

# Foley & Lardner Gift Honors 150th Anniversary

---

*In honor of their 150th Anniversary, Foley & Lardner, headquartered in Milwaukee, Wisconsin and one of the nation's 25 largest law firms, has made a gift to the Law School of more than \$550,000. The gift will be recognized by the creation of the Foley & Lardner Courtroom, a state-of-the-art teaching facility to be built as part of the Law School's \$15 million expansion and remodeling program.*

*Foley & Lardner and the Law School have had a long and symbiotic relationship. UW graduates make up the largest share of the firm's 450 lawyers while Foley alumni like W. Lawrence Church have given up practice in favor of full time teaching at the Law School. Dozens of current Foley lawyers take some of their time to lecture in courses at the School or as faculty in our General Practice Course. The next president of the Wisconsin Law Alumni Association, John Skilton ('68) is a partner in the Madison office of the firm. Skilton follows Marvin Klitsner ('42), David Beckwith ('52) and William Willis ('52) as Foley partners who have served the School in this important manner.*

*In receiving Foley & Lardner's gift, Dean Daniel Bernstine said, "The gift will help us maintain the quality of our educational experience for our law students seeking to learn trial tactics and procedures. It will help us keep pace with the other top law schools around the country." Thomas G. Ragatz, a Madison partner and member of the firm's national management committee noted, "The Foley & Lardner Courtroom enables us to contribute to the future education of attorneys serving Wisconsin and the nation."*

*Bernard Kubale ('55), Foley's chief executive, presented the firm's gift to Dean Bernstine at a reception honoring their 150th anniversary in November. John Skilton's remarks delivered at the reception and which highlight the long and mutually beneficial relationship between firm and School, are printed below.*

REMARKS BY JOHN S. SKILTON  
at the 150th Anniversary  
Celebration of Foley & Lardner  
November 16, 1992

## I. INTRODUCTION

The purpose of this occasion, of course, is to celebrate the 150th anniversary of the founding of Foley & Lardner. And we choose to celebrate it with a major gift to the Law School—for a new courtroom as part of the new addition. For reasons which I hope to be able to explain, this is altogether fitting and proper.

Because Foley & Lardner is the largest firm in the state, one would expect to find a fair number of U.W. Law Graduates within its ranks. And there are: of the 202

lawyers in our Milwaukee office, 42 graduated from the Law School; of the 44 lawyers in the Madison office, 22 graduated from the Law School. And we have U.W. law graduates in several of our other offices. By far, the UW Law School is responsible for the greatest share of our lawyers. It has been a vital resource to our firm.

Other facts suggest a strong link between our firm and the Law School: for example, ten partners of Foley & Lardner served as editors-in-chief of the *Law Review*. Indeed, Leon Foley—probably our first UW law graduate—was editor-in-chief at the time of the first issue of the *Law Review* (1920–22). The current editor-in-chief, Greg Monday, will join our ranks next September—and we also lay claim to several distinguished faculty members as

alumni: Richard Effland, Jake Beuscher and Larry Church.

Now I am unable by dint of personal experience to trace the full interconnection of a law firm which is 150 years old with a Law School which in 1993 will be 125 years old. But I will attempt, with Pat Brady's assistance, to gloss over the past 50 years hopefully to explain, in part, why the firm, including this list of donors, is so pleased to make what we hope will be a significant contribution to the next 50 years of law graduates. If many of these remarks seem to be overly personal, my apologies; but that is the only way I can tell this story.

The strength of the link between these two institutions was first brought home to me in 1970. Leon Foley, the person who is credited with having had the vision of

creating a national firm, was then nearing the end of his career. At the time, he was in the office only rarely, as he was no longer directly servicing clients. I had just joined the firm, and as the youngest U.W. law graduate, I was assigned the responsibility of shepherding the U.W. recruits.

This fall, Jim Clark, who was then editor-in-chief of the *Law Review*, interviewed. Soon after he arrived he told me that he had an appointment with Mr. Foley, explaining that the 50th Commemorative Edition of the *Law Review* would include an interview of its first editor-in-chief. And sure enough, at 9:15 a.m., I got a call from Mr. Foley's secretary, Miss Seibel, telling me that I was to promptly escort Mr. Clark to Mr. Foley's office.

In 1970 our firm was located in the old First Wisconsin building at 735 W. Water Street. We had grown considerably during the 1960's—from roughly 20 lawyers to over 80 lawyers—and our office layout reflected this growth: the senior lawyers were on the 15th floor; the middle-level lawyers were on the 14th floor; and most of the rest of us, i.e., those who were hired since 1960, were on the 13th floor.

