

**COMING EVENTS CAST THEIR SHADOWS BEFORE**

**THE GARGOYLE**

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**THE CONTINUING QUEST**

**FOR ADEQUATE FUNDING OF THE LAW SCHOOL**

ORRIN L. HELSTAD ACTING DEAN

In many ways I regret the need to write this story. I am proud of this Law School and grateful for the education which I received here. I am sure most of you—our alumni—feel the same way. I therefore am reluctant to write anything which tends to detract from the School's luster. The University of Wisconsin Law School long has been and still continues to be a great national law school, in my opinion. Nevertheless, I am forced to concede that for many years its financial resources have not kept pace with its goals and achievements.

For a long time, the highly inadequate physical facilities in which the school operated seemed to be the major problem. The school was severely criticized on this score by the ABA-AALS inspection team which visited the school in 1959. Nevertheless, the inspection team concluded in its report that "the law school and the university enjoy a distinguished reputation . . . There are few law schools in the United States and probably none of comparable resources, where the spirit of inquiry and productive scholarship has so thoroughly pervaded the faculty as at Wisconsin."

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**TABLE OF CONTENTS**

Dean Helstad Speaks . . . 2

Law School Admission . 6

What Comes Next? . . . . 7

Center Re-Visited . . . . . 8

The General Practice Course . . . . . 9

Fall Visitation . . . . . 10

Coming Attractions:  
Law Review . . . . . 11

Early Budgets . . . . . 11

Law School Fair . . . . . 11

One of the Busy Professors . . . . . 12

Faculty Notes . . . . . 12

Gullickson Made Fellow . . . . . 13

Largely through the diligent efforts of former Dean George Young, who continued efforts started earlier by former Dean John Ritchie, a mostly new physical facility was completed in 1964. At least the space problems seemed solved. It is a commentary on the changes which often afflict higher education that these facilities were considered inadequate less than 10 years later.

Toward the end of the sixties, a number of forces converged to cause sharp focus on the issue of the adequacy of the law school's resources. In the first place, we were suddenly hit with a flood of well-qualified applicants for admission. We responded as best we could to meet this demand, with the result that our student population went from 587 in 1968-69 to 896 in 1971-72 and even higher the following year. This increase in enrollment was not accompanied by a corresponding increase in teaching resources or physical facilities. Consequently, our student-faculty ratio went from a fairly respectable 18-to-1 in 1968-69 to a very unsatisfactory 28-to-1 in 1971-72. Our physical facilities which had seemed quite adequate in 1968 suddenly became overcrowded and inadequate.

A second factor which brought the resource problem to the forefront is the change which legal education has been undergoing in the last few years. Former Dean George Bunn has told you about these changes on a number of occasions in prior issues of the *Gargoyle*. Basically, the changes involve a trend away from the heavy reliance on the case method of instruction toward more emphasis on the teaching of practice skills through simulation and clinical placements as well as through the use of written assignments and problem-solving techniques. These are more expensive methods of instruction and consequently place greater demands on the resources of the law school.

Still another factor should be mentioned—one which made it difficult for the University to respond adequately to the changing needs of the Law School. This is the tightening or diminishing financial resources which higher education in general faced starting toward the end of the sixties and continuing up to the present time. In Wisconsin this took the form of required "productivity increases"—another name for a budget cut. It is doubly difficult for one school within the University system to obtain a budget increase when that increase means a decrease in the budget of some other school or unit within the system.

