



Louise Trubek

June 11th - 13th, 2008

Oral History Interview

Interviewed by: Betsy Draine



BEGIN TRANSCRIPT

DRAINE: Want this position more than it will ... Now I can see, we want to get it up more toward...between 12 and 20, I think is what he said, let me see. Why don't we try you out a little bit. We will just say the date.

TRUBEK: Okay.

DRAINE: What is today's date?

TRUBEK: Today is June 11, 2008, [00:00:30]

DRAINE: I'm interviewing Louise Trubek and this is the first track that we're operating on. That should do it. Display here, there we go.

I just wanted to say something I think I said before, which is don't be shy to brag about yourself, etc. Because the whole point is that you're being interviewed because you're really important, at this point, in the university [00:01:00] as an institution builder. Part of why people are picked to be interviewed is because of their stature; yours in terms of general achievements and scholarship. But institution building is another enormous thing. It puts you at the center of so much that is happening and you've also been here in a great historic time. So we're looking for both things for you to really accurately reflect what you've achieved here and also when we come to points where you can give [00:01:30] some insight into background of the university life during that period and social/political light during that period would be great.

TRUBEK: Okay.

DRAINE: So we want to just start with the beginning with your birth and your family background especially, as I said, going back and forth between ... We want to know about you as an individual just factually but we also are looking for those influences that might have allowed you to achieve what you did.

TRUBEK: Okay.

Well, let's see, I was [00:02:00] born in New York City in August 23, 1937. I was born in what I think it was called the New York Hospital for Women and Children at that time. My parents, it's interesting ... My mother was a dental hygienist. She was maybe [00:02:30] 24 when I was born. My father would have been 21. He was younger than she was, it's something I didn't find out, of course, until many, many, many years later. She had gone to Columbia dental hygienist school. Her brother-in-law was a dentist and I believe she worked for him. My father went to City College. They [00:03:00] were both children of immigrant families. They were both born in the United States but just quite soon after their parents' immigration, which was the early 1900s. They went through, I believe Ellis Island. Both families were from what's called Galicia, which was the area between [00:03:30] Poland and Russia that shifted what national state it was.

DRAINE: What was your birth name?

TRUBEK: It was Louise Grossman, was my birth name. I am a Grossman and it occasionally comes up. Somebody who I worked with in the medical school is a Grossman too, so we always talk about that. It's a fairly common name [00:04:00] but still it's sort of distinctive. I had no middle name and I was the first born child.

My father went to City College but did not graduate at that time. It was the depression and the families had no money, they were very poor; both families. My father's father had a [00:04:30] fruit stand on 9th avenue in the 40s in Manhattan. That's now, of course, very fancy but in those days there were a lot of fruit stands there so he sold fruit and vegetables but those days it was mostly fruit, it was just the way it was. He was a small businessman but he was a very mean-spirited person and very frugal. [00:05:00] There were four sons and my father was the second. My mother ... I should be able to count them all, I don't know how far you want to go back to this, but I think she was one of five and was one of the younger ones too.

So they met in that world, I don't know exactly how, they never talked very much at all about that. And I don't know exactly what my father was doing when [00:05:30] they were married. I believe fairly soon after I was born around the time he became a postman. He was a postman until well into the late 50s early 60s. I'm talking about this a little because it relates to where they were living when I was married and where my husband first met them. But he was a postman but he was a want-to-be [00:06:00] intellectual.

DRAINE: Ah.

TRUBEK: He always was a want-to-be intellectual and that's important in the decision to go to Wisconsin because he had great admiration for the University of Wisconsin and he knew all about it, a place that had famous political people, and people like commons, and people like the progressives. [00:06:30] So he was very familiar with Wisconsin as a university. He was very much a want-to-be intellectual and that had a big influence on me because my mother viewed him as somebody who could never earn enough of a living because he wasn't business-like enough and entrepreneurial enough or that he didn't go back to school [00:07:00] or whatever she felt that he should've earned more money. So this was a constant tension between them. My mother felt that he was too much of an intellectual. Now, of course, dates to her family because her father made no money either, he was a very unsuccessful small businessman. He had one of these little ... They sold this big thing in the lower eastside and that who period that the Jews, when they came over became [00:07:30] small merchants because they couldn't get into the professions, they didn't have the education, those in that period.

Dave's family, grandfather was very different, he came over with a lot of education. But my parents background was ... They had a little store and they lived on top of the store in Brooklyn, I think, and they sold needles and thread, I mean really, one step up from the peddlers. 'Cause you couldn't really be a ... Well you could be a peddler on [00:08:00] the lower East side. He read the Torah and the Bible and couldn't make any money.

DRAINE: And your father, was he home reading to and the-

TRUBEK: No, not that. He read a lot but he wasn't like this guy obviously because the business was by the home that the mother had to do everything I guess. She had to tend the store and he was just ... If you see Fiddler on the Roof, there's a little bit of that Fiddler on the Roof that's very much part of the story of the Jews that came from the shtetl and came [00:08:30] over to the United States and there were many different paths that people had. Some were very successful right away, some were not. That was very important in my youth because the desire of these Jewish families, the immigrant families of that generation, again they were not immigrants themselves, my parents were born in the United States but they were from that immigrant tradition.

[00:09:00] Some were able to make more money sooner than others. This was a big issue in my high school and one of the reasons that I went to college. When I went to Wisconsin when I was 16 and became a Ford student because I wanted to get out of the high school I was in. So this is a long background but this is important in understanding how I came to Wisconsin when I was 16. So there's a real separation my story of relationship to the University of Wisconsin. Because there is the undergraduate story [00:09:30] which is completely different from the lawyer story. They're completely unrelated and it's a kind of weird thing to have had both these experiences here. At the retirement party last week, when I made my very short remarks, I pointed out that I had been an undergraduate here as well, of course, a long career related to the law school and that I felt [00:10:00] that the University of Wisconsin had allowed me to become what I wanted to be. And I think that's true, that's the link, for me, between the undergraduate and the graduate experience.

DRAINE: Can you say something in summary about the big difference between the two experiences of Wisconsin, the undergraduate and the law school career? Just as background to start and keep a frame for what'll come later?

TRUBEK: Well, going to Wisconsin as an undergraduate, when I was 16 years old and a Ford student, was an incredibly empowering [00:10:30] experience. And an incredibly dramatic, unusual experience.

I was very happy to come because I was unhappy in my high school. My father was very encouraging. As I said, he viewed it as a great university. And we went into, because I was a Ford student and you have all that material, so we don't have to go into the Ford student experience unless you want to about [00:11:00] that. We all went into ILS, which was a fantastic intellectual experience.

And I had a great social life because I was one of the few girls in this group of very needy boys. Barely call them men between 16 and 18 years old, because there was a class, there was two classes before me and I was, there were only six of us, and one of them was Irene, of course. So, we were very outstanding and we were very desirable, [00:11:30] and I had a great time. And the university had, not an ILS, but then I was a history major and I had great professors-

DRAINE: You had this quick start into college through the Ford program.

TRUBEK: Yes.

DRAINE: I do want to talk about that, but we want to get back to your family a little bit before we go into the Ford thing, so just in summary, the Ford Scholar Program and being here as an undergraduate was a very empowering experience.

TRUBEK: Yes, and coming [00:12:00] back, that's right. Distinguishing between the two experiences. So, that was a fantastically wonderful experience, though I must say, when I left Wisconsin to go in 1957 and I graduated, I gave an interview to the Daily Cardinal where I said I was happy to get out and going into the big world, away from this provincial Wisconsin. But that was just youthful whatever. But it was a great experience.

When I came back, it was an extremely negative experience, [00:12:30] because I had built up a wonderful life in New Haven. I was a faculty wife. I was a practicing lawyer at a small law firm. I had three wonderful children. I had a beautiful house. I had perfection. And then Dave was denied tenure and we were thrown out. I mean, really, and we were lucky, he was lucky to get the job at Wisconsin, which was [00:13:00] unrelated to our undergraduate days. There was virtually nobody who even knew us from then, it was purely coincidental. But, it wasn't purely coincidental that he took the job, because of course we knew we could live here. But, so when I came, I was very unhappy. I remember how unhappy I was when I did the interview. When I came out here, it was Valentine's Day 1973, [00:13:30] and I was so miserable. But-

DRAINE: Let me just ask you, you said when you did the interview, so when you did come back as a couple, you were treated as someone who needed a job on her own?

TRUBEK: Absolutely, and to this I give great credit to the dean then, George Bunn. And he was one of the few people I thanked at the retirement dinner. Because at that time in New Haven, I had built up a public, not only had I been [00:14:00] in the private practice, but I had developed, I was instrumental in development of a public interest law firm in Connecticut. And he knew that, I guess Dave informed him of it, 'cause they were looking for something for me.

And in those days, even though there was no spousal retention or anything like that, women lawyers were relatively unusual and they, but particularly George Bunn wanted to set up a public interest law firm. Because I did administrative agency [00:14:30] work and that's what his career had been. And he was very interested and he, they also set me up with several interviews with people in state government. And I got several offers of job, one particular very good offer of job working at the Department of Revenue dealing with, in those days they were thinking about taking away tax exempt status from organizations that discriminate, had discriminatory practices. And they wanted somebody to run that program. And they had a very-

DRAINE: That was based?

TRUBEK: Here. [00:15:00] It was in the Department of Revenue and the very charismatic, now this was the Lucey days, see, when Lucey was governor. And they had did a lot of interesting

things, that was kind of the high point of state government after the La Follette days, I guess. You know, this was a continuation of the exemplary Wisconsin government long gone now. But in that period, which was '73, we were coming off the sixties, so we had the combination of the sixties and you had civil rights out of Milwaukee particularly. [00:15:30] You know you had father, I can't remember his name, you know the famous fighting civil rights priest in Milwaukee. And there was a lot of civil rights work going on particularly in Milwaukee, and they had brought some kind of lawsuit or claim against the Department of Revenue and they had set up this program and they asked me to interview.

And I also interviewed, they also had a reformist criminal justice program and I interviewed over there.

But the dean offered me this opportunity to raise money and set it up, [00:16:00] because he didn't offer me the money. He offered me the opportunity to go out and raise money and then I raised all my money. I raised all the money for my job.

DRAINE: So came right up to his expectations and more.

TRUBEK: There you go, I did it.

DRAINE: That's great. Well, we'll get back to that, but let's go back a bit to the family. You said your mother was educated and got a, so her parents, both sets of parents, did send their kids to, grandparents, did send their kids to college, even though your father didn't finish his, your mother also went to college, or was it college or was it...

TRUBEK: No, it was two years.

DRAINE: Two years.

TRUBEK: [00:16:30] Two years.

DRAINE: And did she work when you were young? Talk a little bit about that.

TRUBEK: No, she stayed at home. Now it's interesting, I think about that often. There were various patterns in those days. I had an aunt, several aunts who were school teachers. Many of them were school teachers, and worked.

But my mother did not. She stayed at home with the two of us, I have a sister, a younger sister who was born three years after. And it's interesting because she was so hard on my father [00:17:00] about not earning enough money, but she herself did not work 'til many years, 'til I went to college, then she went to work for the city.

I wouldn't say their parents sent them to college. That's the wrong way to put it, you know. They paid their own way, you know. Nobody had any money. They were really, well, my father's father had, he had this store and he probably made some money. But he was that kind of mean-spirited guy, you know, came from the old country that you'd see all the time. You [00:17:30]

know, that kind of person who never spent any money. I'm sure he didn't spend a cent, and that's, I'm sure, why my father had to then go out and work, 'cause he couldn't support himself, particularly when he got married.

So my mother stayed at home, which is interesting. In retrospect, I think that was a mistake. She probably should have gone to work. But she was active in community affairs. She was very active in the PTO, and they gave her an award. She was president of the PTO.

And in those days, there was quite a bit of politics, [00:18:00] and that's important. My sister has gone, has talked a little bit to me about how she read this book by Nathan Englander. You know, he wrote this book called *The Ministry of Special Projects* or something. Which is about Argentina and she says that was just, it was like growing up.

Because in the period we were growing up, in the, [00:18:30] this is now the forties. I went to college in '53. In the forties, in New York you had, you know, the daily worker and you had the communists, you had the various kinds of socialists. You had a lot of people who were into Yiddish, and then there were people who were Zionists. So there was a lot of activity going on. My parents were only tangentially involved, [00:19:00] but they were involved in the community. My mother was, and there were, they had the American Labor Party, I think it was called, which was in fact a communist front group.

But they, my mother ran for, they wanted to put her up for some local position and then it turned out that there was some kind of communism. So she was very upset and dropped out of it. There was just a lot of this very very local.

But the big thing was the McCarthy period. It was very very [00:19:30] bad in New York because many of the people that my parents knew were involved more in politics and they had a very good, my uncle was very involved and was, in fact, was a communist in that period. And he eventually, when he went to Detroit and was involved in the UAW as an, not in the UAW, but in those politics and he was sent, really, to Detroit to get involved in the politics of the UAW, which a fight between the communists and the, over labor, over the labor union. So there was [00:20:00] a lot of that going on.

DRAINE: Did the hearings, the McCarthy hearings, occur in your high school days or ...

TRUBEK: Yes. And when we came out here ... of course Dave was very active in (inaudible) and those efforts in our Freshmen year. But I think my interest in politics and government ... But I was not any kind of radical in that sense, but I certainly was exposed in my childhood to these [00:20:30] complicated political issues, which were very much there. I remember when the Rosenbergs were executed. I mean it was just ... There was just ... My whole neighborhood ... The whole area was just silent. And the many stories about everybody went out on the street and it was just incredible. Nobody believed that they would be executed. It was a really big thing in New York in that period. Really big thing.

DRAINE: And your parents were talking about it in your presence so you were absorbing this?

TRUBEK: Absolutely. Absolutely. My uncle was part of it. (inaudible) people [00:21:00] were fighting all the time. That they would be ... People were losing their jobs. People lost their jobs. Everybody ... Many of the people that my parents knew were civil servants. My father was a postman. Many people worked for city and state government and those people had to sign loyalty oaths. It was a very big thing in that period.

DRAINE: Your friend Irene Bernstein, who was your fellow Ford Scholars, told me that you were so much more political than the other students and that's one of the things she found very, everybody, [00:21:30] she said, found very exciting about you, that Louise just came politicized in a way that the rest of the students didn't. Did you see yourself that way?

TRUBEK: No, I didn't. And it's interesting because I just had lunch ... It's so funny, this period. In two week periods like my entire life is being influenced and reflected on. It's just amazing. I had lunch with three friends from high school, who I had never looked up at all because I had such a bad feeling about that period. I loved my junior high. [00:22:00] But they were wonderful. They were so wonderful. And one of them said to me, "Louise, when you were 11 years old ..." One of the other women said, "I couldn't believe my mother said to me, 'How could she go off at 16 years old to college?'" And the other friend said, "Well, Louise was a fully formed political person when she was 11 years old." Is what she said. It's the same thing.

I didn't see myself that way. I didn't see myself that way, but of course Wisconsin was ... The world we lived in in Wisconsin [00:22:30] was totally political. So when I came there it may have seemed to these friends, because these were not friends ... Irene was not out of that world. Neither, of course, was this woman from high school. But in fact, there was as we know in the 1950's is famous now. And of course, there's several books, as you know, that have written about that period with the Labor Youth League. And that's how Dave and I met, in politics. And I was involved in [00:23:00] integrating housing. Of course, at those times we had fraternities and sororities that discriminated against blacks and there was the 1960 Clause, which was they had to ... If they didn't take care of, eliminate that by 1960, they would be kicked off campus. And I was very active in that. And I was very ... And I majored in history, but I was not involved with the real serious communist front groups that we have.

There's this real distinction between the [00:23:30] fact that all this was going on. All this was going on where I came from and at Wisconsin, but I myself was watching my call maybe left liberal. Dave was always more center than I was. So that was one of the big characteristics of our relationship, which has continued in some ways to this day. Dave is much more of a patriot and a U.S. kind [00:24:00] of guy because he was raised and even though his family was not that on his father's side was came over about the same time as my family. They came with money and education and they lived in New Jersey. They didn't live in New York City. That's an interesting observation about me, which I did not realize. Of course, then I almost immediately went to law school, you know, so then was professionalized. It was professionalized very early.

DRAINE: [00:24:30] Well, tell me. In childhood, what gave a sort of feeling, competence to go

ahead and talk your politics and say your piece so that people would see you that way? Were you seeing models of other women who were that feisty? Or was it just in you and came out?

TRUBEK: Well, it's interesting. I don't ... I can't think of any one model. I always read books about ... I remember reading the book about Elizabeth Blackwell, the first woman doctor. And [00:25:00] I saw that it was two girls. In that period, there were ... There are quite a few women who came out of that period, you know, who are big feminists, became a feminist and variety. And these three other women from my high school, who I don't remember very well at all, one of them is an architect, which was very unusual in those days. Two of them are writers for the New York Times and write novels [00:25:30] and the other one is a professor in Israel. All of them have two or three children. Very impressive lives that they've had. There was something. My sister thinks that the Jews of that period had ... There were several characteristics of that kind of generational group. One is they're great believers in education. Everybody went to college and everybody wanted to be ... That's the joke of everybody wanted to [00:26:00] marry a doctor. Was all about college and education, particularly for the boys. But I think it spread over to the girls, as well. There certainly was no cult of beauty, or any of those other kind of very American parts. But on the other hand, my sister felt that they were moving, they wanted to move away from the religion. My parents did not ... They never went to temple. They didn't teach us Hebrew. They were fighting [00:26:30] against what they considered oppressive ... Particularly my father, because his father was a very oppressive tyrant kind of guy and made him go to synagogue and all that. And my mother's father was the kind that sat and read the Talmud. They didn't have positive views. And so my sister feels that we were pushing to become Americanized. What politics has to do with that, I don't know. I guess that was something in myself.

I was always interested in injustice. [00:27:00] But one of the things that's interesting is that when I talk to my student at Poverty Law ... When I started teaching Poverty Law, we would go around the class and I would have everybody say why they were interested in poverty law. And I always told my story. I've told the story I was from an immigrant family and I was raised ... I was poor, and this is a big influence on me. And it's interesting because my friends there from Tilden, from my high school last week ... I was talking about the class structure in my high school, [00:27:30] which I felt I was from the junior high that was from the poor district and there was a real ... Everybody was Jewish but there was a real class distinction between ... Nobody was rich, so it was lower middle class versus the working class is what it was. And she said to me, she said, "Well, I remember going to your house and I had such admiration for your mother even though it was a poor apartment and my house was so much nicer. My mother was horrible and your mother was so wonderful." So she perceived it as being ...

Then, [00:28:00] of course, my parents situation improved, but after I was out of high school. After I had gone to college, my father went back to Brooklyn City College, I think, and got his degree and became a school teacher. So he became a high school teacher. And now my niece is going to teach next year in the same school that he taught. It's just amazing. We're just having this complete circular thing. And he taught history and she's teaching history, too. It's interesting because my ...

It's interesting because [00:28:30] in my family I am not considered political. I am cons- Because I am a lawyer. Because I professionalized it. They say that my father was interested in politics because my father was ... because of all this socialism and communism, all this stuff that circled around him. He was a very timid, indecisive person. He was a wonderful person. Everybody loved him, but he was very indecisive. So he didn't do anything. I got that from my mother, actually. But my niece [00:29:00] ended up in some cult in Detroit. Can you believe some leftover socialist cult? And finally got out of it just a few years ago, went back to school and has now become a New York City school teacher. So everybody says that she is in my father's tradition. They never think about me because they don't see me that way. It's really ... That's a real insight into me. And I've always been interested in the relationship between amateur and professional, the relationship between doing something as [00:29:30] a citizen and doing something that's part of a professional role. I think that's part of what I did is professionalized my interests, which made it I suppose easier in a lot of ways but has always made me very interested in that relationship. I've always been very active in the use of non-lawyers doing advocacy, doing legal work and all that. I guess-

DRAINE: I once said in your publications a number of articles about the role of non-lawyers in providing legal help.

TRUBEK: Yes, that's right. That's right. And [00:30:00] that's been one of my unique contributions to Wisconsin, when we get talking about what I did at the center. That's one of the unusual things about Wisconsin and that came out of my work at the center and the organizations that came out of that. Yes. So that's always been an interest, but this is interesting, that question about the political aspects of it.

DRAINE: Well let's go back and talk about the actual schools, both your grammar school and your high school. The-

TRUBEK: I went to 183, [00:30:30] which was my elementary school. I had some very good teachers. New York City has very good schools. I had, in those days, very good schools. Very strict, but very good public schools. I just wanted to make one other comment that you might be interested in about the Jewish culture of that time. There have been several articles written by Italian American women about how that was not part of their culture. One being [00:31:00] a Barbara Grizzuti Harrison, do you know her work?

DRAINE: No.

