommendations. Because every accredited law school is expected to engage in this process at least once every seven years, it might be called a medium-range planning process. Of course, review of various segments of law school operations take place almost every year, so it should not be surprising that most of the recommendations for change are rather minor.

1. We looked at the objectives of the J.D. program and concluded that its basic purpose is to graduate law-trained persons capable of serving society in a variety of law-related careers and not to train specialists. The career patterns of our graduates have been quite varied, and we believe this is likely to continue to be true in the future.

2. We gave some thought to the question whether we ought to continue to enroll roughly 900 students each year. We concluded that interest in legal education is likely to remain high for the next six or seven years, so that there is

not likely to be a problem from the standpoint of having an adequate supply of good applicants. We also asked ourselves whether society needs all these lawyers. We noted that the pool of lawyers in the United States is growing at a rapid rate and that the job market for lawyers almost certainly will tighten considerably in the next ten years. We noted, however, that legal education is a very broad form of education which develops the kinds of skills graduates are likely to find useful in a wide variety of law-related occupations and that we ought not be unduly influenced by prospects of a tightening job market. In sum, we concluded that we should continue to enroll approximately the same number of students for the next several years.

3. We reviewed our admissions standards and procedures and concluded that we saw no reason for making any basic changes.

4. We reviewed our first-year curriculum and concluded that it is essentially sound. The emphasis is on training in legal analysis, on providing students a grounding in the basic principles in substantive and procedural law, on training in

the types of oral and written communications skills in which lawyers ought to be proficient, and on familiarizing students with the institutional contexts in which law operates.

5. We concluded that we have not had enough experience with the part-time program mandated by the legislature a couple of years ago to make a judgment as to whether there will be sufficient interest in or financial support for the program to make it feasible to continue the program in the long run.

6. We reviewed our graduate programs, which typically enroll no more than a dozen persons each year, and concluded that we should not make any effort to increase enrollments in these programs as long as they remain essentially research oriented. Some law schools run programs at the graduate level designed to train specialists in fields such as taxation or international law. We concluded that we should not move to specialization program at the graduate level without considerable study as to the needs of the practicing bar and the availability of financing.

7. With regard to the research mission of the Law School, we concluded that the mission is being satisfactorily fulfilled at the present time. Faculty research is about as extensive as at any law school in the country. Research is fostered both by an organizational structure which includes a faculty member who serves on a part-time basis as associate dean for research development and a liberal leave policy which permits faculty members to take advantage of outside funding for research purposes whenever such funds become available. Most research funding has come from federal government sources. There will be a need to make strong efforts to develop other sources if federal funding is cut back.

8. We noted that public service activities on the part of the faculty seem to be thriving without any special organizational structure to promote them. When outside funding for these activities become available, leaves have been granted as liberally as for research. We concluded that this policy should be continued but that, both in case of research leaves and in case of public service leaves, efforts should be made to minimize the impact on the instructional program.

9. With regard to continuing legal education and similar outreach activities designed to serve the bar and the public generally, the Law School faculty adopted a resolution in 1976 which approved "an outreach program in teaching, law in action research and public service as an official law school function." Considerable progress has been made in the past four or five years in involving faculty members in this type of activity in a joint effort with the Extension Law Department, although many problems remain to be solved, including more adequate support of service activities which are not self-supporting in the sense that they do not generate sufficient program revenue to fully cover their costs, Univer-

sity Extension as a whole is undergoing a thorough study at present. We concluded that, pending the outcome of this study, we should continue present Law School policies unchanged.

10. The major, formally recognized student activities are (a) Student Bar Association activities; (b) the Bookmart; (c) the Law Review; and (d) moot court competitions. For the most part these seemed to be adequately organized and financed. We did conclude that thought should be given to a more formal organization of the various moot court competitions which have been proliferating in recent years and that support services for the Legal Education Opportunities (minority/disadvantaged student) Program should be reorganized by the appointment of an assistant dean who would assume primary responsibility for the various support services.

11. We looked at the faculty as a group and, although this statement may seem self-serving, concluded that on the whole the faculty we have assembled at Wisconsin is about as diverse and talented a group of scholars and teachers as will be found at most any other law school. This does not mean that there are no problem areas. We have had difficulty in recent years in adding faculty to provide the strength we would like to have in areas such as taxation and trusts and estates, but we believe these problems can be solved by continuing attention to them. As I noted previously, we also are concerned about our salary structure as it relates to the ability to hire and retain good faculty members.

12. The law library clearly meets, and in most respects exceeds, the basic minimum standard of providing adequate support services for our programs of teaching, research and public service. Nevertheless, there is cause for concern in that book prices keep increasing at a much faster rate than the budget. Reporters, continuation services and the like

now consume over 85% of the book budget, leaving little for the purchase of individual books. Clearly, the infusion of major sums of money into the Law Library's book budget is a matter of considerable priority.

13. With regard to other support services, we noted a need to improve secretarial services for the faculty and approved the acquisition of modern word processing equipment as one means of doing so.

14. We noted that physical space continues to be at a premium and concluded that we should continue to press our case before the University administration for more space.

15. We concluded that we need to do a better job of informing our alumni of our needs and to enhance alumni fund raising in view of the tightness of the state budget.

16. With regard to the state-supported budget, about 77% currently goes for instruction, 6% for research and 17% for library. We concluded that this distribution is about right in view of the fact that we could use more support in each category. Allocation of the major portion of the budget to instruction enables us to maintain an overall student-teacher ratio of roughly 20 to 1. We believe that any substantial deterioration of that ratio would also cause a deterioration in the quality of instruction.

In summary, we did not find any major defect in our organization or our programs. The self-study nevertheless was a useful exercise in helping all of us to "see the big picture" while at the same time pinpointing some areas in which we think we could stand improvement. I might close by saying that I believe we have a very fine law school, one of which all of you should be proud, and I hope you will help us maintain the tradition of excellence which I believe exists at Wisconsin.