

EQUALIZER



Wisconsin uses Madison Plan to Enhance Diversity

The University of Wisconsin Law School recently added four leading minority law professors, including two women, to its faculty, thus taking a big step toward creating the critical mass that many women and minorities have found necessary to avoid racial and gender isolation in faculties. Joining the law school's faculty are Richard Delgado, Linda Greene, Rennard Strickland, and Pat Williams. Williams is certain to enrich the intellectual life of the law school; she is known for her extraordinary insights in race and gender relations. Delgado, a prolific scholar in the area of minority interests, has already joined the Wisconsin faculty. Rennard Strickland, of Cherokee and Osage Indian descent, is visiting this year at Arizona State University and is assisting in that school's development of its new Native American Law Program. Linda Greene has taken a leave of absence from the Senate Judiciary Committee to participate in the Democratic Presidential Campaign; she

assisted Eleanor Norton in presenting views of the Jackson Campaign to the platform committee at the National Democratic Convention, and she is currently working in Los Angeles as the Dukakis California Campaign '88 Constituency Coordinator. She will join the law school next fall.

The Wisconsin Law School's success in recruiting was ultimately made possible by the recent hiring of Donna Shalala to the post of Chancellor of University of Wisconsin. Shalala set affirmative action hiring as her top priority and made funds available for university-wide hiring. The goal under the resulting "Madison plan" is the recruitment of 70 new minority faculty members over the next three years. Twenty-eight minority faculty have already been hired under the plan.

The Madison plan, however, simply implemented a recruiting plan already in place at the Wisconsin School of Law. Nearly two years before Shalala's program was in place, Jackson

Professor of Law Frank J. Remington chaired an appointments committee that sought to attract minority candidates in a period of financial constraint. Although the law school did not then have the funds to make such an addition to its faculty, the committee was determined to attract minority candidates and then persuade the university to provide the necessary funding. The subsequent hiring of Shalala and adoption of the Madison plan fit perfectly with the law school's goals. The law school faculty unanimously offered tenured positions to all four candidates, and all four accepted.

Professor Remington attributes the success of the law school in its recruitment efforts to five factors:

1. "a genuine commitment to affirmative action by this faculty. . . . Although we were better than most law schools, . . . we had not done as good a job as we should have in adding minority group members to this faculty to give us a stable 'critical mass';"

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2.a willingness to hire such a critical mass rather than be satisfied with hiring one person;

3."a law school and university administration committed to affirmative action and willing to furnish the resources needed to make it possible to succeed;"

4."a willingness to commit ourselves, as a law school, not only to adding minority faculty members, but also to a program of research, teaching, and public service in areas of concern to minority communities;" and

5."the wisdom, years ago, to hire Jim Jones, who has been for many of us the model and the conscience of this faculty, a continuing reminder of what we ought to do and of how much there is to be gained by those who have the courage to make an

all-out effort."

Not all are unqualifiedly complimentary of the gains at Wisconsin. University of Houston Law Professor Michael Olivas, spokesperson for Latino Law Professors, worries that the Madison plan may be viewed as a ceiling for minority hiring once its funds are exhausted. He also decries the "chess game" in which law schools that hire senior minority faculty tend to simply move them from one school to another rather than increase the total population of minority faculty. Professor Remington is aware of these potential problems and offers this response:

"It is obvious that hiring both senior and junior level minority faculty has value. Our decision was one of priority. We decided to concentrate first on tenured

level people who would fill our immediate need and then to turn our attention to entry level people who will contribute over the long run."

SALT applauds the Wisconsin Law School's commitment to diversity. It will recognize the school's efforts by presenting the school with an institutional award at its annual awards dinner at the A.A.L.S. convention. Those interested in attending may make a preliminary request for reservations with the reservation form on page 5 of this newsletter. The precise date, time, and price of the banquet will be noted in the December newsletter, permitting advance payment and confirmation of reservations at that time.

