

How I Got Here

Marygold Shire Melli

Marygold Shire Melli, Voss-Bascom Professor of Law Emerita and an Affiliate of the Institute for Research on Poverty, is a graduate of the Law School's Class of 1950. She joined the Law School faculty in 1959 as the school's first woman tenure-track professor, and went on to become a pioneer in the field of family law, both in her teaching and in her research and writing.

Melli has researched and written about the role of negotiation in divorce, the processing of divorce cases, and developments in the law of child support and child custody. She has received numerous honors for her contributions to Wisconsin law.

Professor Marygold Shire Melli has a vivid memory of her first day as an entering UW law student in 1947.

"I opened the door to the room I had to go to, and thought, 'My lord, Margo, it's a men's gym class.'"

She adds, "The Law School was overwhelmingly men in those days; there were maybe 15 women in the whole student body. I was intimidated by all those men; you always thought again about going into the room."

Melli may have thought twice about entering, but enter she did: the room, the legal profession, and

later, the law faculty. As a child, she had felt herself to be an "outsider," which may have been just the training she needed.

A Young Outsider

"I was born in Rhinelander, Wisconsin, and then we moved to Mississippi," Melli says. "So when I was a small child, I had a southern accent you could cut with a knife. I went to first grade in Jackson, Mississippi; second grade in Milwaukee; third to sixth grade in two schools in Antigo, Wisconsin. I was always kind of an outsider until I came to Madison — the odd kid out."



she explains. She focused on political science and included courses in both French and Spanish, for the future she envisioned working for the government in foreign countries. She was named to Phi Beta Kappa and transferred to the Law School in the final semester of her senior year.

Once she recovered from the shock of all those male law students, Melli did not feel an atmosphere of prejudice. “The guys were nice, particularly after grades were announced and they saw that I was a serious student. I was on the *Law Review*, where I was treated like everyone else.”

In fact, she found a social life at law school. “A number of the law students were interested in dating me,” she says. “I’d get a call from someone, and he’d say his name and I’d say ‘hi’, but he would know I didn’t know who he was, so he’d say ‘I sit three rows behind you in class.’”

At least one of them attracted her interest: Joe Melli. He and Margo married in 1950, soon after she graduated from law school.

Obstacles Crop Up

Like Melli’s fellow students, her Law School professors were very supportive. “They were wonderful,” Melli says. “Except for one: Dean Rundell. In those days, the dean controlled the hiring process. He decided which students would be interviewed and posted a list. So here I was, a top-ranking student, and I never appeared on the list. I got up my courage and I went to see the dean and asked why. ‘Miss Shire,’ he said, ‘none of these firms would hire you. Why should I waste their time?’”

This was the beginning of Melli’s experiences with discrimination. The educational sphere had not been a problem, but the working world was another story.

Once Melli was being interviewed by county supervisors for a job, and one of them said, “Aren’t you Joe Melli’s wife? He earns a good

The Shire family moved to Madison when Margo was in sixth grade. “We had very limited funds,” she says. “We came because my father got a job here.”

Approximately two years later, the young Margo chose her career path. “I decided in about eighth grade that I was going to be a lawyer,” she says. “I was very much interested in politics, and I noticed that the people making the news were lawyers.”

Looking back on this early consequential decision, Melli reflects, “It’s very interesting that nobody discouraged me: my mother and father

never said, ‘Girls can’t be lawyers.’ My teachers didn’t discourage me, either. I think the nuns who taught me were happy to encourage girls to pursue careers.”

A Dedicated Student

Melli attended college at the University of Wisconsin, living at home with her parents. “Going away to college is a culturally enriching experience, but I did not have it. I lived at home and walked to school. Five cents was five cents — that’s what the bus cost.”

She majored in international relations: “I wanted to see the world,”

living. Why do you need a job?"

