

VISITORS AT THE LAW SCHOOL  
TWICE IN 1974

The annual alumni visitation of the Law School took place on November 15 and 16. Members of the WLAA Board of Directors and Board of Visitors were invited, as well as a number of other members of the Bar. As in other years, visitors attended classes on Friday morning, and had lunch with students selected by the Student Bar Association, the Black American Law Students Association, the Association of Women Law Students and other groups.

The annual gripe session (now called "Open Forum") was held in the early afternoon, followed by group discussions on the improvements in legal education and student placement problems.

Dinner with the Faculty closed the day.

On Saturday morning, November 16, there was an early morning meeting of all who participated to draft a preliminary report. The WLAA Board of Directors and Board of Visitors had a business meeting at 10:00 a.m., and the Board of Visitors met at lunch to frame recommendations.

Following is the long-delayed report of the most recent visitation, held on February 8 and 9, 1974:



Visitors - November, 1974 - included (left to right) Miss Dorothy Walker, Professor Sam Mermin, William Rosenbaum, Professor Stephen Cohen, Spencer Kimball, Corwin Guell, Mac McKichan (lower right corner)

## REPORT OF BOARD OF VISITORS AFTER VISIT OF FEBRUARY, 1974

Chancellor H. Edwin Young  
University of Wisconsin  
Madison, Wisconsin

Dean George Bunn  
University of Wisconsin  
Law School  
Madison, Wisconsin

Re: Report of Board of Visitors  
University of Wisconsin Law  
School—1974 Visit

Gentlemen:

The Board of Visitors of the University of Wisconsin Law School visited the School on February 8 and 9, 1974. In addition to the Board of Visitors, members of the Wisconsin Law Alumni Association, members of the judiciary from Dane county, lawyer members of the Board of Regents, and lawyer members of the legislature were invited to attend; and a number of past and present members of the University of Wisconsin Law School faculty also were present.

Visitation started with an organizational and briefing meeting conducted by Dean Bunn. Representative class visitations were suggested by the Dean; however, members of the Board of Visitors were free to attend any classes they wished to visit. Ten classes were visited by one or more of the Board of Visitors.

In addition to class visitations, the Visitors divided into groups to discuss with students subjects which the morning briefing and orientation section concluded were particularly relevant to the current problems of the Law School. The three subjects for discussion were:

1. The Law School's response

to the demand for legal education: quantity and quality. Law School crowding, expansion or contraction; the Lockhart accreditation report; the budget, and the reputation of the School. Reports of admissions committee and curriculum reports.

2. The Legal Education Opportunities Program (LEO).

3. Women in the Law School and in the profession.

On Friday afternoon, February 8, a session was conducted in one of the large classrooms, in which both faculty members and students were invited to air any grievances or make any suggestions in respect to the School. This session was conducted by the Chairman of the Board of Visitors.

### GENERAL IMPRESSIONS

It was the general impression of the Visitors that, despite serious budgetary problems, the quality of education remained surprisingly high and that students attending the University of Wisconsin Law School continue to receive a superior legal education, albeit under circumstances that make the continued availability of quality education doubtful in the near future.

The Visitors were particularly impressed with the quality of teaching in the classes visited. There was unanimous approval of the great teaching skill evidenced by new members of the faculty. The Visitors concluded that, despite the budgetary deficiencies that have prevented the recruitment of an adequate number of new law teachers, the quality of those recently hired fully accorded with the highest traditions of the Law School's history.

It was apparent to the Visitors that some classes were so large that little of the give and take necessary to the education of law students could take place. Only in the smaller classes—and there were few of these—was there an opportunity for student participation.

### The Law School's Response to Increased Demand for Legal Education

The most obvious response to the increased demand for legal education has been to increase the size of the student body. The Law School, which was designed for a maximum of 750 students, at the time of the Board of Visitors' meeting had 938 students enrolled. This enrollment has been accomplished without a proportionate increase in the financial resources available. Accordingly, the Law School is attempting to educate many more students in the identical building and with only a slightly increased faculty. This has resulted in having Law School classes with as many as 190 students, a number far above the optimum figure for law school education. The increase in the number of applicants has also resulted in ever increasing academic and test standards required for admission.

In 1973, there were 2300 applicants for admission to the freshman class. In 1974, the number was approximately 1900. While the number of applicants has decreased slightly, the credentials of those applying are higher than ever. This leads to the belief that the demand for legal education is just as great, but that there is greater self-selection as the excessively high admission requirements become generally known.

