

LATEST WORD FROM THE VISITORS

The following is the report of the annual visitation to the Law School by the WLAA Board of Visitors and others, which was held on March 9 and 10, and arrived too late for publication in our June issue:

Chancellor H. Edwin Young
University of Wisconsin
Madison, Wisconsin 53703

Dean George Bunn
University of Wisconsin
Law School
Madison, Wisconsin 53703

Re: Report of Board of Visitors
University of Wisconsin Law
School—1973 Visit

Gentlemen:

The Board of Visitors of the University of Wisconsin Law School visited at the Law School on March 9 and 10, 1973. In addition to current members of the Board of Visitors, former members of the Board of Visitors and past and present members of the Board of Directors of the Wisconsin Law Alumni Association, members of the Judiciary from Dane County Wisconsin, lawyer members of the University of Wisconsin Regents, lawyer members of the Legislature and some former faculty members of the Law School were invited to attend.

Participants from the Board of Visitors included Judge Thomas H. Barland of Eau Claire, Patrick W. Cotter of Milwaukee, Joseph

A. Melli of Madison, John C. Mitby of Madison, Horace T. Harris of Madison, Timothy C. Frautschi of Milwaukee, Justice Nathan S. Heffernan of Madison, Edwin Larkin of Eau Claire, John C. Tonjes of Fond du Lac, Professor Walter B. Raushenbush of Madison, and Irvin B. Charne of Milwaukee. Other distinguished visitors included John H. Shiels of Madison, Gerald T. Conklin of Madison, A. Roy Anderson of Madison, W. Wade Boardman of Madison, Nancy Barkla of River Falls, Professor William G. Rice of Madison, Professor George R. Currie of Madison, Representative James A. Rutkowski of Milwaukee, Representative Louise M. Tesmer of Milwaukee, Representative Earl F. Keegan, Jr. of Milwaukee.

The program for the visit included a briefing session with the Dean, opportunities for visits to classes, luncheon meetings with students, discussion sessions, a general session open to all students, faculty and visitors and a final meeting with the dean. The complete program of activities can be seen from the schedule which is attached hereto as Exhibit A.

Although the discussion sections included the three topics which will be discussed in some detail later in this report, the visitors received information with regard to other matters including those which were the subject of the Visitor's Report for the year 1972. The visitors found that there had been insufficient progress in remedying the problems of the Law School noted in the report of the 1972 visit which result from the Law School's present large size. Chief among these is the need to reduce the high teacher-pupil ratio which still exists in the Law School. The lack of an adequate faculty for the number of students enrolled results from budgetary limitations on the Law School administration. This has in the past, and will continue in the future to seriously threaten the quality of legal education which can be delivered by this

very fine Law School. The Board of Visitors continues to be concerned about the need for remedying this situation.

After the initial briefing session and visits to classes which the Visitors found to be most helpful in evaluating other problems, the group divided into three discussion sessions dealing with the following topics:

1. The Legal Educational Opportunities Program.
2. The Clinical Program
3. Possible Faculty Role in Litigation.

In addition at the request of women students in the Law School, some of the Visitors met with a delegation of women students to discuss their special concerns about the Law School and its relationship to women students.

One of the Visitors in each session acted as a reporter and summarized the discussion period. These summaries were discussed by the Visitors and some consensus was reached on certain matters. The reporters then prepared reports of the discussion sessions and the Visitors' reactions to the discussions. These reports follow:

1. CONFERENCE WITH WOMEN LAW STUDENTS

A group of about 12 female law students met with several of the Visitors for about an hour to discuss various matters of concern to the women students. The issues discussed were as follows:

A. Faculty. The students complained that women were underrepresented on the faculty. Of 35 full-time faculty equivalents, there are only two women, Mrs. Melli and Mrs. Abrahamson, both of whom work about three-fourths

time at the Law School at their own preference. Two offers of employment were made to women during the past year, but were not accepted. The students asserted that both offers were given to "superstars" who the administration knew would not come to Wisconsin. The women students said: (1) The Law School should make greater efforts to recruit eligible women to apply for a faculty position at Wisconsin; (2) The standards should be lowered for admission of women to the Wisconsin faculty: Some of the women felt that a tougher standard was being applied for women applicants than for men, and that the standards should be lowered for women so as to be the same as the standard for men, while other students felt that the standards should be lowered even further if necessary so that the Law School would, in fact, be able to hire additional women faculty members despite the intense competition for same from other law schools; and (3) Women applicants should be offered higher salaries than comparable male applicants, in recognition of the reality that the competition for women law teachers is so intense that it takes a higher salary to attract a qualified woman.