TRUBEK: She is wonderful. A woman who teaches at Duke, who you must know, whose name escapes me. She wrote a book called, *Crossing Ocean Parkway*. She's from a later period, but they both talk about the absence of intellectual life in the Italian American community and they were both in New York. The distinction from the Jewish students [00:31:30] and how that was a big influence on them, because the Jewish students were models for that. So I've always been very interested in that, because I hadn't realized that actually. All my friends, of course, were Jewish. Those neighborhoods were completely Jewish.

DRAINE: And the teachers were Jewish generally?

TRUBEK: No, no, a lot of them were Catholics, or Irish, so there was a real distinction, because they had been trained of an earlier generation. Because when I went, in the thirties ... It's true my family was on the lower east side, then they moved to Brooklyn. Mostly moved out [00:32:00] a little to Brooklyn and the Bronx, but the teachers were not ... Some began to be, no, they weren't all Jewish at all. Some were and some weren't. But I remember teachers who were clearly not Jewish, from a whole different tradition. I was also raised in Bedford–Stuyvesant, which is of course, now famous as a huge slum area in Brooklyn. But in those days, was working class Jewish immigrants.

DRAINE: So would you say those schools, with their strictness, did [00:32:30] provide you with a good base?

TRUBEK: I thought they gave a very good education. I did very well. I remember winning the American Legion prize and my family all thought that was funny. Because, you remember, there was a political thing at that time. The American Legion was very... My parents were much more ... That whole generation, among the Jews, were much more sympathetic towards the Soviet Union, and that was a big issue. And then you had Cardinal Spellman, who was the big evil one. Of course, all this has all been rethought, that whole period. [00:33:00] You know, because it's all now ... Anyway, no point in going over it.

DRAINE: How would you say there are ways in which the schooling gave you chances? Can you think of any instances in which, how the school operated toward you, or what they provided you, wound up being what got you to Wisconsin, got you started on your career?

TRUBEK: Well, there's no question that the women were treat ... For instance, as far as gender, and of course that's a big issue in your work. And in thinking about it I think I should not underestimate [00:33:30] the gender, because after all that's an important part of my story. My daughter, Ann, once told me that I was ... First I was not a feminist enough, and then I became too much of a feminist. No, feminist is the wrong word.

I used to think ... First I thought that gender wasn't that important, and then I thought it was too important. She thought I never quite got it right. But, anyway, so there certainly was the girls were treated just like the boys. I never felt any kind of distinction between the girls and the boys. I mean, they were coed, I had coed [00:34:00] education my whole life and I never felt any distinction in elementary school. The families were all pushing everybody. It was expected you went to college, even though we're not college educated, the parents on the whole, because that was the push. I like the...elementary school was very good, I think.

Then I went to the middle school. Now in talking with my friends, it's interesting. It seems to have been a period of experimentation, in New York City, about middle schools, because they all had different experiences. [00:34:30] There was a lot of trying to redo middle schools to make them more successful. In those days middle school was seventh, eighth, and ninth, and I went through them in two years, what's called special progress. That's why I was only 16, it was the end of my Junior year, when I went to college. That was wonderful.

That was like ILS, in other words, they tried to merge English and Social Studies, and make it more experimental, and that kind of thing. One bad thing is I never learned grammar. Dave feels that's a problem. [00:35:00] My whole life, I never learned to write. He went to a very traditional school, where they made him write sentences, and write the paragraphs, and I never had that. They had the Gestalt School of Grammar and it put in a very ... It's been a big disadvantage to me, my entire life. So I blame the school for that.

You know, I was very successful and I did very well. Then I went to Tilden. Now, I could have gone Hunter High. My mother thinks that, in retrospect, I probably should have gone to Hunter. There [00:35:30] were a lot of opportunities. My sister didn't go to Tilden, she went to the High School of Performing Arts, she was a dancer and she commuted to Manhattan. I probably should have done that, but it was commuting by subway, and all that, and I went to Tilden instead and it was-

DRAINE: And what was Tilden?

TRUBEK: It was the neighborhood high school.

DRAINE: Mm-hmm (affirmative), no particular specialty.

TRUBEK: No, no, they had all their commercial, technical, and academic. You know, that was that old kind of thing and they had no tracking, but they had the more advanced classes. So there was [00:36:00] Math and all kinds of other things. I was only there for two years, of course, because in those years we had three year high schools, because the ninth grade was in the middle school.

So I was there my 10th and 11th grade, and I was very unhappy. My friends they had a great time. They went to Tilden, they thought they got a very good education. I was really very surprised by that. So I have no explanation, to me, it always seemed to be based on class. That the school was dominated by [00:36:30] a group of parents and teachers who were allied to them. My father told me, later, and I believe it now, that he felt the guidance counselors were favorable toward certain kinds of the students who were children of other teachers, who they knew, or whatever, and pushed them more, and so forth. So he felt there was something there, and I think he was probably right.

I was in Arista, which is the honors society. So this opportunity came, to take this examination. The way the [00:37:00] Ford program worked, at that point, each university had their own exam and, of course, a lot of the schools, with Ford students, were men only. Like Chicago, not Chicago, but Columbia and, I can't remember, a couple of the others that were just all men. So they gave this exam for Wisconsin, I took it around January, February, they called me in the summer, in July. They said I got in and [00:37:30] I was a junior counselor in camp, and I said, "I'm gone."

DRAINE: Wow, just within a few months.

TRUBEK: In a few months and I left the end of August and went off. It was really amazing. My

father was very supportive, and Irene always talks about the fact that her parents knew nothing about college. She was also, but they were not ... One was Jewish, but they were not from that Jewish culture. They were from a much more Italian kind of culture and they were not certain about ... Even she said, she might not have even gone [00:38:00] to college, if she hadn't gotten that. But she had a friend, down the street, who said, "Oh, Wisconsin's a great school. You have to go." And that's why she went.

DRAINE: And was there a scholarship or you-

TRUBEK: Yeah, there was a big scholarship. And, of course, we had very little money, so that was a big attraction. Yeah, it cost me practically nothing, I think.

DRAINE: And describe the program. What was it designed to do?

TRUBEK: Well it had been set up, by the Ford Foundation, in the [00:38:30] 50s, or so. The time of the Korean War and the idea was to show that you could go through college at an earlier age, so you wouldn't have to cut short your college to go into the Korean War. But it also came from, you know, what's his name, Hutchins and Chicago. So there's a whole literature on it and in the literature I'll give you, because they had this big reunion and it was written up. On Wisconsin, they did a very nice job. There's stories about the history. Originally, there were four colleges. One of them was always Wisconsin, [00:39:00] but it started out being only men. Not only was it all men schools, but it started ... Because it was to do with the Korean War. And then, they realized at a certain point, that it didn't make any sense. I think the schools may have put some pressure on them, like Wisconsin, to start admitting women.

But it was small, Wisconsin had, at the high point, 50 I think, in the first two years. Then they cut it back and in our class, we were the third class, I think, the first one with women. There were six, [00:39:30] wait no, how many of us? Eight, twelve women, or something like that, maybe fewer, and then there were the men, maybe fifteen, or so. The total group was maybe 75 over the four ... And then they stopped it, just a year or so after that. But there were three of us from New York, three girls. Myself, Irene, and Verna, who are still good friends, and we went out together on the train.

DRAINE: Wow.

TRUBEK: So that's how we went to Wisconsin and I had a great time. They [00:40:00] all had different experience, we had very different experiences. Because as I say again, I was much more political and I got involved in history. But we were all in ILS, except Irene who then dropped out, that I thought was a big mistake that she didn't stay in ILS. (crosstalk)

DRAINE: Did being in ILS in some way ... how did that influence your education?

TRUBEK: It was very influential for me I think. Well, the reason that all four students were put in there was because they felt it would be more protected. Because we were young, [00:40:30] and her pal, who was the advisor, was very active in ILS. So there's a connection today with ... you know with Mike I always talk about that. And ... but I met a lot of very nice people. I didn't

always spend my time with the four students, or people from New York, anything like that because ILS was a completely different sort of people, though there were a lot of people from ... all the Ford students were in there ... so they ... so people in ILS weren't Ford students. That was a big ... [00:41:00] they viewed that as an important element.

It was important because I took a lot of courses like classics, that I wouldn't have otherwise taken. That had a big effect on me, Classics. People appreciated my work, I did well, I knew people there.

DRAINE: So you maybe got more recognition, than you would have if you were in the whole big pool of the university?

TRUBEK: Absolutely. Absolutely. And also those ... once I got out of ILS, and I [00:41:30] started taking history courses, in those days, the history courses had a lot of graduate students in them. So it was ... so then I moved from really, sort of like very protected, sort of like a wonderful ... place like Amherst or a place like that, to then being sort of almost in a graduate school. And the history graduate students had a lot of interaction with the undergraduates, 'cause [00:42:00] we were in class together. So that ... and then they'd been TA's but in history I don't remember TA's, 'cause we moved into the small class. That was junior and senior year. So I thought I had a wonderful education, the one failing was the English. The one failing was the writing because they did not have a good undergraduate writing program. You just went into the English and you wrote papers. [00:42:30] Then literature, there was no writing ... classes. And it's interesting, that was a big ... and I think in retrospect, that's turned out to be a big disadvantage for me, because I think that is one of the reasons I was so slow to do scholarship, and do writing, because I was very uncomfortable in writing. I mean I could write papers, because substantively I was very confident. But the technical writing, I was uncomfortable. I wasn't certain about it and I wasn't a fluent writer [00:43:00] because of that experience. That poor education, that's the one failing.

DRAINE: It's really interesting, sort of for the record, for the disc, etc ... That I'm a retired English professor, and my name is Betsy Draine, and we've corrected that now.

TRUBEK: Yes.

DRAINE: The reason I'm bringing it up, so we do have a really good composition program and students have to take tests and most of them do take composition, but I think its related to an issue that's been very important in your life. That there was, during the fifties, sixties, [00:43:30] seventies ... early seventies, a feeling that oh, we are too high in the clouds of academia as researchers and publishers, to be teaching composition. And therefore, it was something that they tried not to do. They define it as a service, kind of function, that junior colleges should perform. Students shouldn't get into the university if they needed to be ... have this service function performed towards them.

Now, there is respect of [00:44:00] this more hands-on, more clinical side of teaching language and literary performance, so we have scholars of composition who run programs that are theoretically sound, that are also clinical performance in their training of graduate students, and

we're proud of that. That's a change that didn't happen until ... really the eighties, starting in the seventies, with the eighties and nineties is when it really gotten gone. So you suffered by being there in a period when that wasn't there.

TRUBEK: Right. But also, I suffered in my junior [00:44:30] high school and high school. Dave learned in the traditional prep schools, the traditional prep schools spent a lot of time on that. And so, I also think another thing that's happened, having now two daughters that are involved in writing, in the academic and also popular writing is a line between substantive writing and journalistic writing, of course has collapsed to a great extent. So that ... the [00:45:00] people ... there's a lot of interest in ... many people now in good writing as a way of bringing out ideas. But for me, and I'm just very late to that, I'm just barely beginning to think about that and even the traditional scholarly writing is a problem for me, because after all if you are a wonderful writer, your scholarly writing is better too. But also, it's an obstacle to me because I ... I'm still not comfortable in the sentence structure and things like that. And [00:45:30] I've worked a little bit with my daughter, who's in that, because she teaches composition and she's very familiar with all that, those issues.

But those ideas on composition have changed a lot, and popular ideas have changed also. So anyway, that's the one limitation that I would point out. I was also not a very good at languages, and I ... Irene remembers that about me because she was a French major, and of course I couldn't stand French and finally ... you needed to have three years I think to get a BA and I wouldn't take it, [00:46:00] and finally dropped and moved to a BS so I didn't have to take that third year of French.

And Irene was very upset about that, because she was a French major and thought it was terrible. And actually my other friend, Verna, who I'm still friends with ... she also was a French major and they were involved in the French house, and so forth and so ...

DRAINE: And today you're working on European Union issues. What languages did you ever develop?

TRUBEK: The European Union is all, thank god, it's all in English. So you don't have to learn anything. When I went to, lived in Brazil [00:46:30] I learned Portuguese. But I never continued. I'm not a very good ... I've never been a good language student. I can speak it. I spoke it then, but I ...

DRAINE: Did you ever try to pick up Spanish?

TRUBEK: No. I never tried to pick up Spanish.

DRAINE: Yeah. So you were able to do what you've been able to do with certain deficits. You feel some deficit in grounding in English grammar and composition, etc. What about the Science side? You haven't mentioned that at all. Right from through high school, [00:47:00] up through college and ...

TRUBEK: Well, I did well enough. I took Algebra and I took Geometry. I liked Geology but I

was never particularly interested in science at all. I took, when I was in college, I took one of these exams in my sophomore year or whatever, about what should your career be? And the guy told me, he said well, I came out at the top interestingly enough in social work and law. But he said, you could do anything you want, Louise, but the one thing I wouldn't suggest is mathematics.

DRAINE: [00:47:30] But you are a social scientist?

TRUBEK: I am in some ways a social scientist.

DRAINE: How did you pick up what you needed to pick up without statistics, and how to really sound like you know what you're talking about when ...

TRUBEK: Well, I don't do statistics. I don't do that at all. I stay away from that. What I am interested in, is more in the empirical, in observing what goes on and writing ... I'm not ... my academic work has not been traditionally analytic. The traditional legal analysis, I'm interest on what goes on in the field [00:48:00] and how that can be understood. And that's my strength, and that's what Lisa Alexander said in her presentation about my scholarly work. So ... But Wisconsin, I took courses in history, in social science. A little bit in English, not a lot. Not a lot. The quality of the courses, by the way, outside of ILS, which were uniformly excellent, [00:48:30] and that's where I got though the science and so forth requirements. The political science was much inferior in terms of quality to the history. History was outstanding professors and outstanding graduate students. And it still is, you know, the most distinguished department. And it was significantly better than political science, which of course I was interested in law and politics, so I took political science, and I was always [00:49:00] disappointed in the courses. I always got A's easily, they were too ... they were very easy, and ...

DRAINE: You know one thing you mentioned was the fact that in your history courses, you often had graduate students.

TRUBEK: Yes.

DRAINE: And when I recall from my own career, which started in the mid-seventies, and at that time, we had a mix of grad, undergrad. There were certain courses that would be more advanced for the undergrad students and would have graduate students in them. And then there was a big push to do away with this. We were gonna have all graduate-only courses for [00:49:30] the benefit of the graduate students, they wouldn't have to be with the undergraduates. But for someone like you, who was a really advanced undergraduate, it was something that fed you intellectually. To have that mix.

TRUBEK: Absolutely. Now they did put in the recent years, they put in a honor's program.

DRAINE: Yes.

TRUBEK: And that was an effort to create a kind of program like that for post ILS, for the junior

and senior year. No I'm sure that was a tremendous disadvantage for those undergraduates then, in those years [00:50:00] when they did ... when they changed the policy.

DRAINE: Mm-hmm (affirmative)

TRUBEK: And I don't think it hurt the ... Well there was also a lot of social interaction between the undergraduates and graduates. I doubt there is that much today.

DRAINE: No.

TRUBEK: No.

DRAINE: Probably not in English.

TRUBEK: No, I doubt that. I doubt it's true in any. It was a much smaller place and there were a lot of political things going on at the time that brought people together and cultural.

DRAINE: What kind of things do you remember in those interchanges with (crosstalk).

TRUBEK: Well I used to date graduate students.

DRAINE: Oh.

TRUBEK: In fact that's how I met Dave. [00:50:30] He was a roommate with a graduate student in History. And that's how I met him. Well I met him through politics. Then that was further accentuated by the fact that he said, "Well (inaudible)."

DRAINE: He was an undergraduate at the same time as you.

TRUBEK: Yeah, he was.

DRAINE: Okay.

TRUBEK: We were both undergraduates.

DRAINE: He was friendly with a graduate student that you got to know.

TRUBEK: Yes. He was a roommate of his.

DRAINE: Mm-hmm (affirmative)

TRUBEK: There was a lot of that kind of dating interaction. I'm [00:51:00] trying to think. It just seems to me that there was just more ...

DRAINE: Were there issues? Political issues that people, or other kinds of issues, that the grad students in History were interested in that you talked about?

TRUBEK: That was mostly the undergraduates. Most of my recollection I was very active in this integrating housing. That was all undergrad, that was Student Senate.

DRAINE: Talk a little bit about that.

TRUBEK: I was very active in Student Senate. In those years there was a [00:51:30] big Student Senate, it was quite active. And I was appointed, I wasn't elected. They had appointed and elected. I came in the housing sort of unit. And Dave was there too because he came in representing publications because he was editor of both the humor magazine and then subsequently the literary magazine. We were both on there together.

And we had a very outstanding woman, an example of the role of women, the President was an outstanding woman named Helen Raybide [00:52:00] who went on and married somebody that was very important in Texas politics. And became very active herself in Texas politics and tragically died very young.

DRAINE: Mm-hmm (affirmative)

TRUBEK: And there were big issues involving fraternities and sororities and then also McCarthy. And then the American Legion felt there was too much left wing politics on campus. They wanted membership lists that is tied to the Labor [00:52:30] Youth League.

DRAINE: Mm-hmm (affirmative)

TRUBEK: Of course a lot of people I am thinking of as graduate students versus undergraduates became professors. But it does seem to me that there was a lot of interaction. Dave particularly comments on that a lot.

DRAINE: Mm-hmm (affirmative)

TRUBEK: He had, probably, more contact than I did with the History graduate students. And of course we had very outstanding professors but I didn't have a lot of personal contact with [00:53:00] the professors. I mean they were in the class, they taught. But this idea that there were T.A.'s all the time, the only T.A. I remember was in an English class. It's the only one I remember. She gave me a very low grade so I remember her.

DRAINE: Gave you a bad start.

TRUBEK: Because ILS did not have T.A.'s so I don't remember. That T.A.'s is more like a 60's thing. Isn't it?

DRAINE: The University was expanding quickly.

TRUBEK: Yes, that's right. So I had the professors. [00:53:30] I did very well, I got very high

grades. I found most of the classes quite easy, I didn't have to study very hard. The History classes were definitely the hardest.

DRAINE: Mm-hmm (affirmative)

TRUBEK: But I was very active in student politics, I guess. I was active in that.

DRAINE: What were the issues in student politics?

TRUBEK: Well, a lot of the issues we were involved in was discrimination in those days.

DRAINE: So they weren't simply student issues. [00:54:00] They were the issues of the United States at that time.

TRUBEK: Yes but they were about student issues. The issue of discrimination and housing was about the fraternities and sororities on campus.

DRAINE: Okay.

TRUBEK: They were about the student issues on campus and the membership list was about students. No, I was not involved in politics in the state. Dave was, in the general scope, but not me. I was involved but there was a lot of real ... You know, like the people who would now be involved in gay rights on [00:54:30] campus or those issues. That would be equivalent to what we did.

And there was a strong Student Senate. I don't know how much they do of that now but in those days, maybe we caused it, maybe we did it. I was active and that's what I did. Not everybody did that. And I think we probably had a reputation for that. And Dave and I worked on it together. I don't know how others viewed me.

And then in my senior [00:55:00] year I was inducted into Mortar Board, which was then very prestigious. And there was actually a woman in History, a very well known woman, she was an undergraduate but she turned out being a professor at Oberlin in Creative Writing. She was the one who nominated me. I also lived in Groves Co-op which was a co-op and I was also involved in the Green Lantern for three years.

DRAINE: Irene Bernstein mentioned that you [00:55:30] were in the Co-op and she said that the other students found that so intriguing it seemed like a wild thing to do. Now why was that?

TRUBEK: Groves Co-op is a very famous institution. It was the model for the section in A Raisin in the Sun. When Lorraine Hansberry is at college and they are talking about black power and black rights. Do you remember that scene?

DRAINE: Yeah.

TRUBEK: Yeah, that was based on Groves Co-op.

DRAINE: Hmm ...

TRUBEK: Because she was an undergraduate [00:56:00] here, Lorraine Hansberry, for a few years. She didn't graduate I don't think. Yes, Grove's Co-op was integrated. It had a lot of Black students who were mostly from Chicago. It was lefty, progressive, if progressive is the right word. And it was a little bit naïve in that regard I think but culturally in terms of sexual relations it probably was the cutting edge Bohemia. [00:56:30] And in the book that Paul Buhle edited on Wisconsin in the 50's.

DRAINE: Yeah.

TRUBEK: It's mostly about sexual, a lot about sexual mores. There was a really proto-sexual revolution and kind of woman things as pre-birth control pills. Which, everybody thinks the sexual revolution started birth control pills. But then of course they think that politics, left wing politics, started in the 60's in the U.S. too. [00:57:00] It was in the 50's that we had it all there. So Groves Co-op had some of that. And I was there the first year we lived together, the Ford students, the women. And then I moved into Grove's Co-op and it was definitely a very lively probably much more sexually active than I had ever realized at the time. There were older students and it was all women.