Based upon the standards of the Law School 10 years ago, almost all of the recent applicants would be admissible. Because of the limited student places available, the admission requirements have, however, become higher. The median LSAT score of the 1973 class was approximately 650, and the grade point average 3.5. At the time of the Board of Visitors' meeting, it was the intention of the faculty to improve the student-faculty ratio to a small degree by limiting the first year class to approximately 280 students as contrasted with some 330 who were admitted in 1972. Of the 280 students to be admitted, approximately 55 would be nonresidents of Wisconsin. The Law School faculty estimated that at least 350 Wisconsin students with outstanding academic records and who all predictors indicated would be highly successful law students would be deprived of legal education in their own publicly supported law school.

The Law School faculty has been caught between the Scylla of increasing demand for admission by well qualified students and the Charybdis of being financially unable to supply the quality of legal education for which the University of Wisconsin Law School has received national and international recognition.

This dilemma and the necessarily unsuccessful efforts of the Law School faculty to satisfy these competing interests were reflected in the report of the American Bar Association's law school accreditation committee. That committee pointed out three serious deficiencies in the Law School. The committee's survey showed that the student-faculty ratio of 28 to 1 is far above the recommended minimum of 20 to 1 and is even more out of line when compared to the optimum. Significantly, it is far higher than the student-faculty ratio of 18 to 1 that existed at the Law School as recently as 1968.

Another serious deficiency is the salaries paid to members of the faculty. The Lockhart report concluded:

"The salaries are dangerously uncompetitive when consideration is given to the law schools with which Wisconsin must compete for faculty. Its salaries are \$3,000 to \$6,000 too low to be competitive."

A third serious deficiency pointed out by the A.B.A. report was the inadequacy of the Law School library. Since the time of that report, considerable progress has been made to improve the library collection, but it is the impression of the Board of Visitors that the physical facilities available for student study—the number of sit-down places in a library environment—have not been increased and remain grossly inadequate.

The Board of Visitors endorses the faculty's attempt to secure adequate financing. Underfinancing is at the heart of the Law School's problems. It is the cause of the inadequate size of the faculty and is the cause of the deplorably low faculty salaries.

Despite the critical need for additional faculty members—13 new positions were recommended as a minimum by the Lockhart report—only 5 new faculty positions could be filled under the limits of the University imposed budget. While the Visitors were impressed with the high quality of new law teachers who had been recruited in recent years, outstanding young faculty members have left Wisconsin once they have established their reputation here, and were unable to receive salaries commensurate with their nationally recognized abilities. There is great danger that the Wisconsin Law School will keep few, if any, of the outstanding young faculty members that have been recently recruited. While the beauties of Madison and the traditions of academic freedom at Wisconsin will continue to attract young scholars and teachers, man lives by bread as well as by beauty and tradition.

Figures presented to the Board of Visitors show that the per student support in terms of funds from the University is the lowest of any Big Ten law school. The Law School is grossly underfinanced also when compared to other graduate schools in the University. In 1972, the amount budgeted per law student was \$1,150, for a medical student \$7,626, for the average graduate department \$3,130 per student. The 1973-74 budget increased that amount to \$1,308 per law student and to \$9,820 per medical student. The support to other graduate schools remained about the same.

Under these straitened financial conditions, Wisconsin cannot continue to give quality law school training even by the most traditional methods. In addition, the budget makes no allowance for the important and now universally recognized need for clinical education. The University of Wisconsin Law School has traditionally been recognized for its responsiveness to the sociological needs of the community and state. Numerous new opportunities are available to law schools which are in financial position to take advantage of these opportunities. Through federally funded programs, internships are available to law students in prosecutors' offices and as law clerks for trial judges. It is recognized that these programs are of great academic and practical importance. The Law School, however, cannot give academic credit for most of these programs, because they do not have the necessary faculty supervision to make sure that each intern in each program is receiving training with a high academic content. Far less than an optimum advantage has been taken of new and important programs that are available to law schools which are sufficiently funded. If there were adequate faculty supervision

available in the various internship and student practice programs, much important academic work could be done outside the confines of the Law School, and even with the present excessive enrollment, the rabbit warren atmosphere of the Law School could be—to a degree at least—ameliorated.