She also remembers the assistant district attorney job she didn't get, which went to a male classmate whose grades were not as high as hers. "The men who turned me down said, 'You know, Margo, we take turns on the weekend and the person on call



Above: Vilas Park, 1940. Margo Melli is at front left. Noticing the sailor outfit she was wearing, Melli comments, "It must have been the style then. I've always enjoyed style."

Right: Margo and Joe Melli on June 19, 1950, the day of Joe's Law School graduation. Margo had graduated in January, and they were married in April.

has to handle whatever case comes up. Sometimes they have rape cases ...' Now when I see female prosecutors presenting rape cases, I think about how things have really changed."

Research is Gender-Neutral

Because the doors of private firms and government positions were locked against her, Melli's career took a significant turn: she began a research job.

"After World War II, Wisconsin set up a new agency called the Legislative Council to revise laws. To get off to a flying start, they decided to revise the criminal code."

Law School faculty members, who knew Melli to be a good student, hired the young graduate as one of the researchers for the project. As a result of this research job, Melli made contacts in the Capitol among people who were working on reorganizing laws, and she was next employed by the committee revising the children's code.

Melli recalls another painful experience that took place after she was hired. "The chairman of the committee, a state senator from Spooner, said angrily to the director of the committee, 'This is an important committee, and you've hired a girl!' The director answered, 'Why don't you go to the first meeting and see what you think?' That senator became one of my biggest supporters."

Looking back with satisfaction on these early projects, Melli reflects, "The jobs that I took immediately after law school — working on large statutory revisions that required research and writing of reports as well as legislative drafting — were intellectually challenging and great learning experiences. Those were wonderful years for me, because I



got to know judges, legislators, and the state of Wisconsin. I worked for, and impressed, some very important people."

She adds, "None of this is private sector, of course. I never did practice in a private law firm."

Joining the Law Faculty

While employed by the Legislative Council and later the Judicial Council, Melli worked with UW Law School professors John Conway, Bill Foster, Jake Beuscher,

and Frank Remington. As a result of these working relationships, she was offered a teaching position at the Law School in 1959. She made a crucial career choice, accepting the position and becoming the first female tenure-track professor in the Law School's history.

As a faculty member, Melli once again found the law faculty — now her colleagues — to be extremely supportive.

"I can remember the first class I taught: Willard Hurst came in before class and said, 'I want to welcome you, Margo — glad to have you with us.' Wasn't that nice? Stewart Macaulay gave me all his class notes and Bill Foster gave me helpful advice."

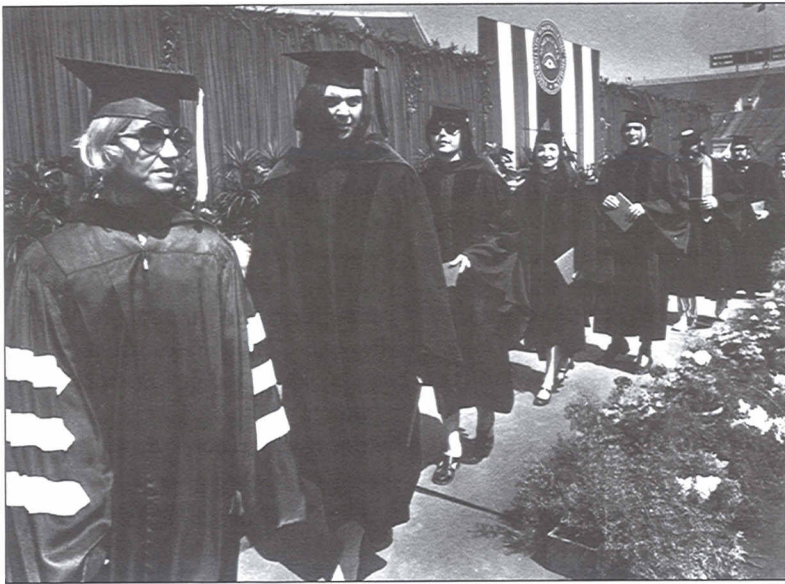
"Because I was interested in juvenile justice, Frank Remington, — then a young assistant professor — was my main Law School mentor. He encouraged and supported my interest in what at the time was a revolutionary approach to juvenile delinquency: taking it as a parallel system to the criminal justice system."