In contrast to the statements by the women students, the Visitors were informed by representatives of the administration and faculty that (1) great efforts were made to recruit women applicants for teaching positions; (2) if anything, the standards for women faculty were now lower than they were for men; and (3) that neither of the two recent offerees was lost because of money, but rather because of other considerations such as desire to remain in another part of the country, and the necessity to go to a school where the spouse also received a good job offer.

B. Recruiting Women Students. The women students told the Visitors that the admissions standards were being fairly applied to women applicants, but felt that much

more should be done to encourage women to apply for admission to the Law School.

C. Full-Time Attendance Rule. The Law School has a policy that law students must attend law school full time during the first year and take a full credit load. In addition, there is a five-year rule whereby the full 90 credits necessary for graduation from the Law School must be compiled within a five-year period, with certain exceptions relating to military service and the like.

The women law students complained to the Visitors that these rules, and in particular the full-time first-year rule, discriminated against women with young children. Such women are able to carry a part-time load, but not a full-time load in law school, and therefore as a practical matter, are excluded from law school for at least a period of several years. The women also complained that exceptions were made to these rules for certain Green Bay Packers, and that mothers with young children were certainly as deserving as Green Bay Packers.

The faculty and administration generally supported the full-time first-year rule on the grounds (1) that it was necessary to prevent even further over-crowding of the Law School facilities; (2) that the educational experience is better if the student is totally immersed in his studies, particularly at the beginning of his law school experience; (3) that all students should compete on an equal basis during the crucial first year; (4) that it would be very burdensome to administer exceptions to this rule for deserving mothers; and (5) that, if exceptions were to be made, others were equally deserving of exceptional treatment, including those who find it necessary to work to support themselves and fathers of young children in some cases.

D. Scheduling of Classes. The women law students felt that scheduling some classes at night and on Saturdays would make it easier for women with children to attend law school.

E. Day Care Center. The women law students stated that efforts had been made to get a day care center started, but that such efforts had been unsuccessful, partly for lack of funds, and partly for lack of any cooperation from the University in finding suitable space. They stated that the Law School should make affirmative efforts to find suitable space.

F. Recruiting by Law Firms. The women law students complained that the Law School made its recruiting facilities available to law firms which openly discriminate against women in hiring. The women stated that this policy is not only improper, but that it violated Title VII of the American Association of Law Schools Rules.

RECOMMENDATIONS

Faculty and Students. The Board of Visitors agrees that it is important to give high priority to the efforts to attract qualified women to the Wisconsin Law School faculty and student body, and urges that continued effort be made to do so in the future.

Full-Time Attendance Rule. The Board of Visitors agrees that this rule presents a serious problem for mothers with young children, and perhaps for other persons, and suggests that the administration develop more facts concerning the feasibility and effects of changing the rule. A minority of the Board of Visitors felt that the rule should be changed at this time to

permit a reduced load in the first year for women with young children and perhaps for other deserving persons. The five-year rule was felt to present no serious problem.

Scheduling of Classes. The Board of Visitors urges consideration of the possibility of scheduling night and Saturday classes. Among other things, it was suggested that a poll be taken of the students and faculty to determine their opinions and their willingness to attend such classes.

Day Care Center. The Board of Visitors urges the Law School to cooperate actively in efforts to start a day care center. Such a center should probably be University-wide rather than limited to the Law School.

Recruiting. The Board of Visitors feels that the policy of the Law School should be that any law firm or other legal employer whose policy or whose actions are such as to discriminate against women students (or other "minority" groups) should not be given the use of Law School facilities for purposes of recruiting. Such a policy should be announced to all potential employers, and any employer as to whom there is reason to believe practices such discrimination should be requested to justify its actions.

2. LEGAL EDUCATION OPPORTUNITIES PROGRAM

The Legal Education Opportunities Program at the Law School continues to be an effective but minimal program. There appears to be a strong consensus among students, faculty and visitors that

not nearly enough is being done and that while the cost of expanding the program is substantial, every effort must be made to do so.

The program has expanded from a modest beginning in 1967. In the 1969-70 school year there were 9 LEOP students. In 1971-72 there were 26, and in the current year 34 minority students were enrolled. Seventeen of these are first year students.