Now, I had never met Mr. Foley. Indeed, I had not so much as set foot in his office. And thus it was of no small concern to me that when we first met, Mr. Foley had some way of differentiating his loyal associate from a mere recruit. In any event, with a sense of some trepidation, Jim and I undertook what Jim did not know was an extremely delicate mission.

I led Jim up the stairway from the 13th to the 14th—ascending toward the 15th—when much to my relief, a distinguished looking white-haired gentleman dressed in a black suit and bow-tie, appeared to be meeting us at the top of the steps. Feeling a sense of relief—and saying to myself, “What a nice gesture”—I extended my hand and said something like: “Mr. Foley, I presume.” He started to laugh and responded: “Hell no, I'm his chauffeur.”

Now Jim claims to have been cognizant of this somewhat embar-

assing event—at the time. But if he was, all I can say is that it is more a comment on him than me, as he accepted our offer!

## II. THE 1930'S AND 1940'S

Vern Swanson served as editor-in-chief in 1930-31. He was thereafter to serve the firm with distinction for over 50 years.

In an early contracts class in his first year, he was asked by the legendary Professor, Herbie Page, how the case under discussion “got into court.” Vern, more concerned about the substance of the case, was not able to give a good answer. Page asked, “Mr. Swanson, why are you in law school?” To which Vern replied, “Because I want to be a lawyer and practice law.” Said Page, “Mr. Swanson, it would be better for you to become a plumber or carpenter.”

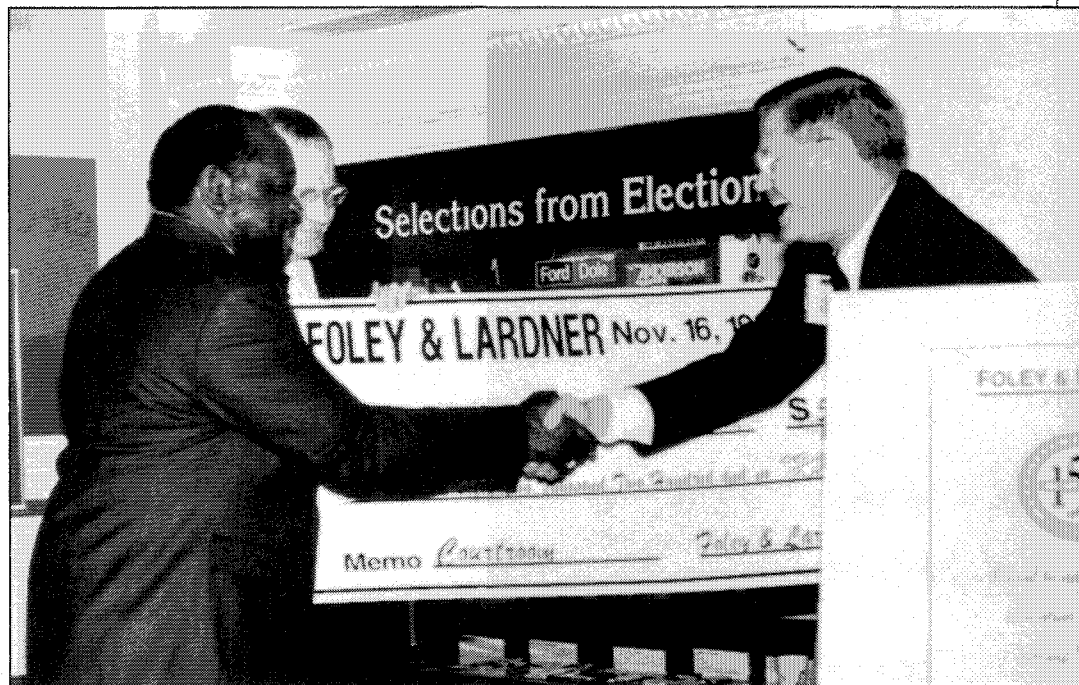
However, at the end of that first year, Professor Page obviously had a different view of Vern. He gave him a high grade—a 97—and asked him to become his research assistant: 30 hours a week, .50/hour—a much better-than-average job in those days. Vern also met his wife Florence through that connection. She had a job doing secretarial work for Page.

In the 1940's the Law School produced some of our most distinguished graduates: Marv Klitsner, Joe Barnett and Pat Brody—lawyers who were among the leaders of the firm and the broader legal community for the most of the past 40 years.