Melli collaborated with Remington and professors Herman Goldstein and Ed Kimball on a casebook on criminal and juvenile administration, which presented an entirely new approach to those systems.

In the area of family law, however, she did not find anyone who shared her interest. "We called it 'domestic relations' in those days, and it was taught by a 'downtowner'. I thought it was a field of law on the verge of a revolution, but when Dean George Young asked me what I would like to teach and I said domestic relations, he said, 'You don't want to do that. There's no law in that.'"

Professors John Conway and Nate Feinsinger had taught domestic relations but had gone on to other areas. They gave Melli their teaching materials and their encouragement, but she was alone in her conviction of the importance of the field.

"But when Howie Erlanger



At Commencement in 1972, Professor Marygold Melli leads the law graduates. Melli recounts that the university administration was at first unwilling to let a woman appear as a faculty marshal. Melli not only won her battle, but brought the few women in the graduating class to the head of the line. The second graduate in line is Cheryl Rosen Weston, now also a professor at the Law School.

joined the faculty, my interest in how the family law system works fit with his interest in dispute resolution. Over the years he has been a great source of advice and inspiration for me. We did a study of negotiation in divorce, and one of the papers from that has been reproduced in several family law collections.”

Melli expanded the neglected two-credit “domestic relations” course of the 1950s into two three-credit courses, adding the law of child abuse, custody, and adoption. She looks with satisfaction on the way the field of family law has now come into its own, noting that Professor Tonya Brito has received approval for her plans for a whole Concentration in Family Law at the Law School.

Melli found the support of like-thinkers in another campus location. “I was also lucky to find an intellectual home at the Institute for Research on Poverty (IRP), where there were people who shared my interest in child support and child custody — Irv Garfinkel, Pat Brown, Dan Meyer, Judy Seltzer. Over the

years I have co-authored a number of articles with Irv and Pat, and I am still an Affiliate of the Institute.”

The Battles Continue

For several decades, Melli continued to have battles with a culture that discriminated against women. She was at first turned down when she and her husband applied to adopt a child. “The social worker said a lawyer wouldn’t be a good mother for a child. If I wanted to adopt, I would have to quit my job.” Fortunately, the head of the agency had worked with Melli and knew her husband as well; he reversed the decision.

Dean George Young, who hired Melli, had an enlightened view toward women professionals. With his support, Melli worked half-time and even earned tenure as a half-time professor (a rare occurrence).

Melli recalls, “Dean Young bought

my argument that if society wants to take advantage of the talents of women, it must recognize that they have family commitments that are also important to society.”

Another battle Melli remembers stemmed from the seemingly uncontroversial plan for her to serve as a faculty marshal at Commencement in 1972. “Apparently, I was the

“The social worker said a lawyer wouldn’t be a good mother for a child.”

first woman to be a marshal and the Secretary of the Faculty was unhelpful. He said the robe would be too long for me.” Melli persevered, and not only led the Law School graduates, but called the few women in the class up to join her at the front of the line. A photo of that occasion, which ran in the newspapers and hung for decades on Melli’s office wall, appears at left.

Other experiences in the university were much more positive. Melli was elected to and chaired the University Committee, the Executive Committee of the Faculty Senate, and a Task Force on Gender Equity, and she co-chaired a UW-Madison Resource Committee to the Regents’ Task Force on Women.

Significant Achievements

Outside the university, Melli was involved with and chaired the Wisconsin State Bar Family Law



Mrs. Melli Will Speak at Monona AAUW Event

Mrs. Joseph Melli, assistant professor of law at the University of Wisconsin, will discuss, "The Legal Status of Women" Tuesday at 8 p.m. for the Monona Village branch, American Association of University Women.