The LEO Committee composed of Faculty and students with faculty and student co-chairmen, continues to supervise the program, assist the Admissions Committee in the admission of applicants and determines the level of financial support. Once in law school, no distinction is made between LEO Program students and other students. Examinations are graded by number and the standards for graduation are the same for all students. In the administration of financial assistance, the general policy is to provide funds for students accepted which will be adequate when coupled with the student's own resources, if any, to cover tuition and living expenses for the first year of study. First year LEO students, like all first year students, are discouraged from seeking outside employment. Second and third year students may be granted funds to cover tuition, but are expected to provide for their living expenses from their own funds.

Because of increased financial support from the Wisconsin Law Alumni Association, sufficient funds were available for the expenses of the program this school year. However, for the 1973-74 year, because of a change in the University's policy with respect to nonresident tuition remissions and a minimal expansion in the program (plans are to enroll 20 first

year students), the cost of the program will exceed anticipated funds by \$23,000.00. This deficit over receipt from present funding sources will increase to \$35,000.00 to \$45,000.00 per year.

While recruitment of able candidates for admission to the Law School is still an important aspect of the program which is not receiving sufficient attention, the most critical problem continues to be the matter of raising sufficient funds to increase the level of enrolled minority students to a reasonable proportion of the student body.

Most of the attention of these participants in the LEO discussion group was devoted to the matter of finances. Following are a number of comments and suggestions which evolved in that discussion attended by 13 students, 4 faculty members and 4 Visitors.

1. The objectives of LEOP are not achieved by a token number of minority group students. Many white students have little or no contact with them. In most classes there may be no more than 1 black student and in many there are none.

2. Applicants other than "super stars" should be considered for the LEO program. The Admissions Committee should look at extracurricular activities and other qualifications than just high LSAT scores. An effort should be made to recruit minority group female students. (It was pointed out by the faculty members that 4 applications were received from female students and that 3 were accepted but did not register).

3. The program should receive greater assistance from faculty and practicing lawyers in the recruitment of able candidates.

4. The students feel that there should be a faculty member assigned to recruiting and fund raising, if only on a part time basis. There is no one now on the faculty assigned to fund raising specifically for this program.

5. There should be an improvement in the timing of the notification to the student of the Admissions Committee's decision of acceptance as well as the LEO Committee's information on availability of financial aid. Sometimes this information has been received only shortly before enrollment.

6. Thought should be given to combining recruiting and fund raising efforts with the Black Studies Department of the University.

7. Financial support for the program is totally inadequate. Working substantial hours on outside jobs creates additional problems of scholastic achievement.

8. Greater effort should be made to explore additional support from existing fund sources as well as developing new ones. This includes nonresident tuition remissions, legislative sources and private sources, including State Bar of Wisconsin funds, Wisconsin Law Alumni Association, Student Bar Association, existing scholarship funds, private law firms, corporations and foundations.

9. There is a lack of sufficient opportunities for minority students to have clinical experience and for jobs with private practitioners. More imaginative thought should be given to developing opportunities such as larger law offices in Milwaukee hiring a minority group student and assigning him to work in various poverty law areas, such as Freedom Through Equality, Milwaukee Legal Services and Milwaukee Legal Aid. Also, consideration could be given by law firms to assist minority group lawyers in setting up private practice through financial subsidy and/or low cost loans.

10. There continues to be a noticeable lack of faculty members from minority groups. If recruitment of full time faculty members has been unsuccessful because of lack of qualified applicants, greater effort should be made to secure lecturers and part time teachers.

11. A question was raised as to whether the definition of minority group students was being expanded to include disadvantaged whites, and the Committee indicated that such groups would not be included in the LEO program, but were given consideration with regard to other scholarship funds.

12. Meetings should be scheduled with some of the larger Milwaukee law firms with representatives from the faculty, graduate lawyers from the LEO program and present LEO students to discuss solutions to some of the problems, particularly of financing and placement.

The conclusions and recommendations are substantially a repetition of those made on previous visitations:

1. The LEO program at the University of Wisconsin Law School should be continued and expanded.

2. The WLAA should continue to allocate to the program as substantial a portion of its funds as it can consistent with its other obligations and should increase its efforts to improve the level of contributions of members to the Law School fund.

3. Efforts should be made by the alumni to secure from State Bar of Wisconsin a generous allocation of funds to the two law

schools located in Wisconsin for use in their LEO programs.