But then in the basement was the Green [00:57:30] Lantern. And the Green Lantern had a lot of graduate students. That's also probably my influence on graduate students. A lot of graduate students and undergraduates. What was it, \$5 a week for 13 meals a week? Remember I had very little money even though I had the scholarship. I was very concerned about money. And I ate there for three years, all my meals. It was mostly men too.

DRAINE: I think the Green Lantern from the 70's as a movie, a film [00:58:00] festival. The Green Lantern people ran films but they were a kind of ... What were they before that?

TRUBEK: They were political, they were older, they may have been techie or scientific. A lot of people there on the sciences who were graduate students.

DRAINE: Was it a living arrangement or was it more a club?

TRUBEK: It was all eating. It was an eating Co-op.

DRAINE: Okay.

TRUBEK: It was all eating. Groves Co-op was the place that only women lived, a small number. But it was in the basement, the Green Lantern. [00:58:30] And you had to do work. It was a co-op where you contributed, you didn't have to cook but you had to attend meetings or be in some committee and so forth and so on.

DRAINE: Mm-hmm (affirmative)

TRUBEK: Yeah, so and that was very political too. And sort of not as protected because you know I was 17 then. And then [00:59:00] I moved out of there after the year. It was a little too out for me. You know? I don't know. Maybe I felt that I was more of a conventional student. I don't know, whatever reason. And Diane Brules that's where she saw me and that's when she met me for some reason. I can't remember. She certainly didn't stay there. Then I lived in apartments with Verna, [00:59:30] was one of the people and some other people in the last two years.

DRAINE: Well good, before we just move on then from the education, you said that the classics that basic education in early culture, early Western culture, that you got in the ILS degree in Liberal Studies program became meaningful to you. Can you talk about that at all? What was it about it that was meaningful?

TRUBEK: Well McKendrick was the professor. He was a great teacher, [01:00:00] Paul McKendrick. And I remember that very well and I did very well in that course, and I was interested in Plato. I don't know. I didn't know much about the Classics. That wasn't taught, it was not a big thing at Tilden, I don't think. Unlike the Prep school kind of thing. It was the Prep school kind of thing, I think, that kind of classic education, which you didn't get in New York. New York was aimed at a different kind of education, not the classic education.

I also didn't take Shakespeare, Dave took a much [01:00:30] more traditional English Classics because he had come from the Prep school. He was more interested in English and writing, always was, than I was. That left an impression. Also it was a very nice group of students. We all had a good time together and they had events. It was a very warm, friendly place. Then I had the Ford students, it was a wonderful time.

DRAINE: You had a lot of social support.

TRUBEK: Lot of social support, yeah. Then when I was junior and senior [01:01:00] I did well in the classes and then I had student senate and I was always very popular.

DRAINE: That's what I heard from my reading. You were so vivacious that all the boys were after you but all the women were interested in you too. People found you very intriguing. She said what I think anybody would say about you now, "She's so sharp and she's so energetic," and that's the way you were then.

TRUBEK: Yes. I was. On the other hand, this [01:01:30] is from my friend's part. You have to remember contrast me with the sorority types, because there was a lot of that there. I remember the first year I decided to go through rushing. I didn't get any invitations back because I was quite exotic in that sense. I was from New York, I always had an accent, which was even stronger then. My clothes were all different. There was the farm girls, which I was as [01:02:00] urban as can be. Then there were the sorority girls who were quite nasty, as could be as you know, very nasty and very delta delta gamma and this kind of thing. Blond. That kind of thing. But I found a world. There was this huge world there that I lived in and was very supportive.

The University, this is the great thing about the University of Wisconsin. That's what I said when I said they allowed me to be what I wanted to be. I remember in Yale law school talking to [01:02:30] one of the professors and he was saying, "Oh, you went to Wisconsin," he said, "Those schools are wonderful. They give you so much freedom." Because, in those days, those places like Harvard, Yale and Princeton and Amherst and Smith and Wellesley and all that was a very repressive and very narrow kind of range of things you had to be. Wisconsin never had that. That's always been its great strength. If you can find your way, very supportive.

Somebody [01:03:00] else I wanted to mention in terms of mentoring and it's funny because I can't quite understand why she left such an impression on me. That was Martha Peterson who was Dean of Women. As it turns out, only in my senior year, because when she died or when she became president of Beloit, there was all this publicity about here and I saw that she actually was Dean of Students here, was Dean of Women Students even, Dean of Women Students in like only... She's somebody you could put ... It's like maybe only my senior year [01:03:30] but she left a big impression on me. She found me in some way, or I went to see her about something and she was very supportive and very friendly to me. I recall her very clearly as being that. She had this office over in Chadbourne Hall and that's when she was Dean of Women Students. She's somebody who I remember as somebody who gave me a lot of support as a woman. Of course, Mortar Board was for women, it was an all-women honorary society. I met a lot of great people. Judy [01:04:00] Steam who was the, spoke at our graduation class and is a big alumni of the class, was in ILS, I think she was in ILS with me and also was a good friend of Dave's. When the second year started, and I had been so traumatized by-

DRAINE: Louise, I'm going to bring you back. I think we didn't really perhaps record that part about ... Let's start with law school. [01:04:30] You arrived and you arrived and you were one of only six women in a huge class.

TRUBEK: 160 in the class and it was six women. It was a great shock to me. I had no idea there were going to be so few women. I had no idea there were so few women in the profession. Now remember that there were a lot of famous, not famous, but many more women in the 20s and 30s [01:05:00] in law than there were in the 40s and the 50s. I was there in the steepest decline, smallest number of women in law school and in the profession. Women had been lawyers since the 19th century and had been at law school, not at Harvard. Harvard didn't admit women until the early 60s. No, I was admitted to Harvard, so early 50s. Maybe not. Maybe [01:05:30] it was NYU I was admitted to, maybe it wasn't Harvard.

Anyway. It wasn't so strange as you might think because that was a very low point, in my imagination, I had read about women. I knew it wasn't like there were no women, women had been there for a long period of time. The percentage had declined in that period. There [01:06:00] was a women's lounge because there were very few bathrooms. What they did is they had one bathroom for women and then they had a little lounge thing with lockers. One reason being that at the Yale law school they had rooms for men students in the building at that time, because it was the college format. Like [01:06:30] at the Yale colleges. So the women couldn't be there. The women lived in a special dorm for women graduate students because there was also no women undergraduates. That was interesting in and of itself. There were 20 of us, about quite a few from law, and I don't know about medical students. In the graduate school,

philosophy ... I met a lot of interesting women there who were at the Yale University [01:07:00] in the graduate school, and some people who I became good friends.

The women used to hang out in the women's lounge because it was incredibly oppressive to be with men all the time. But it was more than that because many of the men had never had a woman in their class their entire lives. They had gone to elementary and prep schools and college only with [01:07:30] men. They had completely single sex education. This was a large percentage because a large percentage of people who went to the Yale law school, Yale undergrad, there was a Harvard undergrad, there was a Princeton undergrad, were all men. We were just objects. The people would just stare at us all the time. It was just awful.

Of course, I wasn't interested in the men because I was already just about engaged. That created also a different experience for me and it was somewhat [01:08:00] protective for me. The women were an odd bunch. Some had gone to Wellesley, there were quite a few had gone to the all-women's school, and some had gone to Catholic schools. All women's Catholic schools. Very few had been from the State universities. I'm trying to remember where we had all gone. One of my friends went to Swarthmore, my closest friend in that class went to Swarthmore. While it wasn't a big State university it was a co-ed school. [01:08:30] We all hung together in the women's lounge.

In the beginning of the second year I said the Dave, as the women came into his class, "I want to invite the women who are coming in to have an event." This is memorable, many of them subsequently remember that because they did not consider themselves, they didn't see the need to have support with women. They felt there something weird about it. That was a real statement [01:09:00] on my part, and several of them mentioned later to them. Then they continued it for a couple of years and then they stopped it.

We all knew each other quite well. We spent a lot of time, even though I then moved and lived in apartment with Dave, many of them were in the dorm. This all-women's dorm. Or they moved into other apartments. We were there at all classes, in law school's three years. The first year, second and third year all the [01:09:30] women would be there together in this women's lounge. We spent a lot of time together.

There were all different kinds of types. There were the very ambitious types, there were the more retiring types. I was never that self-conscious about discrimination. I felt oppressed and I always say I never said one word in class in three years.

DRAINE: Really.

TRUBEK: Not one. I [01:10:00] was this vivacious, lively person that Irene describes in college. I did not say one word in three years of law school. So, how could you say ... But, it was also that I was one of the few working class students. Now, there were many Jews, and at that time, they began to have Jews who were very religious, who were Orthodox Jews who were kosher. So that was a whole other thing that happened at that period of time.

So, it was ... But, definitely, [01:10:30] it was also being a loner. I lost my confidence. And then, of course, they did better than I did in law school. So that had an influence on my confidence, as well.

DRAINE: Were you in classes together-

TRUBEK: A little, a few of them. A few of them, but not that many. And also ... But Dave was on the Law Review, so that gave him the law journal. That ... That's for the people at the top of the class. And he did very, very well. And I was in the upper third, but in law school there is a big distinction between those who are in the top part and those who are in ... [01:11:00] Even, even at the law school.

DRAINE: And do you think that not speaking up was probably a major part of why you didn't do as well?

TRUBEK: No.

DRAINE: No?

TRUBEK: But I think they contributed to my lack of confidence. Because I think what they test in class is a certain narrow, analytic language, which I ... Never been my strongest point as a lawyer. I mean, I was good enough, I was in the upper third of the class, but I wasn't great the way Dave was.

And then ... [01:11:30] But if I had spoken up, I would've been engaged in more intellectual discussions and people would've said, "Oh, that's a good idea." Because I always had a lot of good ideas, even if I was not able to express them or put them in the kind of great legal analysis. Definitely. So in retrospect, yeah, absolutely.

Then the other thing that hurt me was ... What I was always very good was in oral speaking. So I was asked to be part of the Moot Court ... We all had to do Moot Court, and then I had done well in that and they asked me to be part of the [01:12:00] Moot Court system. Well, I was married and I was doing all the dishes and I was doing all the cooking and I was doing all the housework. And I thought it was too much. And I turned it down. That was a big mistake, because that would've given me my own world, which wouldn't have been Dave's world. And I would've done very well. And they were very-

DRAINE: Because it's much more practical and-

TRUBEK: Yes. And they were very disappointed, they put a lot of pressure on me. They said, "This is a big mistake, Louise." And it was a big mistake. So ...

DRAINE: Now, were you and Dave talking even before [01:12:30] he came to law school when he was at the army and you were there and kind of suffering this feeling of oppression. Were you able to express to him what was bothering you, and get any sort of peer advice about what to do, or ... ?

TRUBEK: No. No. I wasn't.

And it's interesting, because at our 45th reunion, which was a couple of years ago, my friend Jane, who was my best friend in that class and who went on to have a very interesting career, [01:13:00] a different kind of career, was very conscious about discrimination.

I put together a panel about ... Which was meant to be a, sort of, alternate panel about the experience of being at the Yale Law School where I wanted to emphasize the political problems and the narrowness of the view of what law could do and different kinds of things. I decided not to be the one to speak because of the complications with Dave, and [01:13:30] I asked her to speak and she gave a brilliant presentation on discrimination at the Yale Law School, which completely shocked the guys, who couldn't believe that was going on. They said, "How could we not know this?"

And, of course, they all have children and also work with many women now and they were so embarrassed to realize that they had no idea, and I was a little surprised myself because of course I was a subject ... I [01:14:00] Was more protected because I was married to Dave, because my career had already become secondary and she was not. She was a single woman. She married maybe four, five years after but she was on the job market, she was ... You know, much more exposed to discrimination. She worked with professors ... Was discriminated in the way she was treated with professors, and so forth. And it was just an amazing story.

And so then I realized that it was, you know, I had not truly understood either what was going on there.

DRAINE: [01:14:30] Did it come equally from the professors and the male student body? Or, was it mainly one or the other? Can you talk about-

TRUBEK: It was all-

DRAINE: How it felt.

TRUBEK: It was all, but it was particularly the job market. The job market was particularly a problem.

You know who writes very well about that is Sandra Day O'Connor, which is about the same period as Stanford. She writes about that. It was the job market.

It wasn't so bad in the law school, because if you did [01:15:00] well, you know, you were a peer, you know?

DRAINE: Although you didn't talk. So there must've been something about the atmosphere that made you feel you couldn't.

TRUBEK: Absolutely.

DRAINE: I would never think of you as ever being tongue-tied.

TRUBEK: It was the only period of time. It was the only period of time in my life.

DRAINE: And do you think it's simply the numbers of people who are so different in a privileged way ... All those men. It was just too massively much for you to put your voice out there?

TRUBEK: It was also a view of law.

DRAINE: Oh.

TRUBEK: Yes.

You know who's written about this? I [01:15:30] probably should read her book. Beth Mertz, who is a professor now at the law school as an anthropologist. She's just done a very big empirical study where she observed men and women in law school classes.

But I ... definitely, had to do ... I was more ... radical, I was more politicized, I didn't see the law, I saw the law as an agent for change and social justice. Basically-

DRAINE: What?

TRUBEK: Some kind [01:16:00] of corporate thing where you didn't ... You know, it wasn't anything like I thought law school was going to be. And I went in there, I was going to major in labor law. And I went in the labor law section ... Those times it was divided so that you had a major in law school, they've since discarded that throughout law school, and so I, for 18 months, was in a section of people who talked about so-called labor law, most of them were going to work for business and it was all about the statutes regulating [01:16:30] the workforce. It had nothing to do with fighting for unions, or anything like that. Well, there was one professor, but everything ... So, that also shut me up, because I couldn't ... This wasn't what I thought it was going to be. You know, it was just not-

DRAINE: But you soldiered on.

TRUBEK: I soldiered on.

Well, you know, I did well enough ... And I wanted the degree. I never thought about quitting. Yeah ... Never.

I never ... And I was happy in that sense, but, you know, in retrospect as I ... And I thought about it a lot afterwards, [01:17:00] I thought, "Why am I not saying anything?"

But no, Dave was not at all helpful. He was interested in himself ... And he was doing very well. And I was cooking food and ... No, I think that Dave would say, in retrospect, that he was

relatively unsupportive. Now, Dave has always been supportive if I would speak up and say, "I want to do this."

Well, it's a mixed bag. I think Dave in recent years has been much more supportive, but a lot of, you know, Dave is a very ... [01:17:30] Dave has a lot of constraints. He has to be in control, he has to ... His father was mentally ill and that has much more effect on Dave than I think I ... Every time he says something, I realize what tremendous influence that was on him growing up.

And so he's very self-involved. That's the right word.

So he doesn't ... [01:18:00] He has some people skills, but he doesn't have that kind-

DRAINE: He didn't see that.

TRUBEK: Didn't see that. He didn't see that.

DRAINE: You know, I think I lost about four minutes at the beginning of after we got our tea here, and I'd like you to go back and maybe talk about it in a different way, about meeting Dave. Because it's been one of the things your colleagues mentioned, is what a tremendously important partnership this has been.

In addition to your independent work here, which we'll talk about later in the interview, there's also been a growing, really, a growing collaboration over the years. How did the relationship start, and what [01:18:30] do you think attracted you to make this- you were going to be a team together?

TRUBEK: Yeah. Well, no, that has been true from the very beginning. That's how we met. And every once in a while, we realize that we have ... That has been a constant in our relationship. And that has, in my mind, always been a very positive.

Now, it has a negative thing with the children. And I've always been, you know ... At various points, I've been worried about that. That we ... That, you know, it's a folie à deux, you know, where you can develop [01:19:00] too much of a relationship with each other and ignore ... And not see the outside world, or have the children be something separate. That's something that has worried me upon occasion. But, as far as ... On the whole, though, it's been a very positive ... And that's how we started. That's how we started 50 years ago.

DRAINE: How did you start?

TRUBEK: More than 50 years ago.

In student politics. I mean, we were on the student center together and that's how we met. And Dave used to walk me home, we lived around the corner from each other in buildings now all since [01:19:30] torn down, over there by the, where the ... You know, a little where ILS is and that's still there. That sort of area-

DRAINE: Brooks Street.

TRUBEK: Brooks Street, yeah. That area. And he would walk me home and that's how we met. And we talked about politics all the time and we worked together on the membership list. And that's before we started dating, really.

So we have always worked together. We did not work together in law school in that same way. We were both in law school but we didn't work together. We had different interests and different ... And we were in different ... [01:20:00] kind of, places in that sense.

Yes, and that's been a big theme in our lives. Our children all got involved or married people who were in the same field. And I've always thought it was a very positive. Now, it didn't work for our daughter, who is, and we'll talk about the trailing spouse issue.

DRAINE: Yeah, mm-hmm.

TRUBEK: Didn't work for her. And it was a big - turned out to be a problem for her. Big problem for her.

DRAINE: But just then, [01:20:30] in law school. Once you got to law school, that was a time when Dave also, was simply following the mores of the time ...

TRUBEK: That's right.

DRAINE: In expecting you to do all of these things. And that's where you might have been missing the discourse. Later on, if Betty Friedan had already come along and all of that, there would have been a public discourse about women in the home, then women should be free and not have to do the housework and all of that, that might have ...

TRUBEK: Yes.

DRAINE: Waked ... Changed the situation.

TRUBEK: I always saw myself as another generation. I understood that when that happened, [01:21:00] and it wasn't that far after.

DRAINE: No, it was just after.

TRUBEK: I mean, it's five years. It was just after. And women started going to law school in about '67, '68. And sometimes people would say to me, how do you feel about it? I'd say, well I feel kind of mixed. It was kind of nice, in retrospect to be like, oh, you're a lawyer and all that. That lasted four or five ... Then it was gone, and everybody was a law student. But I saw myself as representative of an earlier generation, because I saw myself as somebody who would be able to [01:21:30] have a husband, have a career, and have children.

DRAINE: Mm-hmm.

TRUBEK: And I accomplished that.

DRAINE: Yes.

TRUBEK: I accomplished that by using an older model. And I remember going to a reunion, I think it was my 25th law school reunion, and they had a woman talking who had graduated in the late ... From the law school in the 40s. She was maybe 10 years older than me. And she got up there, she worked, had a government job, [01:22:00] had been a lawyer for the government, had done a great job. And she said ... It was a panel on work and family. How do you balance it? She said I had my job, I worked at a government job, I had my children, and I spent all the money that I brought in for help. And she said that's the way you do it. There is no other way. And that was the model that I had. I had help all along. When we went to Brazil I got as much help as I could. [01:22:30] I figured it out.

DRAINE: There, it was more affordable. In the states, it's harder, I'm sure.

TRUBEK: Yes. And then I brought the maid back with me, and I had her all along. But that was my model. And that has become an issue. That became an issue. It just happened with Steve Marley and his wife. Because, here's the clinical ... That's my, I can't say my bitterness, because I don't want to make it sound bitter, but the whole question of my treatment at the law school stems from that. Because, when I realized what was happening, I could have gone on the job [01:23:00] market and said to Dave, you're going, you're going wherever I go.

And, I wouldn't do it. I didn't do it. I felt it was a mistake. It would have been a mistake for us, because it would have been very difficult for Dave. I wouldn't have gotten anything that great. The kids were gone. This was after the kids. I wasn't pulling up the kids, it was just in our relationship. So, it would have been different if it would have been later, but I understood. I made a conscious decision not to adopt the point [01:23:30] of view of the feminists in the 60s, as far as I'm concerned, all to the good, because where is everybody now in feminism, right?

DRAINE: Mm-hmm.

TRUBEK: I have a friend, 10 years older than me who ... The worst person in the world, as far as she's concerned, is Betty Friedan. She led everybody down completely the wrong path, and what was the matter with them. She just thinks that Betty Friedan's the worst thing that ever happened. So, I think that, that ... I was self-conscious about that.

DRAINE: Did you feel torn, at times between taking care of the [01:24:00] children, making your home with Dave, your relationship with Dave and work, or did you really feel like you got your formula pretty much down, and you balanced it?

TRUBEK: Well, I don't think I ever ... I had to adjust. I had to change. [01:24:30] Because, when I decided I didn't want to continue to be an advocate and a clinician, I wanted to start to write. And I started to write and then I realized that the law school was not going to treat me as an

equal, because I had come in at a certain way, and they were never going to move. That's when I felt angry about it. And I felt [01:25:00] that, and that's the only time I thought about that.

DRAINE: So, the conflicts, really came at a mature level in your career?

TRUBEK: Exactly. That's right.

DRAINE: Rather than at the very beginning.

TRUBEK: That's right. And that's because I tried to change. And when I tried to change, the compromises that I had made earlier really struck, really, because I was the trailing spouse, because I had never come in the traditional way. But I always felt that that was ... I felt earlier that that had been a positive, that in order ... When women would ask me for advice, this [01:25:30] was in way earlier days, I would say, you have to adjust your career to make the thing work. That was my position. And I think it was probably the right position.

