THE YOUNG LAWYERS:
THEN AND NOW

TV Tells Only Part of the Story

No one knows how much of the enrollment pressure in the nation's law schools is due to the Young Lawyers who have defended the poor and down-trodden on television in recent years. Certainly it seems that, as with the young lawyers on TV, the interests of the recent real life graduates turn more and more to representing defendants in criminal cases, and plaintiffs against the "interests".

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The legal profession was established in Wisconsin long before it became a territory. Mention is made in an 1856 presidential address to the Wisconsin Historical Society of the "venerable Judge Reaum" of Green Bay. "Where the judge came from is not very well known, and whence he derived his authority is a matter likewise involved in uncertainty;" although it probably came from the military commander or governor. His service as judge, it seems, covered many years before the War of 1812. Presumably there were lawyers who practiced in his court, although there was no established Bar of Wisconsin (nor was there any Wisconsin).

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To what extent has the professional life of young lawyers changed from the 19th to the 20th centuries?

Most remarkable is not the change but the continuity. A sense of historical perspective on the practice of law brings the realization that its strength lies in its indomitable institutional character, which has kept the profession a stabilizing, continuous force in a world in which the storms of change have swirled constantly for 100 years.

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It is probably fair to assume that those lawyers from olden times who wrote reminiscences of their early days in practice were those who succeeded, and who lived a long time. One such was Burr Jones—lawyer—professor—Congressman—Supreme Court Justice, whose name inevitably appears in any discussion of the legal profession in Wisconsin. Mr. Jones studied in the office of Col. William Vilas, while attending the law school in 1870-72. Col. Vilas was then only 31 years old, but widely recognized as the "people's lawyer" in a host of good causes.

Shortly after leaving law school in 1872, Jones set up practice briefly in Portage, where, as he described it in a series of articles for the Wisconsin Magazine of History (Reminiscences of Nine Decades, 1937), "In some mysterious way there came to me a few collections and a few cases in justice court. I had begun to wonder whether I would have any chance to show my talent as a lawyer at the next term of circuit court; the best prospect seemed to be that in the goodness of his heart Judge Stewart might appoint me to represent some indigent criminal."

"Appeals", he goes on, "would often be taken from the judgments of these courts to the circuit court, and these appeals and other rather unimportant cases gave to the firm of Sanborn and Jones their fair number of cases on the circuit court calendar."

Does this sound familiar to some of our recent graduates?

Suddenly, before he had a chance to fail in Portage, Burr Jones had an opportunity to return to Madison, in partnership with A.S. Sandborn. He recalls, "In those days in our little city the most natural way for a young neophyte to become known as a trial lawyer was to take his pilgrimage through the courts of justice of the peace. . . . Mazomanie, Black Earth, Belleville, Oregon, Sun Prairie, Waunakee, and other villages had their justices, some of whom were very busy. Waunakee was especially famous for its lawsuits. Patrick Tierney, the farmer lawyer, and Ira P. Bacon, the Justice, would send their writs to the remotest corners of the county, and the unlucky defendants would be compelled to appear and litigate or suffer judgment by default. Often the amount claimed would be exceeded by the costs. These courts were known as plaintiff's courts, and hence were favored by those who had small claims for collection or petty spites to be satisfied."

T H E G A R G O Y L E
Characterizing a "rough and tumble" Madison lawyer, Mr. Jones said, "He well knew human nature, was a good examiner of witnesses, could sometimes be eloquent and could always be abusive."

Any similarity—1872, 1972?

Burr Jones served 4 years as a Democratic District Attorney in Dane County. There was little crime—two murders, a few prosecutions for violations of the laws governing saloons, and occasional prosecution for assault, forgery, robbery and some sexual offenses.

During his term, however, the Democratic Legislature enacted the Potter law, regulating railroad rates, including passenger fares. The railroads ignored the law; the young District Attorney prosecuted the ticket agents again and again; that is, until the next Legislature repealed the law.

Consumer protection—1870's, 1970's?

Justice Roujet Marshall who, after a successful career as the lumberman's lawyer, served many years as Circuit Judge (Chippewa County), Supreme Court Justice and Regent of the University, describes, in his 2 volume Autobiography edited by Gilson Glasier, his early attitudes toward practice, which, he is sure, accounted for his success. "No time was spent visiting or loafing, as was customarily the case in this city (Chippewa Falls), nor was any time spent at saloons. My habits in those regards were very unusual in Chippewa. The result was that people soon learned that any business entrusted to our firm would be promptly and thoroughly attended to."