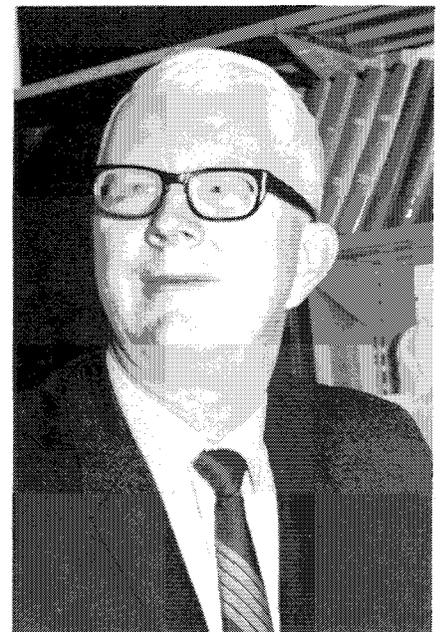
I mentioned the periodic ABA-AALS inspection which took place in 1959. Another one took place in the fall of 1971, a time when our resources were at a low point. The 1971 inspection team noted in its report that "the law school of the University of Wisconsin-Madison is still a strong law school with an illustrious past and a promising future, provided it is promptly funded adequately by the addition of very substantial amounts to its annual budget as well as needed catch-up funds to correct deficiencies in its library." The inspection team criticized the school's lack of resources in a number of respects, but principally because of its unfavorable student-faculty ratio (then 28-to-1), the grossly inadequate library funding, and its low faculty salary scale as compared with law schools with which the University of Wisconsin Law School competes for faculty (including all other Big Ten law schools).

Both former Deans Kimball and Bunn worked very diligently to improve the school's resources, and both based their resignations in part on their feeling that they had not been able to make satisfactory progress. Nevertheless, substantial progress has been made.

Progress is indicated by the fact that we now have a student-faculty ratio of about 21.5-to-1, as compared with the 28-to-1 ratio which existed in 1971-72, even though we have cut back only slightly on the size of our student body. We have made substantial progress toward more adequate funding of our library, including some catch-up funds, as indicated by the fact that we now have a library of about 180,000 volumes as compared with about 133,000 volumes in 1971-72.

We have not made progress toward improving our comparative competitive position insofar as faculty salaries are concerned. I believe we have been remarkably successful in hiring and retaining good teachers, despite our salary scale. We have lost a number of teachers to other schools over the past few years. Salary was not the reason given for leaving Wisconsin, but to the best of our knowledge a higher salary was paid by the other school in every case. One cannot help but speculate whether some of these people might have stayed if our salary scale had been more competitive.

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We were visited again by an ABA-AALS inspection team in December 1974. This was not one of the periodic inspections. Rather, it was a reinspection to determine what progress we had made toward correcting the deficiencies noted by the 1971 inspection team. The reinspection team submitted its report during the spring of 1975, and last summer the Council of the Section of Legal Education and Admission to the Bar of the American Bar Association acted on the report. To the surprise and consternation of many of us, the Council found that we had not made adequate progress.

Specifically, the Council's resolution states that the University of Wisconsin Law School fails to meet ABA standards in the following respects:

(1) That the funds provided are inadequate to insure a faculty of sufficient size to meet the modern educational needs of a law student body of 880.

(2) That faculty salaries are at least \$2,500 to \$3,000 too low to permit us to compete effectively with the law schools with which we seek to compete for teachers.

(3) That there is an insufficient number of small classrooms and seminar rooms to accommodate the increased emphasis on small-group instruction.

(4) That suitable office space is not provided for the use of full-time faculty members who must be added to insure the proper student-faculty ratio.

The Council's resolution further states that we must submit by December 1, 1975 a plan showing how we will be in full compliance with ABA standards by July 1, 1976. There is the threat that further proceedings will be taken against us unless a satisfactory plan is submitted.

I might add parenthetically at this point that our law school is not the only one which has been feeling pressure from the Council of the ABA Section on Legal Education in the last couple of years. Since the ABA Standards for Approval of Law Schools were revised substantially in 1973 with the purpose of upgrading legal education in the United States rather than merely enforcing minimum standards, the Council of the Section of Legal Education has become much more active and aggressive. Thus, during the period of 1973-1975, forty ABA-approved schools were reinspected. Action on inspection reports regarding these forty schools resulted in a simple continuation of full approval for nine law schools, a request of progress reports from 29 law schools, a request to show compliance from six schools (including Wisconsin), a request to three schools to appear before the accreditation committee, and an order to five law schools to show cause as to why they should not lose their ABA approval.