4. The Wisconsin Legislature and University of Wisconsin administration should reestablish and continue a generous allocation of nonresident tuition remissions to qualified LEO applicants.

5. A full time staff person (preferably a minority group person) should be employed for the continuing attention to recruiting, fund raising and placement problems which is necessary to the success of the program.

6. Greater effort should be made by the Law School Administration to employ members of minority groups on the faculty—both full time and for clinical and part time programs.

7. Larger law firms in metropolitan areas should be contacted and encouraged to develop imaginative programs to assist LEO Program students in clerkships and clinical programs, employment, financial assistance in establishing individual practices.

3. CLINICAL PROGRAM

Professor Stephen Herzberg reported that the value of the student clinical experience depends on the lawyer with whom the student serves. In some cases the student is given a very narrow range of work. In others, the attorney does not supervise, and the student must learn by osmosis, if he is to learn. Many students have nothing with which to compare their learning experience. Another problem is that there are an insufficient number of faculty available to supervise the students who are involved in the program.

The most successful area appears to be the judge clerkship portion of the program. Students are doing a broad range of work, and enjoy and learn from the clerk experience.

The success of the program as applied to governmental agencies varies according to the supervisors availability. Students are not sent to those government agencies which do not provide for at least some supervision and direction. There are positions available and consideration is being given to expand the program to include second year students. However, an expansion of the number of students involved should not be undertaken without an increase in faculty supervision.

Students reported their experience with the program. One student said his first experience was with Legal Services, and he was dismayed with the shoddy work of his supervisor; he now is a clerk for Judge Doyle and is excited about his work; feels that some lawyers do shoddy work, but also many lawyers do a good job; he likes doing it right.

Another student was in the District Attorney's office and received no supervision, but won her only jury trial, a drunk driving case. She felt that even without supervision the program has its value.

The Visitors support the present clinical program, but urge that adequate faculty supervision must be provided for the program.

Those involved in the program have given consideration to working with or developing a public interest law firm by having some faculty work part-time with the firm under a foundation grant (maybe Ford).

The law school has hired a lecturer who practices with Dane County Legal Services; the students return to law school and the lecturer goes over their problems with them at the law school.

Another part of the clinical program involves the use of corrections interns. This program is financed with LEAA funds. The students go to the various State correctional institutions, including

Waupun and interview the inmates to determine what problems they have. They participate in habeas corpus and appeal proceedings. Attorney James Glover lectures and supervises the interns. Professor Frank Remington also supervises the interns. Consideration is being given to extend civil legal aid to the prisoners. In fact, during the Spring Semester, 1973, a program was set up to help the patients at Mendota State Hospital with their civil problems.

There are also summer placements (between 2nd and 3rd year) with District Attorneys.

Consideration should be given to opening up the clinical program to second year students. This is the year of peak interest. Many third year students do not like to participate in their final semester. To involve second year students would require a change in the present Wisconsin Student Practice Rule adopted by the Wisconsin Supreme Court, and would also require additional faculty supervision.

Professor Herzberg stated that there is disagreement about the value of the program. He feels that the purpose is to tie in law school studies with what practice really is, to show that law school is really an intellectual endeavor, and to teach law skills. Exposure to the law practice is important to demonstrate the integrity of the system, and to give a reason to be a lawyer.

4. PRACTICE BY THE FULL-TIME FACULTY

The Board of Visitors was advised by the Dean that there was interest by full-time faculty members in engagement in the private practice of law and that he had appointed a faculty committee which had been considering the

matter for several months. Several of the Visitors met with this committee and reported to the Board that the committee had been unable to agree on any guidelines or even whether or not there should be guidelines. The only consensus was that if engagement in the private practice should be approved, it should not interfere with the presently recognized obligations of a law teacher.

Because the faculty itself had not arrived at definite conclusions, the Board of Visitors took no position on the matter.

The Visitors did collectively express several reservations about law practice by faculty among which were:

(1) That the role of the law professor is different from that of the practitioner and that involvement in advocacy could be detrimental to the teaching role;

(2) That such private practice if engaged in at all should be confined to areas of public law in which the law professor may be in a unique position to make a contribution to the development of the law;

(3) That great care should be exercised in the selection of causes so that the position of the professor—advocate not embarrass the University;

(4) That because of time limitations, it may not be feasible for the law professor to assume a lead position in important and complex litigation, and it may be necessary for him to confine his engagement to an "of counsel" posture;

The Board of Visitors wishes to encourage the committee to continue its consideration of the matter to the end that it reach certain conclusions of its own which the Board might review at a future time.