"Men who needed the services of a lawyer in the early morning hours in order to seasonably start up the river to the logging camp, or who needed such services in the evening", he observed, "gradually came to know where and only where they could depend on finding a lawyer on duty."

Such diligence was rewarded by Mr. Frederick Weyerhauser, the leading lumberman, who retained Mr. Marshall at the age of 31, at an annual fee which exceeded the total income of any other lawyer in the county. Weyerhauser's lawyer soon acquired other corporate clients, as well.

To get some feel for the Young Lawyers of the 1970's—the Gargoyle has travelled west to Lancaster, east to Milwaukee and downtown in Madison to the Capitol. Other stories in the Gargoyle have provided information, much of it statistical, on the whereabouts of our recent graduates. Now, for the first time, we explore briefly the young lawyers' lives—as they see it themselves. These are, of course, samples—not covered are those in the big city law firms, those who chose banks and businesses, those not in law at all, but in military service, teaching, accounting or other careers, also not covered are those who settled outside of Wisconsin, a smaller percentage each year of the most recent graduating classes.

Although she is not as young as most recent graduates, Janice Murphy Baldwin is a Young Lawyer, occupied since her graduation in January, 1971, as a staff attorney for the Wisconsin Legislative Council. She is one of 6 professionals (of whom three are lawyers) who are employed by the Legislative Council to provide staff service to Legislative Committees. Her particular responsibilities are the Municipalities Committee of the Assembly and the Committee on Housing and Urban Development of the State Senate.

Janice Baldwin
She has felt no handicaps either because of age or sex, and although she feels that the Law School makes it difficult to be a part-time student, she had a distinguished academic record. She feels that, perhaps unjustifiably, the older student tends in the beginning to lack confidence. Now her self-assurance is well established, and she has no plans to change her life.

Lancaster is the County Seat, a community of 4000 people. Its few lawyers are busy in all kinds of legal work, especially taxes, probate, real estate, and family law. The Young Lawyer in the small firm in the small city needs to develop competence in all phases of the law. Mr. Schrader and many like him spend evenings reading in all the fields in which his firm practices.

Speaking of Thomas Schrader, Patrick Kinney, (McIntyre, Kinney, and Urban, Lancaster, Wis.) said, “When we first had contact with Tom we worried more about whether he would like small town living than whether we would like him.” Now, a year and a third later, the partners need no longer fear. Mr. Schrader (Class of 1971) and his wife have taken an option on a farm just outside Lancaster, and, as firmly as anyone can plan nowadays, intend to remain in Grant County.
als working for government agencies and private business, and there are university contacts in Platteville. Living in Lancaster provides opportunities for recreation—jogging, tennis and golf, specifically, in Mr. Schrader's case. He finds that in a small community the interest which people take in each other is a kindly one, and that the toleration of individual differences is surprisingly high.

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Thomas Dixon, an army veteran of the Vietnam War, is more like the TV lawyer mentioned earlier. Tall and bearded, he has been a staff member of Milwaukee County Legal Services since June, 1971. His type of office did not exist in 1872, although the Milwaukee Legal Aid Society, the parent and grand parent of several programs offering legal aid to the poor, has been supported by the Milwaukee County Bar Association and the Community Chest for many years.

Mr. Dixon is on the staff of the southside office of Milwaukee County Legal Services, a remodeled store front on 16th Street near Garfield. The office is located in an old Milwaukee neighborhood which is as complex a mixture of ethnic groups (Serbs, Poles, Germans, Mexican-Americans, Puerto Ricans, several generation American whites) and age groups (young, middle, old) as one is likely to encounter anywhere in the United States. Although people who meet the requirements from all over Milwaukee County are eligible to use the services offered, most of the business comes walking in, off the street.

The office is fully funded by the Federal Office of Economic Opportunity, a fact which creates certain apprehensions about the future. At the present time, the funds are frozen. Efforts to re-organize federally supported legal services programs, through the establishment of a Legal Services Corporation, plus continuing political attacks add to the uncertainties.

In its three offices, Milwaukee Legal Services has 15 full-time lawyers. Most are relatively recent law school graduates. Turnover is high—lawyers leave for better paying positions. The fund freeze has resulted in no salary increases for any of the staff—either professional or clerical. The work loads are staggering; the lawyer who concentrates on family problems, for example, carries an open case load of about 600, operating out of the central office. There are plenty of well-qualified applicants, but no funds for staff additions.