The Board of Visitors realizes that there is a movement by the Wisconsin Bar Association for the re-certification of lawyers—that in a rapidly changing society the theories studied and skills acquired in law school, except as to basic principles, become, to a considerable degree, outmoded. Traditionally, the Law School has felt, in accord with the "Wisconsin Idea," that it, as a branch of the University, had a particular responsibility toward the bar and the practice of law. The Law School ideally should be the center from which lawyer re-certification and re-training programs could be accomplished. As things stand now and in the foreseeable future, only very limited assistance, if any, can be given to the practicing bar by the Law School faculty.

While the Board of Visitors recognizes that legal education is primarily an academic discipline and the greater portion of it must be accomplished through classroom work, nevertheless students who graduate are afforded the diploma privilege and are legally entitled to practice law from the date of graduation. Yet, except for a few highly successful practice courses, which only a limited number of students can attend, Wisconsin law students receive little exposure to practice situations. Wisconsin law students may hang up their shingles although they are woefully deficient in fundamental legal skills. They lack intensive training in legal writing and draftsmanship. Training in advocacy is almost entirely limited to volunteer pro-

grams; and the fundamentals of law office practice and interviewing and counselling clients are only beginning to receive the consideration that they deserve.

The Law School has responded to the need for additional faculty by using a large number of practitioners in selected courses which deal primarily with practice and procedure and oral advocacy. The Board of Visitors encourages and approves of this interchange between the faculty and the practicing bar. Law practitioners are uniquely able to bring reality to the academic study of law and assist materially in the teaching of legal skills. Yet, each member of the Board of Visitors, while approving of such part-time faculty, recognizes that no part-time teacher can devote to his work in the Law School the same undivided attention that is expected of a regular member of the faculty. While we believe that this interchange should be encouraged irrespective of the financial ability of the School, it should not be used as a crutch to avoid the hiring of necessary full-time faculty. The practice program, though well conceived, directed, and organized, is insufficiently staffed to provide across-the-board skills training that should be given to each student accorded the right to practice law upon graduation.

The University Administration refuses to recognize that there should be a differential in salaries paid to teachers in the Law School who are members of the bar, as compared to faculty members who are not members of practicing professions. The Board of Visitors, on the other hand, recognizes that the legal abilities required to be a law teacher must be at least as high as those that are required to be a leading member of the practicing profession. Yet, their income is far lower. The problem is recognized by the University Administration in respect to the Medical School faculty, and they receive salaries substantially in excess of

faculty members who are not members of the traditional practicing professions. It should also be pointed out that accreditation standards penalize law schools in which the faculty supplements its income by private practice. In the Medical School, private practice, however, is encouraged. The Board of Visitors believes that the same salary recognition should be given to lawyers who are professors of law as is accorded to professors of medicine who are licensed physicians.

The Law School faculty has made various responses in an effort to alleviate its current problems. The fundamental need, however, is simply a matter of money. The Dean and Faculty have responded to that need by a reasonable request for increased funding from the University Administration and the Board of Regents. The Board of Visitors endorses this request.

Another response to the demand for legal education has been to reduce the size of the first year class in order that the Law School may to some degree accommodate its enrollment to budget realities. This, to some extent, has been accomplished, but we believe, to the detriment of the people of Wisconsin. Literally hundreds of exceedingly well qualified Wisconsin students have been deprived of an opportunity for legal education. Many of these rejected students admittedly would be outstanding lawyers. The reduction in enrollment has been largely accomplished by increasing the standard of academic qualifications. This has resulted in a highly elitist student body. While studies have shown that there is a high correlation between academic ability and success in the practice of law, hundreds of Wisconsin students are turned away who have gilt-edged academic qualifications. It is highly doubtful that the excessively high qualifications now required for admission will contribute to average citizens' needs for good legal representation in the cities and small towns of Wisconsin.

The Board of Visitors disapproves of the excessively high standards that are now required for admission to Law School, but it acknowledges that no better solution to the problem than that offered by present faculty practices has been offered.

Until the summer of 1974 a pre-admission program was offered to students with marginal qualifications. Those students who showed substantial promise in representative courses were admitted to the Law School. The program was dropped because of the excessively high sacrifices—in terms of time and money by students—when at best only about *two-thirds* of the pre-admission students could finally be admitted. The Visitors, however, regret that this “safety valve” program, which at least gave marginal students another opportunity to qualify, was abandoned. It should be noted that “marginal,” as used in this context, refers only to the fact that they were near the bottom of the group, all of whom had met very high standards. In terms of traditional admittance standards, they were highly qualified.