It's interesting, my girls now, because now I have three girls all from work and all do that, they are all very ... They all work, they're all pretty ambitious, but they do not privilege ... [01:26:00] They wish they had more time to spend with their kids, they wish they had more kids. They don't have any of that feeling that somehow, my model was wrong.

DRAINE: Mm-hmm.

TRUBEK: In any way. And so, they've continued. Many of their friends don't ... Went back, stay at home now.

DRAINE: And they had babies early in their careers, too, when it was tough, right?

TRUBEK: No, no, no. They were in their thirties.

DRAINE: In their thirties.

TRUBEK: Yeah.

DRAINE: I consider that early.

TRUBEK: No, no. And [01:26:30] Jessica just adopted. She was 40. But she had to come out as a lesbian.

DRAINE: So, they waited ...

TRUBEK: So she had to do that. She had to deal with that. So, that was the story there.

DRAINE: Let's go back to that ... I want to ask you a little bit more about the law school, but let's continue with this thread. So how did all of this decision-making work at the time that you're

finishing law school? Dave still has another year. You're in New Haven. What did you decide to do then?

TRUBEK: Well, the [01:27:00] usual thing. I became pregnant, and I worked as a research assistant to a professor. So I already established that mode. But you see, what happened ... I'll tell you something else that didn't happen to me, that I was angry about at a certain point. Anyway, I'll just say it so I don't forget it. And that is, in the late 60s when I came out in late 60s, early 70s, and then maybe, even through the mid-70s, they wanted women, so [01:27:30] they would have diversity. And there were very few accomplished women. And a lot of women got very important jobs in that period. That, I never did. So I used to be angry that, why is that, I would say. Why am I not being made a ...

And because I had come in, made this mistake of coming in the clinical route, that was one of the problems that I had, that if I had been say, a practitioner, I would have had a better shot. So, I sort of, got myself caught in competing, [01:28:00] dependent on, not dependent, what's the right word? Lower-level statuses. I was a trailing spouse, but I also had created a career in something that wasn't ... that was public interest law, and it wasn't ... and teaching clinic, and it was already not quite right. But I was in there. So that was the period, in that period when they were trying to elevate women rapidly (crosstalk)

DRAINE: In the 70s.

TRUBEK: In the 70s.

DRAINE: Now, at the beginning, though, [01:28:30] so you got pregnant, but you've talked about having, you had a legal career as a clinician for a little while in New Haven, too.

TRUBEK: Yes.

DRAINE: How did that come about, and how did that work with the children?

TRUBEK: Yes. And you know, that's an interesting story, too, because I sometimes think about that. And I want to make clear something about Wisconsin. I want to go back to it. When I talk about the different experiences between being an undergraduate, and I make it sound like undergraduate was so wonderful and my career here was more difficult because of the way I came in. But I want to clarify something about that. I had [01:29:00] a wonderful time in New Haven, because I stayed at home for eight years because we went to Brazil.

And my friend, Beverly, the woman from Tilden--probably Irene didn't say anything, because she didn't know me well and that--that woman from Tilden saw me in that period I lived in Washington. And she said, you are so unhappy. You had lived in that little house, and had those two small children, and your husband was dragging you off to Brazil. Absolutely right. That was the lowest point in my life. And so I went to Brazil, dragged me off to Brazil. I was very [01:29:30] unhappy. My mother said, you go with your husband. You know, whatever, she said go. And that was awful. So I finally, got through that. I had a third child.

DRAINE: Was it awful because, what were the things that made it awful?

TRUBEK: Well, because I was really, a foreign service wife, my God. What could be worse than that? Was awful. And my language was never as good as Dave. Dave was the big deal running around. I was home with these three kids ... then I decided to have a third [01:30:00] child.

So, then finally, the end of that got to be better, the end of the second year, and then I brought the maid back.

DRAINE: So, you were in Brazil two years.

TRUBEK: Two years. But, because in New Haven, I had been ... Even in Washington, I had been able to ... I worked a little. I worked at the Supreme Court in helping ... You know, in some kind of legal job, so I found a part-time job. I was beginning to figure out what to do with myself, even with the small children.

DRAINE: So let's kind of go through, step by step, very quickly, what were your jobs post [01:30:30] law degree?

TRUBEK: I was a research assistant to a professor on a book.

Then I had the baby. Then we went to Washington, D.C. I was home maybe just a year and a half, and then I got this job working at the Supreme Court part-time.

A very famous woman, who has become very famous, worked with me. She had four children, or five children. But she had graduated from the Yale Law School maybe three or four years before me. She became a very famous judge, and now she was judge on one of the international criminal courts, or whatever. Wonderful woman. And she and I were there doing [01:31:00] this part-time work for this idiot, who turned out to be an embezzler. He was brought up on charges, some kind of administration in the Supreme Court, very funny story.

So, I was figuring out how to do it, and then we went to Brazil, and then it was all thrown away. Now, then we went back to New Haven.

Now, going to New Haven was ... First of all, we went back to the number one law school, so it was a big prestige thing. We bought the house of a person who had been in the law school [01:31:30] class of mine. She was an older woman who had gone back. It was a beautiful fancy house.

I brought my maid back, and I was like, you know, having a wonderful time being a faculty wife. That lasted about a year and a half, or two years.

DRAINE: Because David had gotten a tenure-track position there.

TRUBEK: Yeah. And then, I said "Ah, I'm going to go ..." I read in the paper that they were starting to set up public interest law firms, and I said, "this is what I want to do."

So I was [01:32:00] very active in the community, and I said to one of the ministers, I said, "what do you think? Should I try and set up a public interest law firm?" And he said, "why not?" So, I went and worked for a private law firm that did public interest work, and then, I set up this public interest law firm of working with the bar with it. And I did all kinds of things, and I was as happy as could be. I worked part time, and I had the maid, and I came home at three o'clock, it was the perfect life. And there-

DRAINE: For how [01:32:30] many years?

TRUBEK: Well, we were there '66 to '73, so I probably went back at about '68, '70, '69, so it was probably three or four years. And it was funny because when I went back a few years later, I was talking to one of the lawyers I had worked with at the state government ... Because I did state government work, in Connecticut, we were working on equal credit for women. A lot of these issues I brought with me when I came to Wisconsin. And she said to me, "Oh, Louise," she said, "we were so sad when you left, we thought, oh what a loss [01:33:00] to the state."

And I went home, and I was flat on my back for three days after. I was so amazed. I didn't think that what I did was significant at all. It was all about Dave. It was all about Dave being cast out, and all the politics; all about Dave. And the fact that people were really upset about my leaving, it was just one of those "Aha" moments, you know.

And actually it happened when went back to ... When Dave went to Harvard in '86, [01:33:30] that's when it happened. I ran into somebody there who had known me then. And that law firm that I set up, they persisted, and they're still there, and I went to them back, and talked with them there and-

DRAINE: It was an institution that you built in New Haven-

TRUBEK: Yes, absolutely. And statewide, actually. They're in Hartford now. And, you know, they've recently ... They became very feminist. They were much more ... It was about women. That was a women's see... That was a public interest law firm that worked on rights of women. Exclusively.

DRAINE: [01:34:00] So, and you chose that focus.

TRUBEK: I chose that focus. Absolutely. And this was 70s, right.

DRAINE: Interesting.

TRUBEK: Well, because I had worked at the bar with a group of ... the bar, and they had a group of people that were working on equal credit for women, and then I said "why don't we expand to it women's rights," yeah. So I did my ... I definitely set that up, and it's still going strong, and a strong lesbian emphasis now, too.

DRAINE: Working on equal rights-

TRUBEK: Working on equal rights for gay people, and it's a lesbian [01:34:30] executive director.

DRAINE: So, you were in, really, the beginning of the movement to create such centers.

TRUBEK: Yes. In public interest, generally, and in women's rights, and so forth. When I came out here, I did a more general one. But I also worked with private, public at this ... this private law firm, I also did public interest law work.

Now, do we want to talk about more of that? Then, I want to talk about the coming to Wisconsin, because that's when I want to make sure I make this [01:35:00] point.

DRAINE: Well, let's do it then. (crosstalk)

TRUBEK: All right. So '72, Dave was denied tenure in the spring of '72. And I had to give everything up, and we had to figure out what to do. We had to get Dave a job. So, he got the offer from Wisconsin. And, of course, I told you, that was very traumatic, but one thing I said to Dave, I said, "I'm going back to Wisconsin," and I said, "I will never say [01:35:30] again, when leaving Wisconsin, what I said when I left the undergraduate: that I was glad to be leaving it and going to a big, important place. Because they're taking us in now, and I'm forever grateful. And I will never, never say that again," which I never have said again. So, I was very grateful.

And it was connected to politics, or let's say, positioning in the law. They were interested in Dave because the Wisconsin Law School was a Law and Society law [01:36:00] school, and it was a progressive law school. So, it had those aspects of Wisconsin, and in that sense, there's a connection, but there was nobody there who actually knew us really. It was just that the interest in those kinds of people, and there were a lot of people who had worked with Dave, and a couple of them ... some of his students were here. So, it's not truly unrelated. It's related [01:36:30] in some bigger sense.

And then, the dean, you know, because he knew about all this public interest law background that I had, which was very extensive, even though it was short, and I was paid, but I didn't earn a lot of money. It's funny, the public interest law firm that I set up there actually started in existence in '73, and I came to Wisconsin to set up the center in '73, so they were both actually established the same year.

DRAINE: Wow!

TRUBEK: [01:37:00] Isn't that amazing? I only realized that a few years later. And, if we had stayed in New Haven, I would have become the executive director, and I would have run it, so ...

Dave always says to me, you know, he says, "Now Louise, you were really so much better off coming here. You would have just been running some public interest law firm because I could never have gotten the job at Yale. Even a clinical job."

But, it was hard. Even though you might ... It was hard to give up. It was hard to give up.

DRAINE: And you didn't know what you would develop here.

TRUBEK: You [01:37:30] bet. You bet. And it was very hard. Jessica, it was very traumatic for Jessica, it was the big trauma of her life.

DRAINE: How old was she?

TRUBEK: 12. It's a bad age for that. She adored her father. She was hugely successful, and wonderful friends, and came here and had a terrible experience in middle school; seeing her father so unhappy, and all those things happening. And that's the time you develop, you know, your moral judgment, they say, you know, what's her [01:38:00] name, says that when you're 12. You know, that woman who writes about women's moral ethics, and she was such a big name in the 70s and 80s; taught at Harvard, teaches at Harvard. You know who I'm thinking of.

DRAINE: Yeah.

TRUBEK: Anyway, so it was very traumatic. And then, we came out here, bought this house. But the dean allowed me to set it up, and I set it up, and it was very successful in the sense that we [01:38:30] did a lot. So, we can go through all that ... Do you want to have more tea?

DRAINE: (crosstalk)... I'm kind of okay, if you are.

TRUBEK: Okay. I think I'll have a little more.

DRAINE: So you have this forward-looking dean, who ... they were looking for women.

TRUBEK: No. Nothing to do with being a woman. They were looking for somebody to set up a public interest law firm. He wasn't interested in the fact that it was about women. He was interested in that ... that my work was about women, but involved with administrative agencies, involved representation their interest before government agencies. He didn't [01:39:00] care which interest group it was, whether it was women, or consumers, or African Americans.

DRAINE: And he really made a partner hire, or what we used to call a spousal hire, without being part of any administrative movement to do so.

TRUBEK: No. That's right.

DRAINE: And he never brought up any nepotism rule, nobody said anything nepotism to you, because I think, in more academic spheres, during that period of time, there was still a little uneasiness about hiring couples, but possibly the law [01:39:30] school didn't think that way.

TRUBEK: I know. Because when he came in, when I came in to see him, he wanted me to set it up as a clinical program in the law school. That's what it would have been, clinical ... And I said, "no, because it involves the state, and there's too much conflict, I'm going to set it up as a separate 501c3, with the students working there and getting clinical credit." So, I did not have a position in the university for years.

DRAINE: Really?

TRUBEK: Yes.

DRAINE: So, you were (crosstalk) [01:40:00]

TRUBEK: I actually did not go on the university payroll until, you know, checking all of this because of my retirement.

DRAINE: Mm-hmm (affirmative)-

TRUBEK: '82, and, right, that's why I don't have those years. It was '73 when I started, '74, I didn't get all those pension years (laughs).

DRAINE: So you weren't a state employee either?

TRUBEK: No.

DRAINE: You were an independent ...

TRUBEK: I was a non-profit lawyer, right. But the students got clinical credit.

DRAINE: Mm-hmm (affirmative)-

TRUBEK: And so, that, pattern, that model [01:40:30] turned out to be very negative in several ways. Number one, I didn't get the pension for ten years, and number two, it allowed the conventional clinical program, which was run by Walter Dickey, who had another model, allowed him to be the dominant figure. When I came into the law school I could not dislodge him from the position of power.

DRAINE: And so did [01:41:00] you have conflicts of wanting the same students to work for you or what kind of conflicts were there?

TRUBEK: We had conflicts over the status of clinicians, we had conflicts over scholarships for clinicians, and we had ... probably there were some political, deep seeded political disagreements. He did, you know, public interest law isn't all aggressive in the sense that [01:41:30] he didn't ... He was basically running a program that the department of corrections wanted, he never threatened the department of corrections, he taught very traditional legal skills, didn't have the politics of what I did, so, and he was much more centrist, may I use the word

Catholic kind of figure. Much more traditional, patriotic, [01:42:00] probably viewed me as being a radical leftist.

DRAINE: When you came, were you aware even of the way ...

TRUBEK: He was a protégé, I don't think he was even there, of Frank Remington who is a much beloved but in retrospect, controversial figure. Who also was a more patriotic, more conventional but very smart scholar. It's funny because this has come back because I'm working at the medical school and one of the people I'm [01:42:30] working with is his son, and he is obsessed with his father and talks all the time about his father and the law school, and talks all the time about this guy who took over his office, who he does not have the same respect for.

DRAINE: Mm-hmm (affirmative)-

TRUBEK: So it's funny how this has been a recurring theme. So he was the one, and he was the one that set up the famed clinical program within Wisconsin, and then by the time I wanted to come in, he had turned it [01:43:00] over to this guy and he ... uh, so ... But I saw George Bunn a few years later, because he came back a couple years ... no, six or seven years ago when I got one of the awards, he came back.

He's still alive and I said to him, "Could we have done it differently at the time?" And he said "no", that Remington was already so powerful and he dominated the scene and we couldn't [01:43:30] have set it up in a way where you would have achieved the same equality. He was a regular professor, remember, as was this guy Walter Dickey.

But then George Bunn lasted two years. He set it up, and then he couldn't stand the faculty politics and he left.

DRAINE: Huh. And you, because of that and the whole problem with conditions in the university anyway, you just always had to struggle to get respect for what you did.

TRUBEK: Yeah.

DRAINE: But you [01:44:00] have publicity in the newspapers ...

TRUBEK: Yes, absolutely, I was a very ...

DRAINE: The city and state recognized in you the value ...

TRUBEK: Absolutely, so it didn't bother me. See, what happened, that's why I was saying to you, the problem really, see, you start these things long ago and you don't really realize these things, how far how they're gonna come back and to nip you in the ... so that's what happened. It wasn't 'til I really started to write and became, tried to become more of an academic, [01:44:30] and lost or reduced my affiliation or my support group, or my peer group, as being the public interest law group, or the state, or the social justice people, it's only then that the problems in the

law school happened. By then the pattern was too fixed, but other law schools have redone their clinical programs, so you see, we've become an outlier.

DRAINE: In what way?

TRUBEK: Well because [01:45:00] Wisconsin, because they built up, Remington built up such a big, successful program in the sense of large. They have like 20 people you know. The traditional tenure track faculty is frightened of these people having too much power. Fighting for resources, fighting for power and also they hired them locally, they haven't gone out on the national market, so it's a really ... Most of them are not as impressive let's say, as they could [01:45:30] be in other places if they'd hired differently.

The people I had at the center who came over, one of them is Steve Miley, whose the one now leaving, and the other one is still there, she ... Both of them I should say, have spouses at the university. The one who didn't, there wasn't any money for her, she left. So, in all fairness, we never could have done what we did without the law school's support. The law school, the financial end, the materials and legitimacy, [01:46:00] support.

DRAINE: Well let's talk about that. What support did you get from the law school and how did you get the other support you needed?

TRUBEK: Well, I got very little money from the law school initially. My salary was supported by grants. So I got grants, in all kinds of areas, and I looked for areas where I could get grants. I was very entrepreneurial, very pragmatic. I brought some issues with me, I brought environmental issues with me, that I had worked on [01:46:30] in Connecticut. I had worked on environmental issues, I had worked on women's issues. Women's issues for the public interest law firm, environmental issues for the private law firm.

So I brought those with me and I tried to figure out how to do them. I did criminal justice because there was a lot of money there that was strictly pragmatic, and I always had enthusiastic students because we always had students who were interested in that. And so I always had good enrollment. And I taught public interest law courses and [01:47:00] when we initially started we didn't do poverty law because at that time legal services was starting and everybody thought they were gonna do poverty law.

DRAINE: Mm-hmm (affirmative)-

TRUBEK: I didn't do poverty law. Poverty law I only started when legal services began to decline in the 80s. So I always got a lot of money from the government, state government, and I think that was very unusual, but because of that also, we needed to be careful about the relationship with the law school because [01:47:30] some clinical programs if you sue the state, you know, you can get reaction from the bar, reaction from the university. I mean nowadays I think you would have more trouble doing some of those things that aren't so conventionalized. Now some of them, like we always did elderly, most people don't object to that. But the kinds of things we did a lot of work on like open records ... Now some of these issues I thought should

probably be in there because then we'll get to the archives issues, the question [01:48:00] of archiving.

DRAINE: Well maybe ...

TRUBEK: How long do you want to go today? (laughs)

DRAINE: We could take a break at this point, or we could go on maybe til 4. Would you like to do 20 minutes more?

TRUBEK: Why don't we do 20 minutes more and then let's break.

DRAINE: Well, I thought maybe what we should do, I'm gonna look at your CV or pull it open for you to the section that deals with your ... it's more than grants, under grants, awards and affiliations but it tells some of the things that you've, uh, the boards you've been on ...

TRUBEK: Yeah.

DRAINE: And what I'm interested in is your [01:48:30] talking about what projects you did from the center, and what kind of improvement ... Did you sue somebody, perhaps suing the state, what were the major projects, and then, what organizations did you affiliate with to work with them, and just talk about a few of those.

TRUBEK: Okay. Well, the one that is the ... the area that has had the most sustained continuation, [01:49:00] because of course the Center for Public Representation is gone. And that only died about 3-4 years ago, but what we did ... In retrospect we were a developmental, research and development place that we explored new areas, we created ways of providing legal services or helping people or changing practices and then spun them off. And so in the end, I didn't build an empire, I just built [01:49:30] a lot of different places that are still there, and I'm very proud of that model.

One of the reasons that happened was because it was an all purpose ... Because George Bunn was interested in a public interest law that was about participating with administrative agencies, it wasn't sectoral, but that's why the group from Connecticut continued, because they did women, and they stuck with women. They did poor women, they did poverty law, then they moved to lesbians, so they stuck with it and they've been successful. Also Connecticut is a very rich state. [01:50:00]

A lot of money. Wisconsin doesn't have that kind of money. So, because of that we picked areas, and there was always some administrative agency work to be done, or some kind of policy work to be done, in addition to helping individuals, so we move from area to area, so the one that's here that's elderly and disabled, and we built a tremendous program that is still ... The coalition of Wisconsin agent groups and Disability Rights, Wisconsin, are two of [01:50:30] the groups that came out of, basically, our work. And the lawyers who are there, in both organizations, were either trained directly by me or trained by my students or came out of Wisconsin law school, and we have in Wisconsin a very large percentage of that kind of work, which in other states may be

done by different kinds of people, are done by lawyers here. And that's because of the model that we set up.

DRAINE: And were there faculty at the university who were underpinning this by educating, [01:51:00] or had courses that would give some theoretical base and then you would give the practical experience to learn ...

TRUBEK: Not much of that. I did the theoretical and the practice, but they were on the board. We had a board of directors and the way it was set up is you had to have one or two law school or other professors on the board of directors. So many of the professors here now: Gerry Thaine, Peter Carstensen, Arlan Christenson, Joel Grossman from over at political [01:51:30] science, were on the board, but they were on the board end. As far as the teaching, June Weisburger did some work in poverty law, Carin Clauss did some work, but I taught the public interest law theory course. And, I'm trying to think of who else, [01:52:00] but so that's at the university. Now, I will say this for the university and the dean: never, in the 35 years that I ran, over 30 years, maybe not quite 35, did anybody ever call me up and say, "Lay off." Never. So that is a very good story about Wisconsin, because many clinical programs have stories like that and got in a lot of trouble with their deans. Now, I always felt that one reason is that it was called the Center for Public Representation, and very soon [01:52:30] had an independent ... It's relationship to the university was very obscure, and we deliberately obscured it, and it was only later that we began to get titles. I was not called clinical professor, I was called attorney. And all the attorneys were that model and we did that. So, that was one reason, but I will say that, you know, considering the problems that they've had recently, you know, with the teachers, we were very fortunate, and it was partly to do with the style of [01:53:00] the state.