It should be clear to everyone that there is no danger of loss of accreditation. We are still a very good law school. I think this is recognized by the inspection team and Council of the ABA Section on Legal Education who express their aim in terms of helping a distinguished national law school obtain the support which will prevent it from becoming "just an-

other adequate state institution or, at the worst, slipping into mediocrity." I will state categorically that there is no danger of our "slipping into mediocrity." I think there is some danger of our becoming "just another adequate state institution" if our resource inadequacies continue over a long period of time. I am confident, however, that this is not going to happen, and I see no present and immediate danger.

What are we doing to meet the ABA criticism? In the first place, we are going to be asking for more money from the Wisconsin Legislature in the budget review session which starts in January 1976. U.W.-Madison Chancellor Edwin Young has agreed to support a request for funds sufficient to hire at least six additional teachers. Assuming our student population stays at about 880, this will mean that we will have a student-faculty ratio of about 19-to-1. The report of the inspection team which visited the law school in December 1974 states that our goal should be an absolute minimum of 20-to-1 and that it would be preferable to have a ratio of 18-to-1 as we did in 1968. I am reasonably confident that the University central administration will support our request and I hope the Regents will do the same. It then becomes a question whether the Legislature and the Governor can be persuaded to add the necessary sum to our budget.

The law faculty in turn has agreed to maintain the size of our student body at 880 in order to try to meet, to the fullest extent possible, the continuing interest on the part of well-qualified college graduates in obtaining legal education. The faculty added a proviso to the effect that its agreement to continue to serve a student body of 870-880 is contingent upon receiving the necessary financial

support and physical facilities. Thus, if additional financial support is not forthcoming from the State, we will take steps to cut back on the size of the student body to the extent necessary to meet the standards with regard to student-faculty ratio mandated by the ABA.

The ABA criticism based on our faculty salary scale probably is more difficult to meet than the matter of the student-faculty ratio. I believe we will not be able to count on very much University support in this area. The law school presently is tied fairly closely to the general salary structure at U.W.-Madison. It obviously is a difficult and sensitive problem for a University-wide or system-wide administrator or governing board to support a higher salary scale for one college in the system than for other units. On the other hand, I think that University officials are sufficiently sensitive to the needs of the law school that we will not receive opposition to any attempt we make on our own to have our salary structure improved. We therefore will need to have a bill introduced in the January 1976 session of the Legislature and hope that we can convince the Legislature and the Governor that the salary increase is warranted.

We have taken at least one other step to improve our competitive position with regard to the hiring and retention of teachers. Perhaps I ought to say that the Board of Directors of the Wisconsin Law Alumni Association took the step, for at its meeting on October 4, 1975, the Board adopted a resolution which reads in part as follows:

"Whereas the Board of Directors of the Wisconsin Law Alumni Association deems it essential to the public interest

that the University of Wisconsin Law School maintain an effectively competitive position in the market in which the school competes for recruitment and retention of faculty; and

"Whereas the Board believes it can best assist the Law School in maintaining such a position through meeting needs which are not likely to be met through the appropriation of state revenues; and

"Whereas the Board believes that such unmet needs exist in the area of financial support for professional and program improvement activities.

"Therefore, be it resolved that the Board expresses its approval of a goal of \$50,000 for the establishment of a fund under the control of the Dean of the Law School to be used for these and similar purposes . . ."

The resolution further provided that the Board of Directors supports the concept of turning over to a full-time member of the law school staff the task of alumni relations and fund raising activities and that the Alumni Association will contribute annually to the salary of such a staff member a sum commensurate with the approximate amount of time which that person devotes to alumni activities.