The Law School faculty has, however, innovatively responded to this problem by recommending a second law school in the State of Wisconsin, a law school with the same high teaching standards that have been traditional at Madison. An additional school would make possible the admission to Law School, both at Madison and at another location, of well qualified students now denied admission. Law School education is extremely inexpensive for the taxpayers of the State of Wisconsin, and another law school could be established with little financial impact upon the citizens. The Board of Visitors has given its approval to a second law school,

and a committee of lawyers, citizens, and faculty organized by the Chancellor of the University has recommended that a second law school be started. A committee formed by the Central Administration has, however, by a divided vote, withheld its approval. We believe that additional facilities for legal education are required in Wisconsin. This possible solution to the admissions problem—a second law school—should receive renewed consideration.

The faculty has rejected a trimester program. There is also little enthusiasm for a night law school. A trimester program would require a considerable increase in faculty positions, and the night law school would probably be inappropriate except as a part of a second law school in a location other than Madison.

We believe that the Law School faculty, by and large, has responded responsibly to increasing demands for legal education. Their response, however, could not solve the basic problems. These can only be alleviated by adequate funding of the Law School and an augmentation of physical facilities in Madison or elsewhere.

#### *Open Forum*

In recent years it has been traditional for the Board of Visitors to meet in an open forum with student and faculty members. An hour and a half was devoted to that meeting in the 1974 visitation. The session was billed and noticed in advance as a “gripe session.” We believe this is a misnomer, and in the future we suggest to the faculty that it be billed merely as an “open forum,” in which there may be a free interchange of ideas between the Visitors on one hand and the students and faculty on the other.

The emphasis at the 1974 session was not upon gripes or complaints but upon the need for the planning of law school activities and the seeking of information in respect to the future of the school. It should be pointed out that the general tenor of the meeting was far different than it had been in the past. During the period of campus unrest, there appeared to be a considerable amount of fault-finding over relatively trivial issues. The students in this session addressed themselves to the same serious concerns shared by the Visitors. There were comments and questions about the recent law school accreditation report, the size of the faculty, the need for physical expansion of the law building, the problems of library security, and the need for specialization in the law. There was also a discussion of discrimination against women in the practice of law.

There were specific criticisms directed to the inadequate response of the University Administration and the State government to the needs of the Law School.

One comment not brought out elsewhere was the need for more administrative assistance in the Law School for the Dean. Dean Bunn acknowledged in the Board of Visitors’ meeting that there was a lack of administrative assistance in the Dean’s office and that, as a consequence, much of the routine administrative work was handled by full-time faculty and this reduced the ability of the faculty to do necessary teaching and research. He acknowledged that, because ostensibly full-time teachers were spending a considerable amount of time on administrative work, the student-faculty ratio was even more aggravated than the statistics would indicate. On the other hand, Dean Bunn indicated that it would be a mistake to have a large administrative staff that was removed from the problems of the faculty and the students. He agreed with the Wisconsin Law School’s tradition of having administrators come from the aca-

democratic ranks and returning to academic work after a term in which they performed administrative duties.

As a matter of priority, the Dean indicated that the funds should be allocated to the academic faculty before there should be any increment in the strictly administrative staff. The Visitors agreed with Dean Bunn's theories, but they felt that additional funds are needed now to provide additional administrative support and that additional academic positions should be created with the specific purpose of taking into consideration the problems that arise when administrative responsibilities are given to faculty personnel. Faculty people involved in administrative duties should be substantially relieved of their teaching duties and the faculty-student ratio should be adjusted to reflect the true relationship—i.e., if academics are to be used as administrators, some additional faculty must be provided to reasonably staff the administrative and traditional teaching functions.

#### *Legal Education Opportunities Program*

The LEO, the Legal Education Opportunities Program, was one of the areas of major concern to the Board of Visitors. The Board of Visitors is satisfied that this program has become a substantial success and has made it possible for a larger number of students from minority groups to enter law school and to successfully complete the program for a J.D. degree. As a consequence of this program, minority enrollments in the Law School have increased. It was suggested that the program be augmented by greater scholarship funds where possible, particularly in the second and third years, since adequate funding is generally only in the first year.

The Board of Visitors endorses the LEO program and urges greater funding, the recruiting of additional faculty members from minority groups where feasible, and the establishment of specific allocations to the LEO program in future fund-raising efforts.

It was interesting to note that LEO students, although particularly concerned with the problems resulting from their origin in minority groups, expressed the same concerns about the quality of the Law School that were expressed by students generally. Their concern was not merely for their status in the School but for the University of Wisconsin Law School in its totality.