OPEN STUDENT-FACULTY MEETING

This year's open meeting for students and faculty was changed from Saturday morning to Friday afternoon with the thought that it might attract a larger number of students. There was some increase in attendance but the Visitors feel that a greater student participation in this session as well as in the discussion sections would be more helpful to the program and to the Board of Visitors. We recognize that such participation must be on a voluntary basis and that it would be counterproductive to require student attendance at any of these sessions. It is hoped that the continuation of the visitation program will result in a natural increase in student participation as the role of the visits becomes better understood by the student body. It was apparent during the visit that many students in the Law School were unaware of the purpose or function which the visit has in connection with the Law School administration. Topics discussed in the open session included the following:

A. Problems resulting from very large classes. The students, faculty and Visitors all recognize the problems which result from very large classes and were aware of the fact that this results from the present faculty-student ratio. The Visitors encouraged the continued attempt by the faculty and administration to arrange schedules which will permit students to have some experiences with small classes.

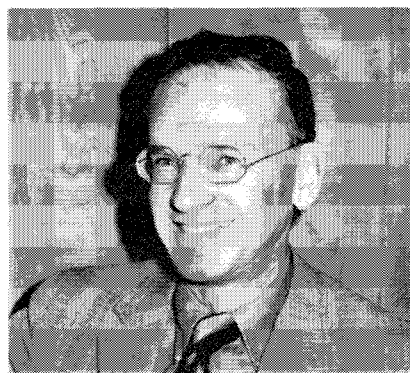
B. The forms of examination being administered by the faculty were discussed as well as the faculty statement on cheating. This was reviewed by the Visitors and the Visitors wish to record their unqualified endorsement of the "Statement Of The Faculty On Cheating" which had been previously prepared and was posted in the Law School at the time of the visit.

C. Some students have requested consideration of the possibility of a smaller number of courses each semester for greater credit so that there would be more intensity of study in fewer areas. The faculty pointed out that it has no control over the requirements for exercise of the diploma privilege which is available to graduates of the University of Wisconsin Law School in the State of Wisconsin. Students are free to select a course of study which will render them ineligible for the diploma privilege, but students wishing to obtain admission to the Bar of the State of Wisconsin without taking a Bar Exam must conform to the requirements which are prescribed by the Wisconsin Supreme Court.

D. The students raised the question of the adequacy of library facilities and pointed out that it was often difficult for students to read assigned work because of the lack of availability of sufficient copies. In some instances, it was asserted that this problem was aggravated by the removal of volumes from the library for unreasonably long periods of time by certain users of the library, including faculty members. The Board of Visitors supports the position of the administration that all library users must respect the library rules which are designed to permit the widest use of library materials.

CONCLUSIONS

The Board of Visitors is indebted to the administration, faculty and students for their cooperation and help in making the visit a worthwhile experience. We be-



Irvin B. Charne

lieve that the annual visit should be a regular feature of the Law School program. This year the visit attracted practicing lawyers, judges, members of the legislature and Board of Regents and as such we feel that it is helpful in providing useful information both to the Law School and to these various groups which have a strong relationship with the Law School. We urge the Law School to encourage increased voluntary student participation in planning the visit as well as participating in this program. We reiterate our concern for budgetary relief which will enable the Law School to reduce its teacher-pupil ratio. We support the efforts of the Law School in increasing minority representation both in the student body and in the faculty.

We believe the State of Wisconsin is fortunate to have a faculty and administration at its Law School which have maintained their dedication to delivering a high quality educational experience to the students who attend. As of this date, they have succeeded to a remarkable degree. However, we also express our concern over the ability of the Law School because of its present faculty salary structure to continue to attract and hold the kind of superior faculty which produced the present reputation and stature of the Law School. We find that many members of the administration, faculty and students share these concerns.

Wisconsin still has one of the nation's great Law Schools and we believe that it is the desire of Wisconsin citizens that its quality not be diminished. In order to maintain this quality, budgetary relief will have to be forthcoming in the not too distant future.

BOARD OF VISITORS
UNIVERSITY OF
WISCONSIN
LAW SCHOOL

Irvin B. Charne, Chairman