We didn't have the kind of legislators that we do now, they were very supportive people. And there were many people in the legislature who were very congratulatory. The Capital Times ran stories about what we did all the time. You know, so there was a lot of positive vibes out there. So, I would say that the elderly and the disability right... So that's one whole area, and if people are interested in those stories you can get it from them, because they acknowledged their roots. [01:53:30] On women, I was involved in the creation of the Wisconsin Women's Network, which was one of the areas with the groups that did advocacy for women. I did quite a bit for women. Becky Young was involved in that and Jackie Macaulay was involved, and we did a lot of women's rights work. And then that was kind of folded over into the women's groups that developed, like Wisconsin Women's Network.

Then we did a lot of work on [01:54:00] good government. So we did a lot of work on open lobby, reporting on lobby reform, open meetings and open records. And there the work has been continued by the newspapers like the freedom of information council. Now that's the one area that I ever got a comment, let's put it that way, from Donna Shalala, because the university was under the gun all the time on open [01:54:30] records and she used to blame me, she would somewhat jokingly blame me, because at that time I was very visible. And people have, I guess, told her that I was one of the big advocates for the open meetings and open records, particularly open records, and so she made a comment to me once about that.

That's the one comment ... You know she ... was done in the spirit of joking but ... So that's another area, those records are all ... All that work is at the ... Some of the early work is at the historical society. [01:55:00] They have the archives. We have very extensive, we did newsletters all the time, and I kept the minutes. All that is stored either at the Historical Society or at the Law Library. The Law Library has a very good collection.

DRAINE: Were you involved in the actual creation of the law? Or was it more making sure the law was implemented?

TRUBEK: Both. In the lobbying law and ... Open meetings and open records predates our work, but we were involved in redrafting, so we did a lot of that.

DRAINE: [01:55:30] And now it's really one of the qualities you associate with Wisconsin, that we are an open records state, and doing business here entails that. It's something we're proud of.

TRUBEK: Right, well, they were before, I mean, it dates to the early 20th century. It goes back to La Follette, but our work was very instrumental, and the newspapers were very grateful for that. Yes, that was very important, and it's yes ... And also internationally -- there's a lot of interest in that internationally, particularly with the transition countries.

[01:56:00] Occasionally I have somebody who is interested in that because they're trying to get ... And the European Union does not have as much transparency in their records, actually. So sometimes that comes up and I laugh about it.

We also did a lot of work on ex-offenders. Now, we were less successful in that, I mean, we did a lot of good work and then I was not able to find any group to continue, but that's come up as a big issue. The African American groups have taken that up, because of the question of the number of blacks who can't vote [01:56:30] because of criminal records. And we worked on that in the 70s. We had a very ambitious program and we got a law through which prevents discrimination based on criminal records. And that was one of the issues with our criminal professors, was whether or not they could lose their position, whether it was job related or not.

DRAINE: Well that's interesting. You know, we're getting up to, close to 4pm. We could break here, [01:57:00] and then I would just ask you for next time, let's start with your continuing ... Continuing with the accomplishments of the center and of your work there. So, you know, we've covered a bit of the elderly, disabled, the open records and the ex-offenders, and then there are topics that you've been talking about ...

TRUBEK: There are, there are, I put some on here that I wanted to make sure ... Because this is an area where people might do research looking at the substantive areas, so I have a few more. You want to do just a few more? Why don't we [01:57:30] go through that.

AIDS. AIDS, we set up the legal representation unit that they have at the AIDS network here, and we ran it at the center for a number of years and then they brought it in house. I see that that award isn't here, but they gave me an award for that.

We also worked on energy, but that was related to the work we did on the environment, [01:58:00] so we did some work on that.

DRAINE: I want to hear a little bit more about that.

TRUBEK: We wrote a famous lawsuit against the building of the MATC campus out at the Truax field (Dane County Airport). Yeah, that was very controversial, that was an area that probably ... Again, the dean could have said something but didn't. And that was very visible. We sued ... I guess we sued the board, the Wisconsin technical college board for not doing enough of [01:58:30] an environmental impact statement, because it was moving MATC from downtown out to the Truax field. And it's interesting because when I came from Connecticut, urban sprawl was a very big issue in Connecticut. Of course it was no issue in Wisconsin, because everybody thought they had endless land. So, when we brought this lawsuit it was very controversial and most people just thought it was ridiculous, and now of course it's Kathleen Falk. That's how I met Kathleen Falk in the course of doing this environmental work. She was a public interest lawyer [01:59:00] then working with Peter Anderson and now of course, all of these things are big issues. And of course, MATC is long out there at Truax field, but people can now understand the issue the way they didn't understand it then, so ...

DRAINE: Was part of the issue that it might not serve the inner city as much as it had?

TRUBEK: No. It was mostly an environmental issue.

We also worked on an issue which is still around, which is on septic tanks. Saying that the septic tank laws were not strong enough, therefore [01:59:30] allowing more sprawl because you could build a septic tank. Again, these were way before their time, because now these are ongoing issues, but we did a lot of work in the environment and we were supported by the environmental groups. But then of course the environmental decade was set up and then 1000 Friends was set up and no there's another environmental group. So, our work was really in the 70s and in the very early 80s and then other groups [02:00:00] kind of took it up, but it was mostly around urban sprawl. That was an area that-

DRAINE: So you tend to be ahead of the curve?

TRUBEK: Yes. We always were ahead of the curve. Sometimes it worked and sometimes it didn't. Head of the curve works if they catch up to you soon enough, but if they don't, then you can be out there. For instance, ex-offenders, you know, just didn't catch up with us. The sprawl took too long and we didn't have the financial support to continue if we were too far ahead. The [02:00:30] elderly and the disabled, we were right on time. We hit it right at the right place. The women, we were at the right time but there were other women's groups that wanted to come in. Then there's the question about whether the activists want the legal arm or not. There's always that question.

Let's see what else. Then poverty law came up, because then when legal services began to be severely undercut by Reagan in the 80s [02:01:00] we began to move into poverty law and I began to teach poverty law. Now, that proved to be very controversial because the legal services people in the state were, in my mind, not imaginative enough and too conventional. And I was very critical of them. And I tried to reform them and work with them and they were not

interested. So that was a very disappointing thing for me in the 90s. And that was one of the reasons I started writing articles. [02:01:30] So I've written several articles of very critical-

DRAINE: Can you talk a little bit about that more in depth for me to understand, what was the issue that was the difference between you and the more academic types?

TRUBEK: Well, it wasn't the academic types; it was the practitioner.

DRAINE: The practitioners, okay.

TRUBEK: Yeah, it was the practitioners in legal services. It wasn't the academics. They had their own intellectuals, but basically it was the practitioners. Because they wanted to have very conventional legal work. They wanted to do class actions or they wanted [02:02:00] to help individuals that weren't interested so much in the legislative policy. They weren't interested in alliances. They weren't interested in use of non-lawyers. They wanted lawyers, lawyers, lawyers. They wanted conventional lawsuits. They weren't interested in administrative procedures the way I did. So I was a public interest lawyer, they were legal services lawyers in that sense, and there was a real, real gap between us.

Very detrimental to the state. Because I had developed, you see, a very [02:02:30] large public interest law community. And they came after I was already gone. Legal services wasn't set up until the late 70s and I was already-

Okay, so we're just about done. Let's see what I've been ... Oh, yes. So do we want to go back to legal services and poverty law?

DRAINE: Yeah. There was a conflict there in the way they wanted to operate.

TRUBEK: Yes.

DRAINE: Mm-hmm (affirmative).

TRUBEK: Right. And poverty law is one of my big areas. And that really didn't start until ... As a conscious effort on my [02:03:00] part until the 90's. It's kind of a late 80s, early 90's, in response to the legal services corporation. So, we can talk about that tomorrow. You want to start on that, right? Then, of course, I want to do health law then as a separate area.

DRAINE: All right. We'll go back to this public interest versus legal services next time.

TRUBEK: Right.

DRAINE: Great.

TRUBEK: And that relates to a lot of my early writings too.

DRAINE: Well, I thought that it would be good ... You know, the way they have asked us to go

through it is to do teaching, service, and research. And I [02:03:30] thought maybe it would be good to go, starting from the beginning of your research. So, sort of backwards on your vitae, kind of workup and highlight for me the important subjects you worked on and what you think the accomplishment of a piece of writing is. When you think that it's related to some of your clinical practice, let's talk about that. But it is very interesting. You kept talking, and I'd like for the record to say, you tried to get into writing. You succeeded very well ... Over 50 articles [02:04:00] or something. The titles of them look so enticing, I'm going to wind up reading much more of your work.

TRUBEK: Okay.

DRAINE: Good time to stop. Okay.

TRUBEK: Okay, now, I have ... Just about the right amount of time.

DRAINE: All right. So, today is June 12th and this is Betsy Draine interviewing Louise Trubek, starting the second track. Because I didn't do it at the end of the first track, I'm going to review a bit now for the purposes of the indexer [02:04:30] and the summarizer, as well as for any future listener to the recordings.

We talked yesterday on the first track about Louise's childhood in New York growing up in relative poverty, she expressed it, in a Jewish neighborhood. Now I'm asking Louise, who is sitting here to correct me if I'm off, because it's amazing how people can listen and not quite get it.

She spoke about the influence of her father, his intellectual interest, and her mother's impatience with those interests. And she spoke about [02:05:00] the fact that her father went to college but didn't finish, probably for financial reasons. She spoke about her mother's two year training as a dental hygienist and how she played a more practical role in the family. And even though she didn't herself continue working as a dental hygienist was always giving advice, to her father, about how to make more money. But the mother was very active, volunteered in local politics and [02:05:30] that got Louise into speaking about the political forces in play in New York, specifically in the New York Jewish neighborhoods of the 1940s and early 50s among the generation who were the descendants of those who had come over.

And I'll ask the indexer and the summarizer to be sure to include in the written record, the names of the organizations and the publications, and political figures that Louise mentioned during that time, partly because they're [02:06:00] important for general history and also because those forces seemed to also have been influential in developing Louise's interest in issues of social justice. Louise then went on to talk about the excellence of the public schools that she attended. She spoke about the experimental aspects of her junior high education, and those details should probably be flagged a little bit in this summary since they relate [02:06:30] to the history of education in the US.

Louise also noted the painfulness of class divisions in high school and how those class divisions made it difficult for her to enjoy her high school years so that she was very eager to take the opportunity to become a Ford Scholar. Did that mean you skipped the senior year?

TRUBEK: Yeah.

DRAINE: Yes. So Louise skipped the senior year of high school on that account. So the next section of the track deals with the Ford Scholar program, its purposes, its links to [02:07:00] the Korean War, its conversion from all-male to coed, and Louise's selection to enter the Ford program at the University of Wisconsin, which entailed a scholarship, which she said was important to her. And Louise drew, at that point, a broad contrast between the empowering effect of the four undergraduate years at Wisconsin-Madison during the Ford Scholar program [02:07:30] and, somewhat, in contrast, the somewhat disempowering aspects of her re-entry to UW in Madison because, following her husband, Dave, to Wisconsin at that time meant giving up her career, the one she had built in New Haven. And especially the Center for Public Representation that she had just established in New Haven.

TRUBEK: No. The one in New Haven was called CWELF.

DRAINE: CWELF.

TRUBEK: Yeah. The Connecticut Women's Education [02:08:00] and Legal Fund.

DRAINE: Okay.

TRUBEK: The Center for Public Representation is what I set up here in Madison.

DRAINE: Okay, great ... At this point, and later in the track, Louise talked about some of the choices that she made for her employment, how her employment was structured. Choices and also probably things that weren't choices, and how they became problematic later in her career. And those were things such as not being on the university payroll [02:08:30] for the first long section of her work with the Center for Public Representation. And that has ramifications for retirement benefits, etc. Also, the general relationship between the center and the law school itself. There were a number of details there.

And after establishing that broad contrast between the two periods of coming to Madison in Louise's life, she returned [02:09:00] to talk about those undergraduate years under the board scholars program, especially the importance of ILS, the Integrated Liberal Studies program, to the Ford Scholar group as a whole. She assesses that program, the excellence of the faculty, and its structure. She spoke about her appreciation for the freedom that UW-Madison gave its students.

Now, Louise, I wanted to ask you about that. Because I understood you to be speaking mainly about [02:09:30] the freedom to take certain courses, to structure your education a certain way, but also by implication your talk about all the student governance activities you were involved

in. That freedom ... You might have been speaking about something a little more broad than simply course structure.

TRUBEK: Yes.

DRAINE: Why don't you talk about that.

TRUBEK: Yes. There was a lot of freedom in terms of taking courses. Of course, I went into ILS because I wanted the more restricted program, [02:10:00] but generally speaking, certainly you had an opportunity to take courses in not only the social science, but humanities and also the sciences, and also agricultural journalism and so forth. In other words, there was a, because it was a huge state university and land grant school, it had this broad range of possibilities, and there was a ... You could meet a lot of people doing a lot of different things, and there was relatively little pressure [02:10:30] to become one thing or another.

And there also was relatively little pressure to become a sorority girl or an intellectual. You could move between those areas and that ... Particularly in the 60s and 70s, well, certainly in the 50s and 60s, that was relatively unusual when you contrast them to the eastern schools. Particularly for women. Also, there was the [02:11:00] intensive coed nature.

But I did want to point out ... And, of course, student governance, which students were very, I felt we were very significant in governance even though I didn't have much contact with the chancellor or anything like that, I felt that what we were doing was significant. And Dave Trubek, my husband, wrote for the Daily Cardinal. The Daily Cardinal covered, had very good people and covered student government and student's events very well. I was quoted in there all the time.

[02:11:30] So in that world, we felt very important and significant. But I did want to point one counter example, which somebody might be, pick up was of course we had parental regulations. In the dormitories and so forth. But of course, I never lived in the dormitory. And as you talked about girls co-op, I was in the midst of actually quite a sexually open kind of world. Which I myself [02:12:00] was not, but I certainly was not subject to repressive policies.

Now, there were always stories about if you went to parties that were not approved you could be kicked out. And my husband, Dave Trubek was involved in something like that and was almost kicked out.

DRAINE: Really.

TRUBEK: Yes, but since I was sort of a ... And I went to parties that were not approved, but I guess I never got involved in whatever level there was. So it's interesting that I stress the freedom, and yet other people would say that [02:12:30] Wisconsin in the 50s was very repressive. But it was a narrow sense, of narrow rules, about relationships between men and women. Trying to preserve the idea of separation, no men in the rooms, this kind of thing. But that was just a very narrow exception to the general sense of freedom that I felt.

DRAINE: Oh, good. Well, I'm glad we talked about that a little bit more. And then, Louise did talk about her admiration for the history faculty and the whole history [02:13:00] program. You majored in history, right?

TRUBEK: Yes, I did.

DRAINE: And one interesting university pedagogical factor was the mixed graduate/undergraduate classes in history, which led to better challenges for someone like Louise, with her capacity. Now, Louise then began to talk a little bit about the Dean of Women Students, Martha Peterson. And we took a break, and at that point Louise, we lost about four minutes. [02:13:30] We came back, and I pressed the 'Record Again' button, and I didn't press it hard enough. So, I'd like to go back and have you talk a little bit more about that. You were saying that ... I asked you about how Martha Peterson mentored you. And you were saying well it really wasn't a question of telling you that you should go to law school or something like that. It was more that she was looking for women leaders, and why don't you talk about that for a moment?

TRUBEK: Yes, and it's interesting in looking at the dates, because of course Martha Peterson [02:14:00] became a big figure in Wisconsin when I was back, because she was president, became president of Barnard actually when my daughter went to school, and then became president of Beloit College when I was here. And lived in the state, and lived in Door County, and was sort of a well-known figure in the state. And so whenever there would be articles about her, I would read it carefully, because I remembered her so clearly. And I realized that we really had only overlapped, I think, one year. She had been Dean [02:14:30] of Women Students at Kansas, and had come to Wisconsin. From Wisconsin, she moved on and up. She obviously was a very distinctive and distinguished woman.

And she for some reason picked me out, or I went to see her about some issue because I was active in issues. I didn't go for her for advice, that's for sure. And she was Dean of women students. At that time, you know, this was part of the remaining kind of separation between women and men students that was in my mind, mostly I think, related to [02:15:00] these parental rules.

But somehow, she and I had contact and I felt her to be very interested in me. And I think you're quite right, that she identified me as a woman leader, and she wanted to have some kind of contact with me. For some reason, it seemed significant to me because I think she was the only person in the Dean's capacity who had shown any interest in me. My contact with faculty had primarily been in the ILS program.

When I went into history, you know they were mostly interested in the graduate students that [02:15:30] were good professors, but there was no effort. And I made no effort, I don't think I ever saw a professor in the class, in their offices. Even though I was in some small seminars, I never did that sort of ... I didn't never had that sort of interaction. So that interaction with her was very unique, and I do remember it. It was definitely singling out women.

Of course, she was an early feminist, and became president of Barnard, and so was interested I [02:16:00] think, in women students, and she was a little ahead of her time in that sense.

DRAINE: You mentioned at one point that you were appointed to ... I don't know whether it was a the student government, or ... Was that by her?

TRUBEK: No, no. I was active in student ... They had student organizations that carried out certain functions in student governance. So for instance, there was the committee on publications, and that was what Dave Trubek was head of. And there was one on [02:16:30] housing, and I got involved in that, and that became part of the social justice issue. I don't know if I joined it because I knew it, it happened to do with discrimination in housing. And then, we then, because of those positions, there were five or six of us, were, served on the student senate. The rest of the positions were elected. One of the big issues in that period was the discrimination, was the fraternities and the sororities. And it was the student government [02:17:00] debate, now that I think about it, rather than the housing debate. About the fraternities and sororities that did discriminate against blacks. They were going to be kicked out of the, not allowed at the university if they did not get the national chapters to change their policies by 1960. It was an early form of a kind of a boycott at the university level. They said they couldn't change it because of the national rules, [02:17:30] and so-

DRAINE: The individual (crosstalk) Mm-hmm (affirmative)

TRUBEK: Fraternities and sororities. I think they were, I don't know that it was only fraternities.

DRAINE: What was your role?

TRUBEK: Well student government was, we lobbied and well, we passed the legislation, we were voting, and we agitated, because it was very controversial to pass this piece of legislation. Now, see, to me it was binding. Now, I assume the chancellor [02:18:00] makes those decisions. It's not entirely clear to me. But we thought it was very significant, and maybe the administration said that they wanted student government to take the lead, or whatever.

DRAINE: I actually think there's something in the state statutes that gives student governance power over certain aspects relating to their own lives. And it may be under that statute that it was binding.

TRUBEK: Yes. Absolutely. And of course, if anybody would be interested, they would go back and read the Daily Cardinal. You know, there are archives [02:18:30] I should point out, for many of these things. There was a significant writing about it in the student newspapers in the senior year.

Now, there also was the issue of the student organizations and the communist organizations like the Labor Youth League. Well, there was one. And the question of the membership lists. That's how Dave and I became active, because the state legislature was threatening at the behest of the American Legion Associate, that's with the American Legion to [02:19:00] require student organizations to submit their membership lists.

In order to be registered as a student organization at that time, you needed only three officers, and you didn't have to list all the members. Members did not have to be revealed. The state legislature was considering legislation that required at the university that student organizations list, turn in all their member lists. It was aimed at the Labor Youth League, which at that time was on the Attorney General's list of Communist infiltrated organizations, and [02:19:30] there were severe problems if you were associated. My husband, Dave Trubek, who was involved in ROTC got in significant trouble in his short career in the Army, over his contacts only as a journalist covering the Labor Youth League meeting.

So it was a very, this was the McCarthy period and it was a very tense period. The student government was very, Dave and I in particular, were very active and I think that [02:20:00] would of course just been a petition.

Because we didn't have the authority and we're very active in that and we won. The American Legion backed off and membership lists were never filed.

DRAINE: Wonderful. What year would this be?

TRUBEK: This is spring 53.

DRAINE: Shortly after you ...

TRUBEK: Yes, it was just before I graduated, it was in the year 52, 53, I graduated in 53, June of 53 that is actually how my husband and I really [02:20:30] got to know each other, was working together and that's the long history now of 50 years, more that's actually 52 years of working together as a couple, which is now a notable part of my life.

DRAINE: Yes, and people who observed your career are very impressed by that collaboration that was there from the beginning, but has also grown and evolved and we'll probably talk about that.