1988 SALT Awards Banquet for Howard Lesnick

SALT awarded its 1988 Teaching and Service Award to Professor Howard Lesnick at the SALT Awards Banquet during the 1988 A.A.L.S. Annual Meeting in Miami. Joining Howard at the speakers' table were Howard's wife, Carolyn Schodt; out-going SALT President Emma Jordan; in-coming SALT President Chuck Lawrence; SALT Governors Sylvia Law and Carrie Menkel-Meadow, and CUNY Law Professors Jack Himmelstein, Homer La Rue, and Venessa Merton.

The banquet started on an emotional note when Bea Moulton led all guests in a tribute to gay activist and former Legal Services Corporation President Dan J. Bradley, who died of AIDS one day before the banquet. All in the room rose, joined hands, and sang Amazing Grace in memory of Dan, prompting tears to flow.

The banquet soon struck

lighter notes as speakers praised Howard for his pioneering work at CUNY, his dedication to public interest law, his scholarship and innovative teaching in the field of labor law, and his devoted mentoring. Sylvia Law provided one of the more humorous notes of the evening when she described Howard's relationship with the work of the San Francisco rock group, the Grateful Dead:

"For two decades Howard has been part of some of the most exciting and deeply satisfying parts of my life. I thus have a lot of material to work with. Not to worry, Howard, I will not tell my best stories about you."

"I could, for example, talk of Howard as a leader in training young poverty lawyers, as he was to me when we first met in the Reginald Heber Smith Program in 1968. Training poverty lawyers was then no small task, for poverty law first had to be invented. Or I could talk of him

as a wise and elegant teacher, as a challenging colleague, as a probing intellect or innovative educator. Or, I could speak of him as a true friend. But rather than those standard honorifics, I want tonight to talk about Howard as a Deadhead."

"'Deadhead' is a technical term that I would not use with most AALS audiences. But this is SALT and probably most of you know the Grateful Dead as the classic San Francisco rock and roll band that inspires their fans--the Deadheads--to follow them from coast to coast and decade to decade. At their concerts you can hear loud rock and roll music in the company of gray haired people."

"Now you may be skeptical that this serious learned man is in fact a Deadhead. I, too, am a Deadhead, and that may seem plausible to you. But Howard? One story will establish my point. Howard's favorite Dead tune, and mine, is a song called Ripple. He once said to me, in all

earnestness, 'You know, Sylvia, this would be a better place if everyone listened to this song every day.' Now I have no doubt but that this is true. Still, I would never say it. It is just too weird. Too bizarre. Too wildly utopian."

"Howard discovered the Dead in the early 70's, when he was a senior professor, his daughter Alice almost a teenager. That openness to new experience is remarkable in itself. He is a seeker, an adventurer."

"But Howard is not open to any new experience that comes down the pike. The Dead are not Richard Hell and the Voidoids. Rather, as a Deadhead, Howard reaches for human connection, caring, energy, and joy. He affirms that it is possible to build communities of love and growth and opportunity within a world of alienation, hatred and poverty."

"But there is another side to Howard, a dark side. Most Deadheads, like myself, operate in a framework of optimism. Most of us are naive flower children or able to consciously assume optimism as an operational attitude that allows us to get on with the business of our work and our lives."

"That is not Howard. A lively part of him is profoundly pessimistic. His ability to be attuned to the worst case scenario has enabled him to help many of us understand that the institutions that shape our lives are flawed, not simply in minor ways that might be amenable to reformist corrections, but are rather rotten to the core. And the Dead, like the great musical poets in the Blues tradition, sing to the ineffable sadness of life."

"Finally, Howard, like the Dead, embraces the mystery and magic of life. He relishes our inability to understand or control even our own little corner of the cosmos."

"As most of you know, Howard and Caroline, Caleb and Abigail, have decided to return to their old home, Philadelphia, to build a new life. I hope that in their new life they will continue to find and to make community, joy, music, connection and as little despair as Howard can manage and still be true to himself. I hope you will continue to find and to make magic. In short, I hope you will continue to be a Deadhead."