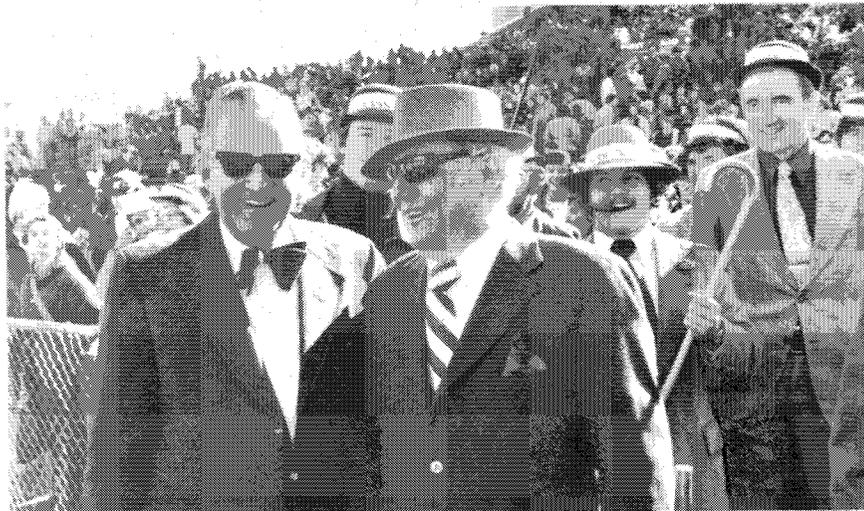
I believe this type of flexible and non-lapsing fund can contribute immensely toward making the law school a more pleasant and productive place. Faculty members have expressed enthusiasm for the idea and, although it is not a

substitute for a salary increase, I believe it to be equally important. I also look upon this as a partial answer to ABA criticism, but it is clear that the need for such a fund exists quite apart from what the ABA committee has said. There are a large variety of purposes for which such a fund could be used, including the supplementing of meager state travel funds, the supplying of short-term secretarial services to meet special faculty needs, and the funding of special research projects for which funding is not otherwise readily available. We hope to create this fund without cutting into the present level of alumni support for our students. The financial needs of the students clearly are great and are not diminishing.

We are about to start looking for someone to fill a new position of Assistant Dean. This position will probably combine alumni relations and development activities with placement activities. Bill Lewis has done an excellent job as Executive Director of the Alumni Association, but he is finding that his growing law practice is making it more and more difficult for him to devote the necessary time to alumni activities. Moreover, Mary Staley who has served so well as our Placement Coordinator for the past several years has decided to retire at the end of December, 1975. This therefore seems to be the opportune time to try to combine these important functions under one person who will devote full time to these activities.

What are we doing about the space problems? There of course are limits to what we can do in the way of changing the Law Building to create more small classrooms and seminar rooms. However, by minor remodeling and purchase of additional furnishings we have

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## HOME COMING—1975

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### HELSTAD—Concluded

during the last year created one large seminar room, one small seminar room and a meeting room, which will hold up to 10 persons for a meeting or a seminar of similar size.

We are creating more office space for our faculty and visiting lecturers by causing certain groups to be moved to quarters outside the Law Building. For example, office space for supervising attorneys and students in some of our clinical programs is being provided in University-owned buildings over on University Avenue—a short block from the Law Building. Similarly, the University is in the process of finding space outside the Law Building for the Extension Law Department which we have housed for a number of

years. Again, we hope that space may be found within close proximity to the Law Building. These moves will free up substantial office space as well as the possibility of an additional seminar room.

In addition, the last session of the Wisconsin Legislature approved a sum of \$670,000 for the construction of an addition to the Law Library. This will provide a number of studies or small offices as well as substantial additional stack space for books. Construction should be starting next summer. There is also in the early planning stages an office and classroom addition to the Law Building, but it probably is too early to predict whether this addition ever will materialize.

In conclusion, I think we are making substantial progress, and I am confident we will meet the conditions imposed by the Council of the ABA Section on Legal Education and Admission to the Bar. We ought not be concerned only with meeting those conditions, however. A recently-compiled index of resources of the roughly 160 ABA-approved law schools in the country (weighted as to number of students and number of faculty) shows Wisconsin tied for 35th place with 5 other law schools. I would like to think that we belong among the top dozen law schools in general quality. We ought not rest on our laurels until our resources match our aspirations.

\* \* \*

*Merry Christmas To All And To All A Good Night*