I believe that to this day Marv Klitsner has the highest graduating average in the history of Law School. The story goes—perhaps apocryphal—the best ones usually are—that Marv gave a surprising answer to Professor Page in one of his classes and Professor Page responded, “No, Mr. Klitsner, you are wrong. However, if you were to tell me that the sun rises in the west, I would get up tomorrow and check.”

I must tell you, having worked intensively with Marv for the first seven years of my practice life, that I often felt that I was checking to see whether the sun rose in the west—and I often found that it did!

When Jake Beuscher learned that Pat Brody had been hired by the firm, he told Pat: “I'll tell you about an experience I had so that if it happens to you, you won't be discouraged.” He said he had done an early memo for one of the



*Dean Daniel Bernstine receives the ceremonial check from Thomas Ragatz and David Walsh.*



*Former chancellor Donna Sbalala and John Skilton*

lawyers at the firm. (In those days they were typed on heavy, quality paper. There were to be no type-over or misspellings, and all cases cited were represented as being ready for automatic transfer into a brief or opinion.) The memo was returned, with several red-penciled changes, and a curt direction to do it over. Jake did, only to realize more red-penciling. Jake redid it, then took it into the lawyer and said, "I guess I'm not doing a very good job," or words to that effect. The lawyer replied, "Oh, don't worry about having to redo a memo. Three times is nothing. Once I had to do one over seven times ... so don't worry until you get up to seven."

Now Pat recounts this story, but I wish to footnote it. For I also had the real privilege of working with Pat throughout the time I was in Milwaukee, and I would say I usually did at least seven drafts for him, and that, regardless, he always worried!

### III. THE 1950'S

My family first came to Madison in 1951: My father had made the acquaintance of Willard Hurst while serving in the Department of the Navy during World War II. He was hired when Professor Page retired. He then commenced a relationship with the Law School which lasted until he passed away last summer.

In the early 1950's Madison had less than 100,000 population. The square was the center of activity. Bus fare was a nick-

el; and everybody took the bus. Midvale Boulevard marked the western-most boundary. I bought my first pair of winter boots at Klitsner's Men's Wear (Marv's family store); and my family bought our first couch at Frautschi Furniture. (My dad called it the "Frautschi Couchie"). And I vaguely recall discussions about something called a convention center.

The campus too looked quite different. Across the way, there was no Memorial Library: "temporary" quonset huts, left over from the war, stood at the site. There were fewer than 15,000 students, and everything west of Babcock Hall was farmland. The commerce building was just being erected.

My memories of my trips to the Law School as a youngster are vivid. The Law School then consisted of an old red-brick Victorian-style building with an ugly gargoyle on top, and a "new" attached library wing. My dad's first office was in the lower level of the stacks, just a few steps down from the main part of the building. I remember being concerned about wandering too far into the stacks, for fear of getting lost. (I still have that problem today.) But the main part of the building was even more interesting to a 7-year-old: creaky wood floors; oak staircases; high ceilings; and the musty smell of old law books. I swear it had bats.

Now, in fact, the class of 1952 was an important one to the firm: it hired three members from that class: (1) Bill Willis, who was editor-in-chief; (2) Lyman Precourt and Dave Beckwith, all of whom have had distinguished careers with the firm. In addition to their service to the firm, both Bill and Dave served on the Law School Alumni Board. (Dave later served on the University Board of Regents—as our partner Mike Grebe does today.)

Now with apologies to both, in my mind Dave is a latter-day Herbie Page. Thus, I will hypothesize—as distinct from "apocryphize"—a meeting between me and Dave in 1952:

**Beckwith:** "State your name, son."

**Skilton:** "John Skilton, Mr. Beckwith."

**Beckwith:** "What do you want to be when you grow up, son?"

**Skilton:** "A lawyer, Mr. Beckwith."

**Beckwith:** "Well, son, if you want to practice law in my firm, you'd better get your socks up!"

Now, I remind you, that conversation did not occur .... in 1952.

The class of 1955 has also greatly contributed to the success of our firm. Bernie Kubale has been our managing partner since the early 1980's. John Collins was an important part of our litigation team until his untimely death in 1973.

### IV. THE 1960'S

I enrolled as an undergraduate at the University in 1962. At that time the campus was a sea of flat tops, penny loafers and button-down shirts. But the Vietnam war was to change all that. By 1965 the campus was in a turmoil: protests; shut-downs; mace and trashing. Paul Soglin led the charge. The city was divided—and angry.

In 1963 the old red-brick law building was torn down. From the class of 1963, the firm again took three lawyers: Tim Frautschi, Jim Huber and Larry Church. In 1965 the "new" law building was first occupied. Dave Hase was editor-in-chief at the time.