One other thing you said, I think in that little formative piece that we missed [02:21:00] was that you had already decided that you were going to go to law school, really decision on your own. Not have been influenced by any particular professor or advisor and had major applications by the time you were beginning to get serious in the relationship with Dave.

So you viewed that as fortunate that you had already made this shape of what you were going to do and you weren't deterred from that by the growing relationship.

TRUBEK: Yes. That [02:21:30] was an important factor and I've been thinking since we've talked yesterday if I'm going to tell the story as a feminist story, there's various ways that you can tell the story. Yesterday after thinking about it I thought there were two ways you could tell the story of my life.

One would be from a feminist perspective and the other would be from a political perspective. Or political/professionalization perspective. That decision on my part to [02:22:00] go to law

school and to continue to pursue that path despite the fact that I was involved with somebody who was, in many ways, a very desirable husband.

My father, as a matter of fact, in all the years I went to his contests, subscribed to the Daily Cardinal and he knew who Dave was and he was extremely impressed when he heard [02:22:30] that I was going out with him. He just thought he was just the most wonderful thing in the whole world, which he always thought for the rest of the years in which we were married, in which my father was alive.

He was also much wealthier than I was, which was, of course, my concern about class, that was very significant. My sister also married somebody who had not much more money, but he had a status. It was obviously something that was very [02:23:00] significant to both of us, but it certainly didn't deter me.

Later, when many women went to law school, daughters of my friends would go to law school and they would say, "Oh, they went to law school, but they really don't want to practice, and they're really not interested, how did you do it?" I said to them, "I wanted to be a lawyer. It was very important to me and very important to myself."

I said, "They are not me." There is no connection between [02:23:30] their view, the idea that I would stop working or not finish law school or just stay at home with the children was never ... I had a path, I stayed home for six years, but I had a path in my mind that I was going on. I never thought about stopping that path. It's not about working, it was about wanting to be a lawyer and wanting to do that kind of work. That was very clear in me, and to some extent, I think that was one of my [02:24:00] attractions to Dave. Because he was more of a youthful trying to figure out his life, he viewed himself as somebody who would go to San Francisco and be a journalist and wander around.

Then, when he met me and I had my plan out there, he figured, "Well maybe," as he once said, "she'll get me up in the morning and I'll have to do something." It's hard to believe that, Dave is very work-oriented person and I don't know if that ever would have happened, but I think that that aspect to me was one of the things that did appeal to me.

[02:24:30] He certainly never suggested that I not go to law school. Nobody suggested that I not start or anything like that and then he just joined me there and I just assumed he would. It's also true that there was nobody at the University of Wisconsin who encouraged me to go to law school.

On the other hand, as I said to you, my friends are very accomplished, many of them became doctors, became professors, the women this is, so there was no resistance to it. [02:25:00] Nobody said, "Oh, you don't want to do that, why would you do that?" But, on the other hand there wasn't anybody who, well, obviously people wrote recommendations and so forth, but there certainly was no personal mentorship, no.

DRAINE: How did the notion emerge, because you really haven't spoken of knowing any lawyers, or being directly involved with work in a law firm, but you were involved in activities

that touched on the law and legislation in the student [02:25:30] governance, is that how the path started, or what made you decide to go to law school and specifically to apply to Yale?

TRUBEK: Well, it's interesting because I remember I said that when I took that careers kind of thing and he said social work or law, because, of course, it's turned that I've done the kind of law, which is social law, so they obviously caught something, but I never thought about being a social worker.

I always wanted to be a lawyer and whether I saw it as a more [02:26:00] powerful, or I wanted to be part of the elite, and of course, I never thought of staying in Wisconsin and going to law school, ever, of course, it was no advantage to me, because I was out of state. I never thought about that. I thought about the elite eastern schools and I applied to NYU, Columbia, don't think that Harvard admitted women then, I'm trying to think when Harvard was just about starting to admit women then, so I'm not even sure that I applied to Harvard, and Yale.

Then, as I said, I was admitted to Columbia at the end of my junior year when I could have gone then and I [02:26:30] stayed and that's not because of Dave, but because I was having a very good time. I don't know, those are the only law schools I knew who were the elite law schools, really, in a sense.

I had good grades, I never thought I wouldn't get in. Now, as it turned out, there are now stories about discrimination against women in admission to law schools. There's a whole world [02:27:00] now of stories about admission in that period. There's a story, you'd be interested in this story.

There's a story that the Yale law school, the person who was head of the admissions had a daughter or a wife that went to, I think it was Wellesley and that he always admitted one or two women from Wellesley. That there was a lot of discrimination, that there was a maximum of 12 women or eight women and there couldn't be more than that.

I never [02:27:30] believed it, but my friend, Jane, the one who gave the speech at the reunion, the Yale Law School reunion about discrimination says there have been subsequent, going through Harvard ... remember when it came out about discrimination against Jews at Harvard, in the course of that, there is evidence that came up, at least about Harvard, that once they did start admitting women, there were quotas.

The fact that there were only six women, which I always attributed to the fact that very few women then were interested [02:28:00] in going to law school, in fact, her construction of the story is that there was discrimination and there would have been 30 women if they hadn't had that discriminatory practices.

That's an area now in which there is some scholarly work and at least there is some interest and I don't know who can ... going to discover the archives or whatever on that subject, but I never thought that at the time.

DRAINE: That's interesting, well then, there were a good part of them tracked that we did

yesterday, is about your time at Yale and your sense [02:28:30] of being overwhelmed by the male dominated atmosphere. There is a section that I think should be noted, the importance of the women's lounge that group to you and giving you support getting through that period. Then Louise went on to describe how Dave after his year over in ROTC really joined you, he went into law because of you, really, to go to the Yale Law School and they had their children there, your first two children?

TRUBEK: [02:29:00] No.

DRAINE: Just your first?

TRUBEK: No. I was in New Haven, I was not pregnant when I graduated, I graduated and then I became pregnant, but I did remember something that I didn't mention, and this is part of the construction of my life as the feminist life, which is that while we were in law school Dave and I were plaintiffs in a very famous lawsuit involving the Connecticut Birth control.

At that time, this was in the late [02:29:30] 50s, Connecticut had a restriction on providing and counseling on birth control, which stems from the early 20th century and Planned Parenthood wanted to open an office and they wanted to challenge the statute before they opened the office. One of the professors at the Yale Law School was their counsel and he had approached a couple that was another [02:30:00] married couple, a couple of years ahead of us.

They approached them to be one of the plaintiffs. There were three plaintiffs. Two were Doe and Roe so the case was called Roe v. Griswold. That case involved one woman who was ... Health was at stake. One couple and woman or couple who was [02:30:30] going to have a disabled child possibly, and then a couple who wanted to be able to plan their own fertility in their own lives. They asked this couple at the Yale Law School to be the plaintiff. Then the case went on and the couple graduated, and they asked Dave and I if we would become the second couple, and we used our names.

So, if you read the decision, it's not in the title, but you read the decision and [02:31:00] it has Trubek v. Griswold and ... Or is it Trubek v. Connecticut? I think it's Trubek v. Connecticut. I think they sued Connecticut, so it was Roe v. Connecticut. The case went up to the U.S. Supreme Court and it was a very famous decision. It was one of the decisions that then led to Griswold v. Connecticut. The Supreme Court threw it out and said no there was no standing because nobody was in any trouble because the statute had never been enforced. Then they went and opened [02:31:30] the office, and that case was Griswold v. Connecticut.

The U.S. Supreme Court at that time created the right to privacy and said that they could not have the birth control law, which of course eventually led to Roe v. Wade. So, it's very significant in the history of control over your fertility, but of course, it's famed as a precursor to Roe v. Wade, which we had no concept of at [02:32:00] the time. So, at the time I didn't think it was particularly brave or particularly noteworthy, but as it turned out the case became very famous. And I had suffered actually some consequences to it because when I tried to get admitted to the Connecticut bar, they said I had sat in that case.

In the New York bar ... I tried to get admitted to the New York bar. They said in the case I had alleged that I was a Connecticut citizen, and also that I took the [02:32:30] state citizenship of my husband, which in those days was the law that you took the citizenship when you were married so therefore I could ... Because he was never a citizen of New York, and therefore, although I'd passed the bar I was never admitted. So, that was a big set too, and that happened that year. What happened the year they graduated is I became ... I was pregnant and I worked for this book by one of the professors.

That was the time, the year that also the case went to the Supreme [02:33:00] Court and we went to the Supreme Court and I took the Connecticut bar exam and I took the New York bar exam that year and passed it. Then there was all those publicity about this case when I had come down and I listed it and therefore I was not admitted. And years later, whenever I teach about class actions, I always tell that case and say, "You know, these plaintiffs who you never pay much attention to can have significant damages, because of course, [02:33:30] then it became famous again, because when Bork was up for approval before the senate committee when he was ... Who was it? Nixon? No. Reagan? Reagan I think put them up for the U.S. Supreme Court. He claimed that these cases that he was opposed to social engineering and opposed to these cases that were put up cases by Yale Law School professors like this case. So, [02:34:00] it became a big deal.

DRAINE: But it's interesting that in your personal life, the control of whether you were going to get pregnant was important to your finishing school and getting that launch on your career.

TRUBEK: Yes, and it's interesting because when I would go ... When I went back and read the complaint, it's interesting how radical it seems. It seems even today the idea that you should be able to control your own fertility and your own decisions about having children [02:34:30] in order to pursue the kind of life that you wanted is a big pro choice argument now. That was clearly stated in that birth control lawsuit and that was the position we took. So, it's interesting how there was a lot of continuation. When people would say to me, "Oh, Louise, you were involved in that lawsuit to allow ... " This was before it was (inaudible) abortion. I said, "Oh no, no, no."

It's hard to realize what a radical decision that case was when [02:35:00] you realize this birth control case, which was decided in '60. Roe v. Wade came down, what? '70, '71? It was only 10 years later. It's incredible. So, I just wanted to make sure that that's in there because every once in a while, every five years or so somebody ... Law professor teaches that case and they come across our names and say, "Are you the Trubek in that case?"

DRAINE: Well, it's so interesting. I was reading Lisa Alexander's remarks on it.

TRUBEK: Oh you did get it.

DRAINE: Oh yeah. I did and they're wonderful. We'll talk a little bit about that. She talks there [02:35:30] about how you paved the way for women who came along not only through your personal mentorship but just opening the doors, doing certain things that later other people were

able to do. Who knew that this background issue so called of being able to control one's own fertility that affects so many women. It's really an enormous thing that you were involved in.

TRUBEK: Yes, and of course, of course, the thing is, Dave and I ... Out of Wisconsin, being student activists, when we were asked at the [02:36:00] Yale Law School whether we'd do it, of course, we said, "Yeah." And of course, 99% of people said, "You're out of your mind. Why would you do such a thing? It'll be on your resume. You'll get in trouble. You'll be viewed as a radical." So, it's actually a complete continuation of our life at Wisconsin. This was only two years after. It's really interesting because if you think about it, life is a complete circle and then, of course, we ended up back here. At that time we had no idea.

But yes, that's a very [02:36:30] important point. I was the one that pushed because it was an issue that I felt much more strongly than Dave was very nice to go along with it because from the male point of view, it's a little more ... How can I describe it? It's a little more putting yourself on the line. I was already a woman in law school. I was already a little on the line there, but Dave was doing very well in law school. His thoughts were much more conventional about what [02:37:00] his career was going to be. So, you have to give a certain amount of credit for signing on.

DRAINE: Let me ask you. Did it ever any practical ramification for you that you were not admitted to the bar in New York? Was it ...

TRUBEK: Well, I then took the Connecticut bar and was admitted in Connecticut. Then it turned out that I practice in Connecticut because that was good. Then it was very fortunate for me because I practiced there long enough that when I came here, I was admitted on motion. So, I was able to [02:37:30] get the five ... Just about five years in. You need five years without having to take the Wisconsin bar. I just about have five years because I was only there '66 to '73. So, I immediately then turned around after being denied when I was pregnant or the next year and took the Connecticut bar and was admitted.

So, I had my first child the end of the 1961, which was a year after I graduated. Then [02:38:00] we moved ... So, if we're done with that, then we can move to ... Actually, I was thinking a little bit about the not talking in class. I do think it's very significant. I think it's again one of these ... What do they say? Overdetermined things. It was the combination of ... It's not only gender. It was clearly gender. It was the way people talked in law school and this is a big issue that's ... But it's related. That's what the people who have studied women's [02:38:30] participation in law school and why women are still not partners in law firms and the question of the role of women in law.

When they go, they do these studies, that comes up over and over again. So, what happened to me is now, a widely understood phenomenon that's widely studied. Even when the numbers are much greater, so it's really totally understandable. I did not understand it at the time. I didn't understand it. I didn't know why I was [02:39:00] doing it. Nobody encouraged me. Nobody said to me, "Why don't you talk about the women who didn't talk much at all?" In law school, there's people who talk and men who talk a lot and men who don't talk at all. So, it's not uncommon, but for me being such a talkative, outgoing person, it was surprising.

I also think it may have been subsequently related to marriage and my relationship with Dave, because he did so much better in law school that may have been a factor. The fact that I was [02:39:30] in this awful labor law group, which was completely antithetical to what I was turned out to really want to do. So, I think these are related. My friend Jane who was in international law and was in the international law, I think she talked all the time. I mean, not in the big classes, but the continuation through the smaller, seemingly areas that were meant to be like small groups and there were only like 15 of us in the group.

So, it seems to me that that's certainly a worthy ... I mean, an [02:40:00] important topic and has subsequently proved to be quite systemic. It wasn't personal to me.

DRAINE: That way of talking, is it more class-related, or more gender-related? You're talking about the discourse that a woman meets in law school. How is it askew from her normal-

TRUBEK: Well, the argument would be that women are more interested in the affective and the interpersonal and [02:40:30] discourse in law school is about analysis about the facts, about a very limited number of issues. Issues that are not related to this view of legal analysis are considered inappropriate, and you are criticized for making those comments.

So, there's extensive literature ... of course, none of that came until well into the 70s and 80s, when the fact that women were admitted in large numbers, and yet initially [02:41:00] they did not as well, and they weren't getting the same jobs, and as they went through the various analysis, of the discourse in law school. They way law school classes are conducted, with the Socratic method, and so forth. In those days, it was the Socratic method, but there were also plenty of courses that were just discussion. So it was more than just that.

DRAINE: Mm-hmm (affirmative)

TRUBEK: So as I say, there is a major literature on it now. It begins [02:41:30] with a "G". The woman who wrote about ethics issues. A Woman's Sense of Ethics? It begins with a "G".

DRAINE: Oh. (crosstalk)

TRUBEK: So there's that whole literature on that too, and I also was in that. Because I also was somebody who's interested in social justice. I went there not to be a corporate lawyer, and I didn't realize the difference between me and the people who were corporate lawyers, you know, I just had no idea.

And that of course that Yale Law School also was a myth. Though, that relates, I should throw that in.

I went to the Yale Law School rather than Columbia [02:42:00] or NYU because I thought it was the social science-y, social justice kind of place, and of course that's its reputation, and to this day ... and of course, it's never been that. I mean, it has some of that, but 90% of the people go into corporate law firms. And then the rest of it is veneer.

Now, of course, they all write novels. And they don't practice law at all. But in those days that's what it was. And there were very, very few people like me, who were there, interested in the alternative kinds of law. That [02:42:30] developed even more so after I graduated, when I became a public interest lawyer. The move towards public interest law was led by Yale Law School people who graduated about the period that I did. Later. So, that was definitely a strong factor in my experience. And that's a fact that perhaps I sensed that tension, that these people, they weren't like me.

I mean, the professors were a mixed bag, but the students ... And then of course they had gone [02:43:00] to Exeter and they all spoke ... many of them spoke Greek fluently, and that was the period now, where we still had very classic education then. So.

DRAINE: Is there anything else you'd like to mention about the Yale Law School before we go on?

TRUBEK: Well, you could see a continuation, because what I found in Wisconsin, I thought I was gonna find at the Yale Law School. And then I came back to Wisconsin, and also Wisconsin in law school, was not the same as [02:43:30] my undergraduate experience, either. So there's a continuation in that sense, of my interest, I guess in women's issues, or feminist, or whatever. And also in the political.

DRAINE: But we do talk on the track about the difficulty of being displaced is definitely a gender issue there. Being displaced to Brazil to follow Dave, and then displaced back again to Yale, but now [02:44:00] he's a Yale tenure track professor, and you had to rebuild your career. And that track sort of covers that. And then we went to the difficulty of being asked to displace yourself after you had reconstructed, constructed something terrific for yourself there at New Haven. And I'm wondering if there are things, you mentioned there might be some more things you wanted to talk about in terms of how things were structured. [02:44:30] In the last track, you talk about some of the ways in which your initial appointment was constructed-

TRUBEK: Yes. Yes. And I've made some notes on that because I want to give credit in this section to some programs that the university ran ... well, ran is the wrong word. That the university provided that were very helpful to me in my relationship with the law school. And in thinking about it, I thought because I know you and others have worked very hard on that in university and as a person sort of unlike ... [02:45:00] I'm usually the person making the changes and other people say, oh, well, you've helped me. This is an example where I want to acknowledge the work that was done by people that I had nothing to do with. Yeah. So when I came here ... It's funny because I remember somebody telling me when I left Yale, one day, she said, "You know, a lot of women wouldn't have gone." And I said, it never crossed my mind. Well, one of the reasons being that I felt that Dave's (inaudible) to tenure was political. Which it was.

So it would have been an act of political [02:45:30] as well as personal betrayal for me to say I'm not gonna go. So, that was very important in my sticking by him and my, to some extent, I feel in retrospect, sacrificing the ... sacrificing the children is too strong a word. I certainly wasn't gonna

stay there and that would have sacrificed the children too, but I was totally interested in his survival and my survival. And was not sensitive enough to the survival of the children, particularly Jessica. That was a great [02:46:00] criticism I have of myself.

So. But, because when I came ... when I had been working, this is an important part of the story. When I worked in New Haven, I set up a law firm and I worked in a law firm as a very active ... I worked 8-3. I came home at 3 o'clock when the children were home. I was very much a secondary career. When I came here with Dave and George Bunn gave me this pseudo-job, I [02:46:30] worked all the time. I was never home after work ... I worked from 9-5. I had to ... that was the only way I could survive. Otherwise, I thought to myself, I'm an assistant failure. Here I am with my law degree and everything. It was one thing to be a faculty wife at Yale. It was another thing to be here in Wisconsin with nothing. It was a real sense of personal failure on my part. And unhappy.

But, so this is you could say for George Bunn. George Bunn really saved me. And he was here two years, it was probably the most [02:47:00] important thing he did. Cause the poor guy couldn't last faculty politics.

DRAINE: Mm-hmm (affirmative)

TRUBEK: And he had just come from Washington, D.C. where, see, he had been a corporate lawyer that represented "special interests" as we would say in the administrative agencies. And he had a friend who had just set up a public interest law firm, doing this kind of work in Washington, D.C. And there was some money floating around. It was the beginning of ... that period was the beginning of public [02:47:30] interest law and it was also the beginning of legal services. It was a very reformist kind of interesting period in the practice of law and legal education. And so there were new clinical programs and there were also new public interest law programs that I suggested. And he suggested to me that we put it together and we do this. And now, the issue there was, as you said, that he ... there was very little money. He gave me \$10,000 [02:48:00] for the year and then I had to raise everything.

DRAINE: Mm.

TRUBEK: And I suggested, not being housed in the law school but being housed separately. And I didn't even have a title. Eventually I'm looking at the title because that's ... turns out to be important. Initially I did not have any kind of law school title. And I set it up as a non-profit, 501(c)3, but there was a requirement [02:48:30] that we have a clinical program, and there's a requirement that faculty serve on the board of directors, and that was my contact. And then George left and it was barely open when George was gone. But the dean that succeeded him was supportive. The deans ... As I said, through the very end, were never a problem. Which is good. Support you know what they say, I mean, really. But, not interfering, because we were quite controversial.

[02:49:00] We did work of administrative agencies, we sued the state, we sued local government, and as I went to all those areas, we (inaudible). But my relationship with the university then, was

teaching students. And they got credits, but I didn't get any payment from the university but the university did allow us to have the students.

Then eventually as it became clear that we were never gonna be able to survive just on grants, we began to get [02:49:30] more assistance. So, I was given a lecturer title, and then I was paid \$5000 a year. A couple of lawyers taught courses and they would give them \$3000 for teaching the course. And then, of course, eventually we moved into the law school. That was much, much bigger.

And we were very successful in raising money, and actually we did very well in the 80s, under Reagan, interestingly enough. And that had partly to do with the decline of legal services. [02:50:00] We came in and we predated legal services. We got a lot of money that if legal services had been there, we probably wouldn't have gotten. We developed the elderly program, which in some states is run by legal services, and so because we were off early, we were able to do that. Now, another part of my mentoring, there were a couple of things that I wanted to mention about that period. I did not teach besides the clinic in the law school. I taught the public interest law material [02:50:30] as a two hour segment of the clinic, so it was not listed, for instance, on the course syllabus.