In addition to family problems, MLS handles consumer problems, landlord-tenant disputes, and a host of traditional legal matters. Increasingly, the Service is involved in proceedings before administrative bodies—relating to Unemployment Compensation, Social Security, Medicare. MLS appeared on behalf of reduced bus fares for the elderly and opposed the general bus fare increase to 50 cents.

Lawyers in private practice need not fear the competition of Milwaukee Legal Services. Eligibility for the free legal service is strictly limited by income. A single person without dependents must have an income of $2974 or less to receive the free service. (It has been decided that it is no longer necessary to maintain evening office hours because any person who works is ineligible, by reason of the income restriction, for the services of the office). Even with this strict limitation, the office can handle the legal problems of only 15% or 20% of those who are judged to have legal problems among the people eligible by income.

Milwaukee Legal Services continues to try to deal with the problems of individuals, even though there are no broader implications for wider application in the com-

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munity. However, the growing burden of cases and awareness of the vast needs unmet are pushing Milwaukee Legal Services to deal more with broader questions, eventually leading to law reform. The burden is also resulting in a training program for paraprofessionals, of which two are now being hired. In the southside office, a Chicano, widely acquainted in the community, with some college education, is being trained to do some of the work which is currently done by the lawyers, such as intake interviews, questioning of witnesses and some presettlement negotiations.

Milwaukee Legal Services does no criminal defense work; there is a county office, that of Public Defender, which does it.

Mr. Dixon grew up in Waukesha, so southeastern Wisconsin is home to him. His wife will shortly receive a Master’s degree in Social Work at University of Wisconsin-Milwaukee.

Most lawyers for Legal Services work a minimum of 60 hours per week. Many weekend hours and many evenings are consumed with work. Still the frustrations of the poverty lawyers grow—not enough time, too few staff positions, constant evidence of pressing unmet individual needs. Mr. Dixon is acutely aware of all the problems. For the time being he will stay in the poverty law field. But, like most other young lawyers, his plans are flexible.

One receives a sense of continuity and history when visiting Heiner Giese at Cannon, McLaughlin, Herbon and Staudenmaier, on Wisconsin Avenue in Milwaukee. It is as close to a 19th century office as one is apt to find since the firm was established in 1907. Chief Justice Harold Hallows was formerly a member.

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The physical surroundings give the impression that there is little pressure. Apparently this is not correct. Since the firm does a wide variety of work, including a large volume of personal injury cases, representing both plaintiffs and defendants, there is a lot of litigation in process all the time.

One can safely conclude that there are more aspects to the law business in 1972 than in 1872. Varieties of professional opportunities await the young graduates. (There is currently speculation—but no hard information—about whether these opportunities have contracted or will be doing so. Certainly the many choices recently available to each searching graduate are now fewer.) The lawyer is many things. But characteristically he is a trusted community leader. The Young Lawyers of the 70’s are on their way, to complicated positions of trust and leadership in increasingly complicated communities.

SUPPORT THE LAW SCHOOL FUND

Mr. Giese has handled four jury trials alone, from start to finish (won 3, lost 1), and, like many other young lawyers, finds litigation stimulating and challenging.

He has had to develop his competence on the job, under pressure, and in this, is not so very different from the small town lawyers engaged in general practice. He appears not to lack any confidence that he can go from admiralty to probate to real estate transactions to defense of an alleged drug law violator on appointment by the court. It is all interesting to him.

Mr. Giese’s wife, Barbara, has been employed by the state of Wisconsin Department of Health and Social Services, Division of Family Service, for several years—first in Madison, now in Milwaukee. Both of them call Milwaukee home; both sets of parents live there. They have never really considered settling elsewhere. They have bought a home in Wauwatosa. Mr. Giese performs his professional and community service through several of the projects of the Milwaukee Junior Bar Association.

He appears settled and sedate. But under the surface an adventurer lurks. He has recently joined a flying club, now owns part of an airplane, and took his first lesson on the day of our interview.

A graduate of Georgetown University, Mr. Giese served as law clerk to a federal judge following his law school graduation at Wisconsin in 1969. He joined the firm as an Associate in August, 1970. There are four senior lawyers and one other Associate.

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