I entered the Law School in the fall of 1966. A most memorable event on my first day was a luncheon for the first-year class: a Judge by the name of Thomas E. Fairchild was the honored guest. (I confess, I did not quite appreciate who he was on that day.) Judge Fairchild, too, is an alumnus of Foley & Lardner (then, Miller, Mack and Fairchild). Indeed, we recently prevailed on him to give the keynote address at our 150th Anniversary celebration in Milwaukee. And most importantly to me, I was privileged to serve as his law clerk upon graduation in 1969.

Now I had the typical problems of most Madison residents when considering my job alternatives: I didn't want to leave—particularly not to go to that dirty industrial city 70 miles down the road. Moreover, I had worked for two summers in a Madison firm, in which Tom Ragatz was a partner. Indeed, I had prevailed on Tom to move my admission to the Bar.

When I informed Tom of my decision to join Foley & Lardner he said: "John you

never know; you may well decide to return." I'm sure I thought something like, "When the sun rises in the west."

#### V. THE 1970'S

When I joined the firm I was the 82nd lawyer. My time was fully consumed working with Marv Klitsner, David Beckwith, Pat Brody, John Collins, Tim Frautschi and Jim Huber—all excellent lawyers—all Wisconsin graduates. Tom Hurst, Willard's son, joined us in 1971. (He now teaches law at the University of Florida, Gainesville.) I felt quite at home.

In 1973 the firm moved to the new First Wisconsin Center at the end of Wisconsin Avenue, occupying the top three floors. Our Madison office took off when it was joined, in 1978, by Tom Ragatz.

During the 70's the firm greatly benefited from the addition of a number of outstanding Wisconsin law graduates: e.g., Jim Clark, Rick Weiss, Dave Hase, Ron Wawrzyn, Mike Gehl, Ralf Boer and Bob Binder. ... While the Law School added the notorious "Band-Aid" addition to the library.

#### VI. THE 1980'S

The 1980's was a decade of unprecedented growth for our law firm. We

expanded to occupy six floors on the First Wisconsin Center. By the time the decade ended the firm had offices in 11 cities, including five Florida locations. Through the hard work of Ralf Boer, amongst others, we also stuck our toe into the international legal waters. Around 1990, we crossed the 400 lawyer line. Today Foley & Lardner is one of the 25 largest law firms in the country, undoubtedly taking Leon Foley's dream further than even he envisioned.

The Madison office, too, continued to grow. I returned in 1983. In 1986 we merged with the Walsh, Walsh, Sweeney & Whitney firm, which, dramatically increased our presence in the community. as I previously noted, today the Madison office has 44 lawyers, 22 of whom are Wisconsin graduates.

The City of Madison, too, has changed dramatically. It soon will be pushing past 200,000 in population. It now has a "real" beltline. No one knows where the west side ends. Bus fare is now one dollar—but few care because even fewer ride the bus. The square has been virtually abandoned by all but the government, bankers, lawyers and stockbrokers. And regrettably, both Klitsner's Men's Wear and Frautschi

Furniture are no longer in business.

But, recently we approved something called the Wright Center; and re-elected a Republican for Congress; and Paul Soglin is mayor and pro business—go figure!

The campus now serves over 40,000 students; there is a south campus; and a west campus; and two unions; and only vestiges of a few remaining quonset huts. I believe I am seeing flat-tops, penny loafers and button-down shirts again. And soon there will be a spanking-new, multi-million dollar business school.

But the Law School hasn't changed—at least not enough. Its physical facilities are essentially what they were in 1965. Its faculty, although still outstanding, is not only underpaid, but hard-pressed to hire new members. In order to keep it together, the Dean is constantly playing with troublesome issues like "leave balance" and "interdepartmental parity"—not to mention legislative indifference.

There is simply not enough money to go around; and overused "band-aid" solutions are wearing thin. There are issues which have also concerned the Law School's alumni boards, on which I have served since 1980. They are issues which must be addressed.

#### VII. CONCLUSION

I hope I have at least touched upon why this law firm has reason to be loyal to, and concerned about, this Law School. Fully fifty years of our firm's history—indeed, its virtual history—is inextricably intertwined with, and has been greatly influenced by, the Law School and its faculty.

We are hopeful that this gift will be meaningful in and of itself, but, perhaps more importantly, will be an integral part of greater goals: the funding of a new addition, and the facilitation of the continued delivery of outstanding legal teaching services for the next 50 years.

We are pleased to link the celebration of our 150th birthday with the delivery of this gift.



*Dean Bernstine greets Bernard Kubale, Chief Executive Partner at Foley and Lardner.*