Mrs. George Lu h man, 5709 Midmoor rd., will be hostess, assisted by Mrs. William Boyle, chairman; Mrs. Richard Campbell, and Mrs. Philip Rindy.

Prior to her Law school appointment, Mrs. Melli served as executive secretary of the State Judicial Council, and directed a project under the Legislative Council which re-codified the laws relating to children.

February meeting plans of the Monona Village branch have also been announced.

The International Relations

Study group will meet Feb. 11 at 8:15 p.m. at the home of Mrs. Charles Anderson, 6301 West Gate rd.

The Education Study group will meet Feb. 19 at 8 p.m. at the home of Mrs. Donald Lehman, 1602 Woodvale dr.

Mrs. Richard Campbell, 314 Owen rd., will be hostess to the Literature Study group Feb. 4 at 8 p.m. The group will discuss "The Last of the Just."

Mrs. Campbell will also be hostess for a meeting of the board Feb. 13 at 8 p.m.

Branch members who wish information about the Arts Study group may call Mrs. William Boyle.

WHAT'S IN A NAME?

When she was sworn in by the Wisconsin bar, Marygold Melli was still using her birth name: Marygold Shire. When she married, she chose to take her husband's last name for a specific purpose: "I decided to use the name Melli because there was a prejudice against Italians, so I took it as a matter of principle."

She now found herself to be "Mrs. Joseph Melli," with her own first name nowhere in evidence, as was then the common practice. When a newspaper item would appear about her work or activities, the headline would speak of "Mrs. Melli."

The nameplate outside her Law School office door also read "Mrs. Melli." In the early 1970s, Melli noticed that her male colleagues were annoyed when wives of newly hired professors used their own names, because no one could tell whose wife a woman was. "I decided that my office door should not announce my marital status," she says. She asked the Law School to change her nameplate to "Ms. Melli." The Law School did.

section. For 30 years she wrote a quarterly summary of Wisconsin appellate court family law cases for the *Wisconsin Journal of Family Law*. Internationally, she was active with the International Society of Family Law, serving as a vice president for three terms and a member of the Executive Council from 1988 to 2000.

Melli has received numerous honors for her pioneering professional achievements and her role in advancing women in the legal profession. In 1994 alone, she received the Belle Case La Follette Award for outstanding service to the profession, the State Bar's award for lifelong contributions to the advancement of women in the legal profession, and the unique honor of an award established in her name by the Legal Association of Women (LAW) to recognize individuals who make outstanding contributions to the interest of women in law. Winners of the Marygold Melli Award have included Law School professors Louise Trubek, Carin Clauss, and Shirley Abrahamson, as well as several Law School alumnae.

This year's recipient of the Melli Award, Betsy Abramson '81, has a strong connection to Melli and the Law School: Abramson was Melli's student in the 1970s when Melli began expanding her family law material to include law for the elderly. Abramson became a specialist in elder law, directing the Elder Law Clinic at the Law School from 2003-05 and focusing her practice on this steadily growing field that was quite new when Melli began teaching about it.

Most recently, Melli was named one of the six Women of Distinction for 2007 by the Madison YWCA. The high-profile annual civic award honors women for outstanding community service, leadership, and dedication to the lives of others. At the awards luncheon in May, her Law School teaching colleagues — many

of them women — filled a whole table, glad of the opportunity to cheer her on.

The Work Goes On

Although Melli became a professor emerita in 1993, she has continued to write and to participate actively in her field. In the last few years she hosted a conference at the Law School on divorce reform (celebrating and examining 20 years of the Divorce Reform Act of 1978) and one on representation of children. She has delivered papers and attended professional conferences throughout the country and the world. In June 2007 she organized the panels for a conference of the International Society of Family Law in Vancouver, British Columbia.