Carrie

Menkel-Meadow

praised Howard's teaching and mentoring:

"Howard has been my teacher-in life, more than the classroom. As a mentor he has refused to mentor, but instead to enable people to be who they are, despite his differences with them and his desire to see more in the persons than they can see in themselves. . . ."

"I would like to briefly illustrate with some of the key ideas I have learned from Howard over the years: authenticity and the search for the real self; collective grappling; democratization of work and the professions; empowerment; integrity of the process (lawyer-client relations); and finally, gentleness."

Carrie ended her presentation with an adaptation of a prose poem that Howard had given to her ten years earlier. She described the poem as "a description - as is Howard's life - of beginnings and endings, of continuing searches and journeys, never finished on this path we call life, for those 'men too gentle to live among wolves.'"



Sylvia Law speaks of Lesnick the Deadhead.

SALT Board Meets

The SALT Board of Governors met at Stanford Law School May 14, 1988. Among other things, the Board resolved to present an institutional award to the University of Wisconsin Law School for its recent success in hiring women and minorities, to present a teaching conference in 1989, to continue developing a Faculty Code of Professional Responsibility, and to explore ways in which to draw attention to violations of academic freedom.

SALT Membership Drive

As of May 14, 1988, SALT's membership stood at 403. SALT has launched its Fall 1988 membership drive. It asks its current members to assist in recruiting new members by sharing this and other newsletters with colleagues and by encouraging them to use the application form on page 5 to join SALT.

SALT Clearinghouse

The Supreme Court Historical Society next year will seek papers for publication in its Yearbook. The deadline has recently passed for submission of papers for the 1988 yearbook. The following Call for Papers for the 1988 edition, however, provides general information about the Yearbook that will guide potential

contributors in preparing papers for submission next fall for the 1989 edition.

Call For Papers

The Supreme Court Historical Society is seeking papers for publication in the Society's 1988 Yearbook. The Yearbook provides a distinguished forum for papers with subjects relating to the history of the Supreme Court of the United States.

The Yearbook's Board of Editors, consisting of Professors Craig Joyce (University of Houston Law Center), Michael McConnell (University of Chicago School of Law), David M. O'Brien (University of Virginia, Charlottesville) and Charles Alan Wright (University of Texas School of Law) will review all submissions received by September 1, 1988 for possible inclusion in the 1988 edition. Papers received after that date will be considered for inclusion in subsequent editions.

Prior contributions include noted scholars such as Erwin Griswold, Daniel J. Meador, Charles W. McCurdy and William Swindler, among others. The Yearbook has also published the works of respected jurists such as Chief Justice Warren E. Burger, Associate Justices Arthur J. Goldberg, Sandra Day O'Connor, Lewis F. Powell, Jr., Antonin Scalia, Byron R. White and Judge Robert Bork. Other distinguished authors who have contributed to the Yearbook include former Attorney General Ramsey Clark, former Solicitor

General Rex Lee, Pulitzer Prize-winning author Merlo Pusey, a number of respected legal practitioners as well as Justices' family members, former law clerks and various government officials. Outstanding works by graduate students in history, law, political science, and related fields have also been published and will be considered by the Board of Editors if accompanied by a faculty recommendation.

Again, the deadline for consideration in the 1988 edition is September 1, 1988. All submissions should be forwarded to:

David T. Pride, Managing Editor
Supreme Court Historical Society
111 Second Street, N.E.
Washington, D.C. 20002

The preferred format for submissions is on IBM-compatible 5.25" floppy disks or double-spaced, typewritten, but any other print format is generally acceptable. Questions concerning submissions should be directed in writing to David Pride at the above address, or by calling (202) 543-0400.



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New Orleans, January 1989

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[The December edition of the Equalizer will print
precise date, time, location and cost.]

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