I did no writing, and I at that point took a very strong position that I wasn't interested in scholarship, that's why the whole issue of the scholarship is quite interesting. In retrospect, nobody could understand that, why I took that position. And it seems in my mind there were two reasons, both of which I've eluded to. [02:51:00] One of which was the fact that my father, who was an intellectual, and wanted to be an intellectual, was viewed by my mother as somebody who couldn't do anything in the world. But I wanted to do something in the world. So they set up in my mind that you couldn't do both, that if I was to be an intellectual, I would be like my father, not somebody able to be effective in the world. And the second was the writing. A lack of confidence in the writing, and also, this is interesting, I'm left handed, and my hand [02:51:30] writing was always very difficult to understand. and I also was not one to rewrite, which probably relates to the poor education in writing, but also to the handwriting issue. So to jump to what happened when I was literally 50 years old.

Two things happened when I was 50 years old, I went to a therapist, and that was one of the things we talked about, and I learned to use the computer. And so I was able then [02:52:00] to get over the two hurdles. Because I was using the computer, I got out of the problem of not being able to edit and re-write, and I was able to understand what I was saying, and the correction. And then the therapy, which was brief but important, helped me I guess, whatever. That was one of the results of it. You don't know what you talk in therapy and results but that was one of the things that happened. Then I decided that I wanted to write.

And it was also I guess the third factor is that Dave, [02:52:30] who of course wrote all along, had over the years, written articles about my work, because he was interested in it, and he had just done an article, which he had written about my work. And I said "enough of this, I am going to write about my own work", and so that was probably the third factor, and I said okay, I want to explain what it is, what I'm doing.

So, now the third thing I want to mention about that period is that because we got quite a bit of money, I had [02:53:00] quite a few lawyers work with me, you know three, four, five lawyers who I hired mostly from the Wisconsin Law School, we never tried to do national hiring, really at all. And many of them were young women, and they were having children. And I of course said work part time, come when you can, I was completely-- the idea of having some kind of rigid workplace when I knew that that was the way I had survived was doing [02:53:30] that, and had a lot of help, as well, they didn't have much help. And to this day, those women, all of whom are lawyers now in Madison, say what was the thing that was most important about your experience at the center and working with me is the fact that I allowed them to ... it wasn't the substantive at all, very shocking to me, was the fact that I set up a workplace where they could both work and take care of their families and there was no ever a problem [02:54:00] of conflict.

DRAINE: And you didn't even realize how much you had (crosstalk)

TRUBEK: I just never thought that you would set up a workplace any other way.

DRAINE: Yeah, and we're still working for that now, (crosstalk)

TRUBEK: Absolutely. But I mean, that was one of the great attractions of not having a traditional of being at the university. Now the university was more flexible, but the university of course had the tenure thing. So, those issues.

Okay. Now, another thing about the university [02:54:30] in that period too, we were the precursor in many ways to service learning. And now, the Morgridge center, and many of these programs that developed over the last five to ten years, the most successful examples are basically the clinical programs at the law school. Even though the students get credit, so in theory they're not service learning. It [02:55:00] was the university liked that aspect of it, so the university view of the center was very mixed, to the extent to which we did things like sue MATC about the location, that was not good, but to the extent to which they could write articles about how we're helping the old people get on social security, that was good.

So, there was that aspect because there was much less of that, we were the sort of Wisconsin idea in action, and we used that, we tried to use that very much [02:55:30] in positioning us. So the university, this is not the law school, but the university, whatever I mean by the university, because I never had any contact with anybody. I sensed that there were various people who did support it, and now, with service learning, I know that the project they have out at the Villager Mall now, which is a big part of the university's putting a lot of attention and money, that is the law schools clinical programs out there now on the south side because they're the ones that work, you know?

The [02:56:00] students could hammer nails, and the Habitat for Humanity, but something that's really significant, the law students can do that in terms of community economic development, so and that's what Lisa Alexander is about, and that kind of work now too, that's what her work is, but she doesn't have a clinic, she stayed away from clinics. But that's her kind of interest, and the university of course is very interested in people who do that, because the university wants more people now, and the Dean of the law school says he wants more people who do things for the

state now, because [02:56:30] they're worried about the loss of support. So this is kind of a long way back, so we were a very early example, and did that kind of work, and so I think that's an important connection to the university. So that's what I have, now (crosstalk)

DRAINE: Can I just mention in that regard, in a sense of course, the university could have bragging rights to the state legislature about what the center had done, [02:57:00] but you were doing it for the social justice reasons.

TRUBEK: Right.

DRAINE: And you mentioned seven topics last time, which I'll just tick off, which are not the ones that are mentioned by Lisa or by Stewart Macaulay, so maybe there are some more areas of the accomplishment of the center that we should touch on. You talked about elderly and disability rights, open records, rights of ex-defenders, AIDs and rights of [02:57:30] people with AIDs, energy policy, environmental law, especially with the Truax Campus controversy, and also septic tank regulation, and poverty law. And there was an interesting discussion there about public interest lawyering and legal service lawyering. I think Lisa was reflecting what Stewart Macaulay had written when she says that the center dealt with issues concerning health, telecommunication, family law, consumer protection, public [02:58:00] access to the law, I'll show you the sentence here, those are things we didn't talk about last time.

TRUBEK: Yeah, and women, you forgot to mention women.

DRAINE: And women.

TRUBEK: Women, of course, I did mention yesterday, Yes.

DRAINE: So let's talk about some of those (crosstalk)

TRUBEK: Well health I wanted to talk about separately, because health is the one I'm continuing with. So I'd like to put that separately, aside. The poverty laws I had indicated, I also wanted to talk about that a little separately, because that tied to the development of the course in poverty law, which is significant nationally. [02:58:30] So yes, we did all those things, it's a long time, you know, it's 35 years, and what I did was we spun off a lot of those programs. So we spun off the elderly, we spun off the disability so that other groups were doing that. Students took those courses, and those organizations were here, but they were not at the center, and they lost their association with me, except for those people who knew that I had been involved in setting them up.

In fact, I just came across something I did in telecommunications that didn't work very well. The family [02:59:00] law was more what to do about people who couldn't afford lawyers, and family law is the biggest areas of that. And I did a lot of work fairly recently in the last ten years or so on pro se on programs to help people go in and handle their divorces themselves with assistance, and there's now a clinic that's been running for a while based on a model that I helped set up. And AIDs similarly, we ran it for three to four years, and now it's embedded in the AIDs network, [02:59:30] and people wouldn't recognize it. So they're taking it out of either old

articles, Stewart took it out of some of these articles which were written in a much earlier time, and what Lisa read of my work, which I wrote in a later period.

Remember, I really didn't start writing when I was 50, so, I'm 78, so it was 28 years ago, it was 1980. It was really not until the end of the 80's, beginning of the 90's. So really, my active writing life is about 20 years now. So [03:00:00] I'm trying to reflect those things that were there. If you look at the dates on my articles, you'll see that the earliest article ... You can go all the way back, I have everything here. 72, I wrote when I was in New Haven. That's interesting because, whenever I see that ... Here, I wrote on them was Connecticut Administrative Procedure Act on Environmental Protection in 1972. As I said, I brought a lot of these interests with me and created them here. That was an interesting story because I gave it as a speech at the Bar Association.

[03:00:30] There was a guy in the audience who was editor of the Bar Journal, which was the Bar Association. He said to me, "Write it up and I'll publish it." He worked with me. As I say, I was a very reluctant writer. He spent days, we went to his house, and he helped me, and edited right that piece. I had no idea how appreciative I should have been. He did that and he published it. I didn't do anything again, you see, til 19 ... These were with Dave. Dave was there ... The [03:01:00] one I wrote in 78 was when Dave ... See, Dave was involved in these. All the ones on this last page and my early ones I did with Dave. Dave pushed me.

Dave always wanted me to write. Dave never accepted this fact that I didn't write. He always pushed me. That's the part in which he was extremely supportive. He always thought that was a big mistake. When he wrote up my work because he thought my work was important. It wasn't that he was stealing it. He was involved in all of those until ... [03:01:30] What's the next one after that? This is all through Dave or articles that I wrote with my colleagues. Really, 1991, On Critical Lawyering is the first one. It's really 1990 before I began to find my voice, as you would say, right?

DRAINE: Interesting. It had been a good 20 articles [03:02:00] that had appeared, but they weren't, you felt, coming out of your center.

TRUBEK: That's right. They weren't coming out of me. They were about what I did. I wrote with colleagues or Dave really came up with the ideas and made me sit down there and work with him, but they were his initiation. It wasn't until 1991. That's been very significant for me. To some extent, I'm unfair to the law school, because I came as one thing. When I wanted to be something different, they said, "That isn't why we hired you." It's not [03:02:30] really such a terrible thing to do, but it was a poor idea on their part because they lost the opportunity to assist people who could have been different kinds of things. It shows the hierarchical and inflexibility of academic life, which is not surprising, right? It doesn't surprise you.

DRAINE: Were you going to ask for help to get time off to write?

TRUBEK: Yes.

DRAINE: Okay.

TRUBEK: [03:03:00] Eventually, what I did is ... That's why I went half time.

DRAINE: You paid yourself to write when the university could have.

TRUBEK: That's exactly right. What I could have done then was go on the market. By that time, I was a little old. Dave was a little old. Dave was a big deal. He would never have gotten anything as good as his situation was here. I would have been at some place I didn't want to be. I had all these, my work. Dave has always felt and to some extent Lisa [03:03:30] makes those comments talking about my scholarship. I write about what I know and what I do and I put in a theoretical context. Dave feels that I write from experiential.

I don't write from analysis. That's why I didn't do so well in law school. That was the tension I felt, that what they prized there was this intellectual ability to use words and put ideas together, not to deal with what was actually happening. That is what they prized and that's why I shut up. [03:04:00] I realized that wasn't what I did or they wouldn't like what I would say. Therefore, for me to go some other place, I would have lost all these contacts and all this knowledge base that I had in the state. That's what I could have done.

If there could be any blame, it's all, of course, everybody. I did want to point out that the academic track that ... This is before I started writing, but [03:04:30] in the mid-eighties, the university began to get pressure or felt that they had to do something about the large number of non-tenured track people there, right?

DRAINE: Right.

TRUBEK: They began to develop the academic staff track. And so I benefited from that because they looked at the law school and saw that they had the most biggest group were the clinicians. They felt that they wanted these clinicians to be put in [03:05:00] the track and given some ... We were all lecturers and we had no status, no anything. June Weisberger, give her credit for that. She was involved in some way and she got me to submit the papers and they got me put on as a clinical associate professor in the mid-eighties. I had been getting increasingly more money from the law school. [03:05:30] Though I still think I was maybe 50 percent, but she got me in the track.

Then, when we went to Harvard in 86, 87, when it looked like Dave was going to get a job at Harvard, the people in the law school decided that this is the spousal issue, that it would help if they gave me a better position, because I wasn't clear what I was going to do. Once more, I was going to beat this place to move on to Harvard. I wasn't happy at all. I was very happy in [03:06:00] the end. It was a horrible experience. From my point of view, I was definitely better off coming back. They got me the clinical professor track and I became indefinite status. That was done by people at the university (inaudible) June using the university to do it. The dean went along with it, but if they hadn't been university-pushed to regularize the academic staff and to create the whole set of rules and the whole governance system, the law school would never have done it. The law school [03:06:30] still is out of compliance.

Whenever I go up there and talk with Steve Lund, they're always talking about they still have a lot of people in the law school who are there in these kind of temporary things. They're supposed to be limits, they're supposed to be moved over and the law school is still a little out of compliance. I very much benefited from that and then I began to get a pension. The pension starts at 84. So 84 must have been when they set up the track. [03:07:00] I was 50 percent because my contribution was lower. Then, we came back from Harvard in 87. I think they put me on 85 percent then. They never would put me on 100 percent.

I had a raise 50 percent of my salary, but they set the salary. I was able to gradually increase my salary. When I retired, this has come up now, I went and got my full-time salary would have been in 2008, 2009, because I'm trying to become [03:07:30] a re-hired annuitant at the medical school. It's a \$100,000, is what my highest salary is. It's not the salary that my pension is set at. My highest ... I don't know. Whatever. My pension is set at , my highest year was 90,000, but then I went down to half-time. If I had continued at full-time, I would have been 100,000. So this was very gradual. The status [03:08:00] remained indefinite status. When I came back from Harvard, I went down to 60 percent time, because I decided to give up the clinic then and I wanted to go on to teaching.

I was teaching three courses, public interest law, health law, and property law. The dean wouldn't pick up the other 15 percent. I said, "All right. I'll go down to 60 percent then and I'll only teach on semester." I did that in 2006 when we came back, no, 2003, 2004. [03:08:30] We were in Harvard, 2002 to 2003. So 2003, I did that. That was because I wanted my own freedom. I wanted to be like a professor. I didn't want the clinic. I wanted to change my status and they were not helpful. They said, "Fine. You go to 60 percent time. Fine. Teach two courses in the fall."

DRAINE: There's such contradictions here. The indefinite status is theoretically like getting tenure for an academic [03:09:00] staff member. This is pretty anomalous to University of Wisconsin, Madison. People from outside might not follow all of this. You felt there was a resistance in the mind of faculty, meaning tenure track faculty, to treating you as someone who would have the same ambitions to write, to pursue your scholarship, in balance with your service and your teaching, as they did.

TRUBEK: More than that, it was a policy of [03:09:30] the dean. The policy, I was the only one left in indefinite status. All the new people have to do three-year rolling horizons for exactly that reason. They also took the position. They will not fund research. They will not allow clinical people to apply for law school research funds. The university doesn't allow people to do that. It was a conscious policy. They consciously took the position. They would not encourage and allow it. You have to work 12 months a year. You can't have nine months. That's another thing I did when I came back. I went to nine months.

DRAINE: [03:10:00] Is that a law school clinical faculty rule?

TRUBEK: Yes.

DRAINE: Mm-hmm (affirmative)

TRUBEK: Well, the clinics are really, really generous. Even though they're in down in those tracks, and so now this, you know, I think that the university is not going to interfere. Because it's considered to be kind of a law school thing. I mean they interfere. I went and got Steve Lund on my side, I went up there, when I re negotiated. And he talked to them and they didn't try to take the indefinite [03:10:30] status away from me, finally. They wanted to but they gave up on it. But they're not giving into anybody else.

DRAINE: They were going to take it away from you because they wanted a general policy?

TRUBEK: It's a general policy because that's under the coverage of this guy Walter Dickey, who the Dean has delegated all clinical matters to. And, he pretends he doesn't understand clinics, doesn't know how it works, it's up to them. They take a lot of money from the, they're quite expensive. We have a large clinical program. But they're paid and completely less [03:11:00] track and they teach ... now ... and they teach a lot of courses. As well as run the clinic. So what happens is you have the two tier system now. You have the fancy professors who write for national, international, don't know what the state is, don't do anything in the state. Lisa is an example to the contrary. She is the exact contrary of that, only one of the people, that they've hired in recent years. And, they, then they have who people that know about the state, who help people get jobs, who teach how to practice like a lawyer, [03:11:30] they're the clinicians. And it's two worlds. And those people who learn, they never went to national recruitment. So, they're mostly Wisconsin graduates. So that there's no conversation. And they never talk to each other.

I've actually written an article about this. I have an article here, which is the one that's called crossing boundaries. Legal education and the challenge of the new public interest law. That's what the article's about.

DRAINE: So what's the argument of the article?

TRUBEK: The argument of the article is that there's two boundaries that [03:12:00] have to be crossed. One of them is between the clinical and the regular factor. This is generally speaking. It's not written about Wisconsin.

And between, what's the other boundary, domestic and international. And that the new world of legal education and clinics has to cross both those boundaries in order to really flourish. And a lot of schools are changing, but not Wisconsin. They're ... well not the national and international that they're doing. But, [03:12:30] the clinic one they're stuck in.

DRAINE: Well this is so interesting because basically you're, I'm hearing you to suggest that Wisconsin is losing the capacity to get the intellectual product of those who have been working in the clinical practice and who have something to say in journal form. Because of these rules about the limitations of what clinical practitioners should do, within the law school, or I guess it is strictly [03:13:00] law school matter, and then that relates to me as someone who has worked in Bascom and for the record, Stephen Lund is the associate director of the office of human resources at the center of the university. He plays a very difficult role. I have seen him go to bat

for policies that many would consider too out there, too extreme. And he just really fights for what's just. But, there's a limit.

He has to work with those deans. And there is tradition at the university of [03:13:30] the autonomy of the colleges and the autonomy, relatively speaking, of the deans is more extreme than that many other, certainly, state universities in this country. And that's a problem when you come to a practice within one college. That is limiting the growth, the nurturing of human resources. David Ward has his big plan and one of them was that were gonna really release the potential. He had learned what had been done up to that point, up to the early 90's for [03:14:00] academic staff. He was all for it.

TRUBEK: Yes.

DRAINE: And he really empowered Steve Lund and Steve Lund's boss Carl West but really Steve's really the one who worked with academic staff, issues like this, to do what could be done. And then the, academic, the government's body, of the academic staff assembly developed more.

I wanted to ask you about that. Did you ever intersect with any of your issues with that body?

TRUBEK: Yes, I wanted to mention that because I have that down here.

Steve Lund was very [03:14:30] helpful to me. And I felt all along, when I went, I had very sensible discussions with Steve. I said you know, how far can you push the dean? And he said I can go this far. And I went back and I said, okay this is as far as we're pushing and I'm going 60% and he helped, and he helped me with the indefinite status and I thought he was very helpful.

DRAINE: Good.

TRUBEK: I've have good words, very good things to say about him. It's one of my few interactions. When I came back from Harvard, I was full with vim and vigor because of course, Harvard was then in critical legal studies and one of their big areas is reform of legal education. And the unfair hierarchy and [03:15:00] all that. So I thought I'm gonna come back and I'm gonna work on it.

Well, I talked with the people in my category. The legal writing, the other clinicians, not who worked for me but who worked over there. I can't tell you, I thought they were gonna turn me in. I think they did turn me in. I think that part of the reason that Walter Dickie never talks to me is because she went and reported what ... I mean I could not ... and I told you, at this retirement dinner, [03:15:30] this woman Christa Ralston who was basically pushed out by the dean, fell on her hands and knees and said, "oh I'll do anything you want in the law school! It's such a wonderful place, the students are so great!" I thought, I cannot believe this, and that's what they were.

Loyalist to one. And to that sense they were not true intellectuals. In that sense there was a real distinction. Because they were ... not there aren't (inaudible) self-serving professors. But they

didn't have any of that critical distance, any of that feeling that they had autonomy that came [03:16:00] from their position. They just saw themselves as state, as lawyers, who worked for the state government. In that sense.

I was shocked. And then I talked a little to Mary, to the people over there at academic staff. I went up there, and you know. They are so, you know, they have their little world and they try to ... I mean it just wasn't my world. There was no radical reform, there was no politics there. It was getting a little more money [03:16:30] and the, and it was benefits, and it was ... David Ward may have on his mind, I'm sure he did. And I think there are many people at the university who recognize Mike because Mike was a very well-known figure. Who understood exactly what was going on but nobody interfered or could really intervene. It was very difficult. I would have had to change. I could have gone and worked for the chancellor, I could have looked for that kind of thing. But because I made, instead, the change to writing. You know, 'cause I couldn't have stayed in that position forever, where I was.

DRAINE: Well lets- (crosstalk)

TRUBEK: So I did, [03:17:00] I did consider that, and I tried that in the late 80's and I decided it wasn't gonna work for me. I was just gonna get everybody mad at me. And only do myself a disservice. And I did myself a disservice in the law school. There's no doubt about it that those people viewed me as I was about to blow up the law school or something like that. And you remember critical legal studies was going on then and I was related to that, so they really were scared. It was really unbelievable. And so we have this big situation.

[03:17:30] Now, what's so interesting about ... that's why Lisa's presentation is so interesting. Because Lisa is the new generation. And when she comes in and she says, "well, I'm not fooling around with this. I'm going to be a professor. And I'm gonna pick up the parts of clinics that are interesting to me, and do those things, and forget, I'm certainly not gonna send my time trying to reform them or work with them. I'm just picking up what I want and doing those things." And there's a group of people who I work with in various ways who are doing that. I call them [03:18:00] the new clinicians. And I talk about that in my article. And Steve Miley was the one that tried, just the last year. To get himself a little out of the box. And he's gone. He is gone. And I told him. Not only did they send him out but they tore, eliminated his clinic. I mean they brought somebody else to run his clinic. And he has no job when he comes ... if he would come back he has no job.

DRAINE: And what he was trying to do is what you were wanting to do to turn more to his writing, to get some support as a scholar.