Melli sticks to a regular daily schedule: Getting up at 5:30 a.m., she goes for a swim at the East Side YWCA. She then returns home and reads the newspapers, and on a typical day does some work at the Law School. She also volunteers in the community, spending a great deal of time in recent years with A Fund for Women, in Madison. In addition, she volunteers with the UW Retirement Association, Wisconsin Law Foundation, and Dane County Bar.

Although the discrimination of half a century ago prevented the young law graduate Marygold Shire from being hired by any law firm, she succeeded in fulfilling her childhood plan of becoming a lawyer. Her "Plan B" brought her to a stimulating career at the Law School, which turned out to suit her extremely well.

"When I was young, I was attracted to the idea of being a lawyer because I read that Oliver Wendell Holmes had said that law is the calling of thinkers," Melli says. "I thought that if I had to work all my life, I would like to do something that required me to think! Well, I lucked out on that score with my career."

Attorneys Praise Summer Estate-Planning Course

Year after year, post-session evaluations produce rave reviews for Estate Planning in Depth, the weeklong summer program offered jointly by the American Law Institute and American Bar Association (ALI-ABA) at the UW Law School. Recent comments include:

— *“I traveled from Los Angeles to attend this course and it was well worth it.”*

— *“I feel that the course has taken my practice to another level — particularly with respect to how to spot the critical issues.”*

— *“This is my fourth year in a row and sixth overall, which says it all.”*

For an impressive 43 years, ALI-ABA has given a summer workshop in Madison. Since the early 1970s, the topic has always been Estate Planning in Depth.

The program brings attorneys from around the country who seek

to augment their knowledge and skills in this increasingly complex area of law. Instructors are nationally prominent experts in the field.

The Law School co-sponsors and hosts the event, organizing registration and optional on-campus living accommodations and arranging for the abundant refreshments that greet participants when they exit their classrooms and converge in the atrium.

Approximately 100 participants attend Estate Planning in Depth each year. For the June 2006 seminar, there were 94 registrants, representing 37 states. In June 2007, 110 people attended, from 35 states. About half the registrants travel from outside the Midwest.

Enthusiastic participants praise the high quality of the instructors and materials, the lovely experience of Madison in the summer, and the efficient organization of this longtime project of the Law School’s Office of Continuing Legal Education (CLEW).

“This has always been a course that draws from all over the country, and it consistently gets very high evaluations,” says Alex Hart, Director of the Department of Courses of Study at ALI-ABA. “Lynn Thompson of CLEW, who organizes the program every year, has amazing administrative skills. She has no counterpart at other schools; she is sui generis.”

Associate Dean Dave Schultz, director of CLEW, praises the partnership as a valuable one for the Law School. “It has brought thousands of lawyers from across the country to UW-Madison and the Law School, and it has provided an outstanding opportunity for Wisconsin lawyers to attend an in-depth program of national scope that would otherwise not be so conveniently available to them.”

Hart adds, “People come away thinking, ‘Wow! Where has this program been all my life?’”

For more information, visit www.ali-aba.org.

The Call of Estate Planning in Depth



New Attendees: From left, attorneys April Caudill, Mandy Tuong, and Janet Resnick were enthusiastic first-time participants in the 2007 Estate Planning in Depth program.



They Can’t Stay Away: For some repeat-participants, summer means the call of Estate Planning in Depth.

Richard Kolker, left, a practitioner in Groton, South Dakota, first attended the ALI-ABA summer program in Madison in 1972, and has attended approximately 15 times through the years. “I find it an especially rewarding program,” he says, “with all the information you can take back, and the opportunity to network with all the people who are here.”

Carl Yudell, center, who practices in Northfield, Illinois, marked his sixth year at the program in 2006. He has been attending every two years.

James D. Supance, right, who practices in Tiffin, Ohio, attended the Estate Planning program in 2006 for his 11th year in a row.