## **SUPPORT THE LAW SCHOOL FUND**

#### *Women in the Law School and the Legal Profession*

Another major area explored by the Visitors was the problem of women in the Law School and in the legal profession. The women students present at the meeting complained that too few women had been hired to teach full time in the Law School. They felt that the ratio of women to men in the faculty should bear some relationship to the proportion of men to women in the student body. They called to the attention of the Visitors that by that standard the number of male members of the faculty is excessively high. They also expressed the feeling that the faculty should pay more attention to the opinions of the women students in the hiring of women faculty members. They believe particularly that they should be permitted to attend the final hiring meeting, so that their recommendation can be considered by the persons actually doing the hiring.

A major complaint of women students stems from the fact that

many of them either have small children or must work during the law school term. Present rules require that a first year student take at least 15 credits, and in addition a first year student has no choice of the class sections to be attended. This, the women students point out, does not allow sufficient flexibility to allow them to care for small children. They have recommended a reduction in the number of credits required of first year students and the opportunity to take a required course at a time that is most compatible with their obligations as mothers or as students who are required to work outside of school. There was also some interest expressed in a full-time Madison night law school which would make it possible for students who work, and particularly the mothers of small children, to attend school in the evening. Some of the same students also urged that there be a day care center in conjunction with the law school. While a day care center would appear to be infeasible unless it were an all-University project, the Visitors support an effort to give additional flexibility to class schedules. Present rules also require that law school be completed within five years. This in some instances imposes an excessively onerous burden on students with non-academic responsibilities. Further study should be made of this problem and the desirability of the five-year rule.

One serious complaint made by law students was the continued use of Wisconsin Law School placement services by firms, business and legal, which indicated that they would not consider hiring a woman. They urged that a condition of using the University of Wisconsin placement services be that no prospective employer refuse to hire a student on the ground of sex. The Board of Visitors recommends that it be made clear to prospective employers that hiring should not be made on the basis of sex and that the placement services of the Law School be afforded to only those employers who were to abide by that principle.

It was also brought to the attention of the Visitors that a number of the faculty members, including part-time faculty members from the practicing bar, were insensitive to the problems of women, and it was felt that some effort should be made to sensitize faculty members to these real concerns of women law students.

In respect to sexist remarks by the faculty, the Board of Visitors recognizes that probably the most that can be hoped for is an increased sensitivity and a consciousness of the problem by those who are teaching in the Law School. There was no evidence of any conscious sex discrimination by any faculty member either full or part time. It is the hope of the Board of Visitors that mutual education of the faculty and students, one by the other, will reduce both oversensitivity and undersensitivity. The Law School has adopted a strong position to encourage qualified women students to attend the school, and the problems that now exist, we believe, are temporary. Although the concern of women students is legitimate and its cause must be eliminated, this is a matter that we hope time and propinquity will cure.

### CONCLUSIONS

In conclusion, the Visitors can only reiterate the obvious—for good reason or bad the University Law School has been systematically starved of adequate funding. The genesis of these financial problems may well lie with the State government, but the facts show that the Law School has been shortchanged of its fair share of University funding. While pride in our own profession adds vehemence to our position, the fact is that the continued high quality of the University of Wisconsin Law School is fundamental to the political health of the State and to personal liberties of Wisconsin citizens. The traditions that have made the University of Wisconsin great—"sifting and winnowing" for the truth and "Academic Freedom"—are essentially concepts that have found expression in the discipline of law.

There is an explosion of legal activity nationwide. It seems a strange and inexplicable misallocation of the University's resources to starve one of its most distinguished schools at the time of the State and Nation's greatest need for legal services.

The Law School, under the circumstances, is surprisingly good, but under these circumstances it cannot long survive as an institution in which either the University or the people of the State can take pride. It is only because the School was far ahead of most others before the present enrollment-financial dilemma that it is not now far behind. It retains a faded respectability, but its claim to national distinction grows more tenuous each year.

The School is well administered and staffed by a distinguished but underpaid faculty spread too thinly to discharge the pedagogical, research, and administrative duties required in a law school that lays claim to excellence.



**N. S. Heffernan**

The deficiencies in the Law School are the result of policies external to the School itself. They stem from the failure of the University to give adequate support to public legal education.

Board of Visitors  
University of Wisconsin  
Law School

N. S. Heffernan, Chairman



The future is bright for the class of 1975, with their friends: Professor George Young, Dean Bunn, Chancellor Young, President Weaver