

Wisconsin's Legal Tradition

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UPON RECEIVING THE
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Introduction

Speaking for everyone at the Law School, I want to thank Mrs. Mary Virginia Brazeau for the generous gift of the professorship. I also want to thank my colleagues for nominating me for this great honor.

Dean Bernstine has asked me to talk about the Law School, considering issues that might interest both alumni and faculty. The most significant development at the Law School is that the faculty is changing rapidly. In the past five years, seven senior faculty members have retired and one has died. Two more will retire at the end of this year. Six more are in their sixties and could retire within a few years. These are experienced and talented people. In addition, seven extraordinary faculty members have left over the same period to teach at such places as Columbia, Princeton and Yale.

We have appointed many excellent new faculty members, and we will appoint more soon. Alumni who have been practicing for some time will have to look hard to find people at the Law School who taught them during their student years. Sweeping changes in the faculty could make us better, as new people bring new

ideas and energy, but drastic change also involves risks. I don't have to tell members of this Law School community that Wisconsin is not just a generic state law school. It long has been something special in American legal education. In a time of great change of the faculty, can Wisconsin continue to be something special?

To keep our tradition alive, we must understand it. Our merit does not rest on those indirect indicators of quality so beloved by U.S. News & World Report. In terms of return on investment, Wisconsin must be one of the world's greatest law schools. As is true of so many things in Wisconsin, dedicated people, working above and beyond the call of duty, have overcome resource constraints. Wisconsin law professors have drafted path-breaking statutes that have become models for other states. They have answered calls for help from legislators and the staff of administrative agencies. They have served on local, state, national and international committees and boards. Many have responded to a steady flow of questions about their areas from practicing lawyers. They have produced innovative teaching materials and done highly original research. As law school enrollment has increased, they have taught students in large classes, small seminars and clinical programs. Many have done a great deal of one-on-one teaching. At a time when professor-bashing is a popular indoor sport, I must call attention to the contributions to the state and the nation of so many of my colleagues.

Another part of the Law School's tradition is our "law in action" approach to

issues. This is recognized nationally and internationally, and it is something that we cannot afford to lose. We are one of the few state law schools that want to be more than a version of Harvard or Yale.

I'll try to sketch important elements of this Wisconsin tradition by looking at three great faculty members who served here during the period 1929 to 1981: Nate Feinsinger, Jake Beuscher and Willard Hurst. All three were teaching here when I joined the faculty 37 years ago, so I'll draw on my own memories as well as those of others. In addition, I'll quote excerpts from tributes that appeared in the Wisconsin Law Review.

Three Sketches:

Nate Feinsinger served at the Law School from 1929 to 1973. He was one of the inventors of modern labor law. He was the permanent umpire under several important collective bargaining contracts. But we are more likely to remember that he was called many times when major strikes created great social problems. Willard Wirtz said:

Leaving to less adventurous counsel and judges the arguing and deciding of cases in court, where there were rules to go by, he chose emergency situations that developed so fast that a sometimes rough frontier justice had to be improvised to put out flames that were spreading. (1)

Nate had a photograph on his wall that showed him with President Truman at the White House. Nate said that he had told President Truman that as president he had the power to seize the steel mills that had