TRUBEK: Yes.

DRAINE: Ah, interesting. Well to get back a little bit. When Lisa's talked, one [03:18:30] of the things she talks about that is very impressive is she knew of your work before, she even went to law school.

TRUBEK: Right.

DRAINE: That she was working in a legal aid clinic just after being in college. And was told when she asked, "Can I read more about this?" To read your work, that you were the person most innovative in the field, etc. and that then when she went to law school, she found also, in three of her classes that your work was in it, in her packet. And yet, that's contrasting with your sense, of how you were viewed [03:19:00] by, the fact that the dean-

TRUBEK: It's totally intentional on Lisa's part. The presentation. It was unbelievable, I mean it was really, so appreciated by me. Because, I mean, it was really a redeeming speech, but you can see why-

DRAINE: Yeah, it her testimony to the importance- (crosstalk)

TRUBEK: And she did it for herself, it's not like I told her what to say. But she had often mentioned this to me. And of course when she came here and talked with Thomas Mitchell, who viewed me as somebody ... her husband, who was already a professor here, who viewed me as some unimportant person. [03:19:30] He said, that's the Louise? The one you were talking about? And then she realized that you know, I was given, I had no respect, right at, you know, characteristically, people from that background, you know again. Almost reminds me of Obama. You know, and they are not gonna stand for that. I mean they're not gonna say it's all about racism or sexism or anything like that, I mean it's an extremely well done job but to what she's basically saying, you know you are just not, you are just blinded by your own points of view and you [03:20:00] don't see what's really happening.

DRAINE: Because people outside ... (crosstalk)

TRUBEK: That's the thing.

DRAINE: The coterie that you're speaking of in the law school did recognize your work, all of it.

TRUBEK: Absolutely, absolutely. That's why I stayed, and that's why I continue to do it, because I knew I was recognized nationally and internationally.

DRAINE: Mm-hmm (affirmative).

TRUBEK: But you go in every day, and you work there and of course, Dave is still ... As controversial as Dave is, he's a big deal. So, that was another thing, you know, I was still in that situation.

DRAINE: Mm-hmm (affirmative).

TRUBEK: And that goes back, you see? That's the feminist story, that you start out in those positions [03:20:30] and you make those decisions at the time, made by myself. I didn't ask Dave. I wanted the three children, you know? Not Dave, and so, you know, those things happen and then, therefore, someone had to take care of the three children. He didn't say he was going to take care of the children, right? He never made any promises to me like that. And so then, you

know, there you end up and then you have to figure out, "Okay, but look at all I accomplished." And that's what Lisa said, look at it that way. And that's the way you have to look [03:21:00] at it.

DRAINE: Mm-hmm (affirmative).

TRUBEK: So, it was a ... I'm so appreciative, because that was a brilliant job she did, and she did it consciously. I tell you, there was not a sound in the room when she was done. Not a sound, because they all knew it was, you know. Dean didn't know what to say. It was really a fantastic moment, and that's why I said two words, I sat down, and that was it, because there was nothing else ... (crosstalk)

DRAINE: You just let that stand.

TRUBEK: Exactly. There was nothing more to be said.

DRAINE: Mm-hmm (affirmative).

TRUBEK: So, there it goes. But they're not gonna ... The point is, you know, here as a social activist [03:21:30] my whole life and a political activist, and I couldn't do a thing in that law school. Not a thing. And it's partly to do ... And you understand the university, and I understood the university and I knew that I was not ... They don't care about the law school. They couldn't care. It's fifteenth rated. As long as it stays out of their hair and no regent makes trouble for them, they couldn't care less. They don't think ... They don't value law. Certainly, (inaudible) doesn't, [03:22:00] but I just experienced the perils and all that. They're not interested. So, one of the attractions of the medical school for me is that ... Not that they're such a great bunch of people, but at least it's a different history I have with them.

DRAINE: Yeah.

TRUBEK: It's sort of a different slant on ... (crosstalk)

DRAINE: Before we get to that ... (crosstalk)

TRUBEK: Yes.

DRAINE: Let's talk about the publications, because that's what you were turning your energy toward. It meant so much to you.

TRUBEK: Right.

DRAINE: And when you talk about that, wherever you'd like to start, where you feel it ... You [03:22:30] are proud of accomplishment you made in that already.

TRUBEK: Right. Now, let's start by saying that the poverty law was important in that, because when I started writing was the time I was involved in the inter-university consortium on poverty

law, which was Harvard, UCLA, and Wisconsin, and we got money from the Ford Foundation. They've actually ... It's interesting, Dave got that money, and then he became Dean of International Studies. And he said to me, "Louise, you can run it," [03:23:00] because I was gonna be second, because I was primarily running the public interest law firm and this was more the academic project. So, I said, "Okay, I'll do that." And I met a lot of clinicians and a lot of other people, and I began to teach the poverty law course, which was a significant course and a significant accomplishment. And I got national recognition and I published a case book with somebody else on it, which was the first poverty law case book in almost 20 years, and was a really big thing.

DRAINE: And Lisa Alexander speaks about that.

TRUBEK: That's right. That [03:23:30] was very significant and that was my first really ... That was a big accomplishment, and that was a case. People at Wisconsin don't do case books, so it was a big thing. I did it with a woman in Denver, and June Weisberger worked with me on the poverty law course. I wanna give her some recognition. But then I began to write about legal services, and that's the bulk of it. If you look at the articles that ... If you go back.

DRAINE: Mm-hmm (affirmative).

TRUBEK: [03:24:00] Let's start now with ... Remember, I said that the ones that were earlier, I don't consider really the ... My voice, so to speak, starts at this Public Interest Law Practice and Critical Legal Studies. That's interesting, those two articles, because that also started with the speech that I gave in Dave's class.

DRAINE: Mm-hmm (affirmative).

TRUBEK: This was the first article. You see where I am, in the middle of this page here?

DRAINE: Okay. Yes. Uh-huh.

TRUBEK: 1988 and 1991. [03:24:30] And Dave said, "Write it up." And I wrote it up, and it got published. And it's actually very short, and very ... It has a speech-like quality to it. One of the things I learned, though ... I talked with my daughter, Anne, about this and because I was an oral advocate and always did very well in speaking, and was uncomfortable with writing. In my early writing, after the writing, I started the speeches, [03:25:00] and that's not good. She talked about that, and it's interesting, they talk about in the, who was it? Homer? That was the move from the oral to the written.

DRAINE: Mm-hmm (affirmative).

TRUBEK: Yeah, that's the classic. And so, it's not good for me to start with the speech, because I have, then, trouble. It's too easy. I think it's fun, and I have to start with the writing. So, and that's one thing of PowerPoint is bad for me, too. Have to start with the struggle with the putting the words and the sentences and paragraphs together [03:25:30] before I move to that.

DRAINE: Mm-hmm (affirmative).

TRUBEK: So, it's interesting. So, there I started and Dave, again, pushed me on that. And then I did, you see, Developing Poverty Law course. And here ... So, there I wrote about doing the course. And then the next one, I wrote with one of Dave's graduate students, who was interested in the same things I were, and we wrote that together. So, that was a real breakthrough article for me. Meanwhile, I had just gone through this using the computer and seeing the therapist, so [03:26:00] that's ... So then, Anne said, "You have to write by yourself. You can't use the research assistants and the co-authors." I have never found that to be true. I need to have the assistance. Though, I noticed now that I'm doing better starting for the early versions. There, I needed it, because I needed that support, because I couldn't stand the loneliness of sitting there facing the page.

DRAINE: Mm-hmm (affirmative).

TRUBEK: Now, I do it because ... Not I can't [03:26:30] stand the loneliness of facing the page. I need it because I want the companionship, because if I'm not teaching and I'm not ... I need somebody there. So, I'm looking not for research assistants, because they lost their usefulness for me, but co-authors.

DRAINE: Mm-hmm (affirmative).

TRUBEK: Because I want to have an interactive process.

DRAINE: Mm-hmm (affirmative). And do you find that the ideas evolve more because of interaction with the other person, or ... (crosstalk)

TRUBEK: A little bit, but it's more because it's the colleague-ship.

DRAINE: Okay.

TRUBEK: It's more that. I have a lot of ideas.

DRAINE: Yeah.

TRUBEK: The ideas are not the problem. The problem is the discipline to [03:27:00] sit there and ... For hours, and write and read the (inaudible). I don't have that. It's very difficult for me. Dave has it and two of my daughters have it, but I don't have it. And so, I have to really work at it, and having somebody there forces me to sit. They come in, they're not gonna sit there for one hour. They come in, they want four hours.

DRAINE: Mm-hmm (affirmative).

TRUBEK: So, I have to sit there and so, that keeps me going.

DRAINE: Mm-hmm (affirmative).

TRUBEK: That keeps me going. And if they're good writers, then that's a help. If they're not good writers, then that's a real disadvantage.

DRAINE: Yeah.

TRUBEK: So, I learned, as what Dave calls, "my mode of production." But it was [03:27:30] a real learning process for me, and Anne helped. My daughter edited ... One of the ones I wrote, she edited and that's one of the best written things I've ever done. I said at the time that I ... she could keep editing, you know, I paid her.

But, you know, now she's such a ... No point in that, but it would've been lovely. If I had been younger, I could've had her for years help edit, because that's what, you know, she's great at.

DRAINE: Which one is the one that she ... (crosstalk)

TRUBEK: The one that she did is the [03:28:00] Embedded Practices.

DRAINE: Okay.

TRUBEK: This one's on the next page.

DRAINE: Uh-huh.

TRUBEK: Lawyers, Clients, and Social Justice in Harvard Law Review. And the funny thing is that she's editing this, and she says to me, "Mom," she said, "You know, you're saying that all the work that you've done all these years is not right and that you wanna change it. And what you did all these years!" I said, "That's right. That's what it's about." And that's what it's about. That's when I began to ... That was my problem with legal services. That's when I began to say, "No." It was ... (crosstalk)

DRAINE: (inaudible)

TRUBEK: [03:28:30] Well, it's that traditional government regulation and government intervention is not enough, that we need to have more community involvement. We need to have more people understanding change. We have to have more work with private law firms and private business, and it's just sort of the new regulation, the new governance that Dave and I are now working on came out of that. I was dissatisfied with [03:29:00] the traditional public interest law vision.

DRAINE: Mm-hmm (affirmative).

TRUBEK: And that's ... So, that was my other seminar pieces on that, and that was 1996. And so, I began, then, to write. Now, one thing that helped me a lot is that, this was important for me,

that I did very few, almost no peer review articles. People asked me to write, and once they realized that I was writing, they asked me to write.

DRAINE: Mm-hmm (affirmative).

TRUBEK: Because I was a well-known figure in the field, and the [03:29:30] moment they heard that I would say yes, they would ask me and so I would write. And Dave said to me, "Louise, you're writing too much." He says, "Do you think if you stop, you won't do it again?" And I think that's right. So, there are mixed qualities, some ... That's what there are so many. Some are better than others, and they were not peer reviewed, almost none of them were peer reviewed. And mostly, they were in journals that I was the writer. Then, later on, as you'll see, I began to put together my own books and my own volumes. But they were ... In the early ones, where I had one on ... I had a couple on health, like the social HMO, [03:30:00] but they were mostly about public interest lawyering and poverty. And then I did, you see 1997, I did one on, well that's on social values and legal education but there's a later one. Educating for Justice Around the World, so I began to do some international.

DRAINE: A whole volume?

TRUBEK: Yes, I put together a whole volume so they [03:30:30] range from, that was the whole volume I put together, and this early one is a whole volume I put together.

DRAINE: The earlier one was?

TRUBEK: The Educating for Justice, Social Values and Legal Education. And then, I wrote about poverty lawyering. When Lisa says that people said, "Oh, read Louise's work." It's because what I was describing, and what I was writing about, is a certain vision of practice in the [03:31:00] '90s and 2001. And when a young person like Lisa would seem to have that kind of interest, people said "Oh, well Louise is writing about what you are interested in." So, while I was never the most cited writer in the world, for a certain set of people, particularly practitioners or clinical people who themselves didn't write, but saw that people who wrote about things they were interested in or thought reflected what they would [03:31:30] write about.

And I think that's why they recommended it to Lisa. And then, when she went to Columbia, it's interesting there were three courses, I don't know what the other two are. There were people there who I've worked with over the years, like Bill Simon and then Chuck Sable who teach there and other people who would assign one or two of my articles because she took the articles in the fields. She took the courses in the fields. I mean, if you took a traditional corporate law thing, you'd never see anything I wrote but she absolutely fit [03:32:00] in that. And my work, it's interesting, I'm always surprised now because of course I had never got that acknowledgment here. When people say they have, people who are very well known but the younger people. Because you see, I didn't start writing, so there's this generation gap because I really wrote about a lifetime of experience in the '90s, where I'm reflecting back from really the '60s to the '90s and there were very, and I wrote about how things should be changed.

Most of the people who wrote in that period said, "Oh, it was great in the '60s [03:32:30] and now it's all horrible." But, I never did. Partly because I didn't write that I did. That's why my work has been influential to people who are interested in rethinking how we do social justice today, in a nutshell. And also, because my interest is in experiential, that I write out of my experiences and my knowledge of what's going on in the field, which [03:33:00] most traditional professors don't write about. And so, that's another reason it's valuable to people like Lisa, who are interested in doing programs in the field, or working on issues that are currently going on.

DRAINE: At a certain point did you begin to think, "Well, there are certain journals I could pitch my work to." And what were they, why weren't they more open to your kind of thing?

TRUBEK: Well, in law we have ... And that's the only ones, having had bad. The one time I tried to get it [03:33:30] in, just send it to all journals, there was just no interest. In law now, we have a series of specialized journals, so we have health law journals, we have poverty law journals, we have public interest law journals and you pitch it to them. I'm now doing more work in regulation, and I did a volume for this regulation and governance journal, which is quite fancy, which is also social. So, then there's also some social science journals that do law and social science and are multidisciplinary. [03:34:00] And so, I do that. But most of my writing has been done, so to speak, where somebody's doing a volume and said, "Louise, would you write a chapter on that?" And, almost all my work, very few of them I just wrote and then sent it out. And now, what I've done in the last two years is worked with a group of people, which is very satisfying to me. Not only do I like to have a coauthor on my own article, and Dave and I have worked together, but also [03:34:30] I'm involved in several groups of people that are working together in an area, and then publish an edited volume together.

DRAINE: What's the area of it?

TRUBEK: Well, there are different areas. I've done one on, one that's coming out in the fall on transnational public interest law. That's probably one of the last things that I'll write, which is on public interest law and international and transnational. That's going to be quite a good volume, I think. And there [03:35:00] I'm working with a young professor at UCLA who just got tenure, who actually was an editor at Harvard in that, not my piece but one of the other pieces in that Harvard civil liberties, civil rights journal. The one that Anne edited, who is working quite a bit with Lisa. So, there's this kind of group of people who are in the community economic development, public interest, [03:35:30] do work in the field kind of people. And she's associated with them.

So I'm doing that, and then the one on regulation and governance just came out. And then I'm working on an article on the European Union itself and health, which is coming out in a volume put out by the Wisconsin International Law Journal. Those are listed at the end, those are the ones I'm working on. And what I'm doing now with the Medical School is to put together two major conferences and a major publication [03:36:00] on innovation and health systems reform.

DRAINE: And what's that all about?

TRUBEK: That's about how we can improve health quality and health disparities in the US and

the European Union and what's going on. And that I'm working on with a political scientist who's just been hired by the Medical School.

DRAINE: Great. So, he's your local partner but this is also [03:36:30] moving out to other parts of Europe? To people in Europe.

TRUBEK: Yes, as well as other people in the United States. Yeah, so it's exciting.

DRAINE: So you see yourself continuing to write?

TRUBEK: Yes. And it's really interesting to me that when I decided to change what I was doing, I was not interested in the teaching. And decided I was more interested in the writing, and the research [03:37:00] and the collegueship of building up of an intellectual community. So, Dave said to me the other day when I was commenting on how strange this seems when I look at my life together. And he said, "You know Louise, I think you'll always have an academic vocation." And that's what my father always said to me. He always wanted me to be a professor. And he said, "But you were somehow not able or willing to do it front on, and you did all those years of practice and advocacy."

[03:37:30] It's really interesting because I was commenting to him, I said, "Why is this?" Because I like teaching, but it never was the thing that ... Well, one of the reasons is the students here are not intellectually stimulating, even though they're in the law school. I mean, they're not undergraduates. If I was teaching at Harvard it would be different. But also, I don't like the grading. And also I don't like the everyday, every week you [03:38:00] have to go in and do it. You lose that flexibility, while research and writing have more flexibility. We'll see. I'm involved in two or three, I'm working with Dave over the group of Europeans on new governance, which is about regulation. But you know, you can argue looking back over all the articles I've written, it's really been there from the beginning that we try to improve the way things were, the government was run in order to make it more equal and more equitable and it didn't really work very well, so how else do we do [03:38:30] it? And now with globalization. So, it's all part of a package really.

And now, why health? Early on at the Center, health has always been a big issue both in poverty and also in terms of consumer protection. So it brought together two of the areas that I was interested in. Because people ask me, well how did I get involved in health? And I said, it was just really as you could see, one of the thousand topics that we worked on at the Center. But it was the one that seemed to stay, [03:39:00] to last the longest because we have such a mess in the United States, because it basically came out of poverty, not out of my interest in doctors. Now, I'm interested in doctors and hospitals, but initially it came out of my interest in trying to get people healthcare coverage, and it came out of that kind of. Now it's interesting, the topic we're writing on isn't even access. It's quality and disparities. So, it's interesting that's what we picked.

DRAINE: Do you see yourself as, [03:39:30] obviously in all that practice, you wanted to get something, you said at the beginning, you wanted to get something done in the world, and that's what you were most driven to do at that time. Now, when you've moved to this area that

obviously does give you a lot of intellectual pleasure, it's obvious that that's exciting for you now, but do you still feel that in a way you're influencing policy, but in a different way?

TRUBEK: Well, in my good days I think that way. In my bad days I think, "Why have I done this?" Here I gave up, where I was actually down there, really [03:40:00] doing things. And, boy, did people think that was so impressive. And here, "What am I doing, sitting here, writing these articles about things that-" ... And I just wonder about it and I ... And Dave says, "You know, it's a letter in a bottle, and that's how you have to view it. And why do I find satisfaction?"

And one thing is that ... There were several reasons. One thing is, I was always, what I'd think, naturally ambitious ... and here I was here and I was a local person and I never got any national attention until [03:40:30] I started writing. Even these articles that are written ... You know, relatively simple-minded articles ... people heard of me. Lisa Alexander heard of me. She would never have heard of me if I had just been ... a clinician. Never.

Speaker 2: Right.

TRUBEK: And so that was so rewarding. When I first realized, I said, "Oh my God! People have heard of me now." And here I've been working for 15 years, doing all this stuff, some of which is quite significant and nobody knows about. And I wanted that.

And I think the second thing [03:41:00] is, I wanted more control. You know, when you do the advocacy, you don't control the outcome. You may think you're responsible for it, but it's just luck. When you do the (inaudible), you have the sense of ... You can have the sense of satisfaction.

But I do think about that a lot and I used to think about it really a lot. And then, I ... I'm accepting the fact that it's a letter in a bottle, but maybe it has some influence.

Now, what I'm doing in the Medical School that the [03:41:30] ... In my mind, there is a reform project and that's one of the reasons I like it. I'm trying to reform the Medical School ... like I couldn't reform the Law School.

DRAINE: Interesting.

TRUBEK: Yeah. No, definitely that's ...

DRAINE: So, reform in what sense? What are you moving in prompt toward?

TRUBEK: Trying to move it towards policy ... To have some significant policy development and learning in that Medical School, which has had virtually very little. And make it ... Link it to the actual medical school [03:42:00] education and also the actual care that they're delivering. And ... Tying it to the rest of the campus.

Now, it's ... quixotic project is the Law School. But the Law School ... There's nothing left there for me. Whoever is going to do it in the Law School is going to be ... It's not the project I ever wanted. I mean, there's never going to be that merger of the ... clinic and the multidisciplinary whatever. Somebody like Lisa is going to [03:42:30] bring it together in her own work. I don't

think there will be any kind of organized thing. It's too small ... People don't care enough about it ... It's just changed.

The Medical School, they got all of that money. That goes back to the Blue Cross Blue Shield money, so I have ... There's a little bit of a sense that there's some monitoring of what they're doing. Nobody monitors the Law School, nobody cares what they're doing. But the Medical School is being monitored. They have to continue to do some kind of [03:43:00] showing that they're involved in health things and health services and health policies ...

DRAINE: And certainly seeing from administration that the Chancellor, the Provost really wants the Medical School to go in that direction ... Dean of International Studies wants this ... The Medical School to go in that direction.

But, it might've taken the changes in deans to get to the point where you have leadership that will really support people who are doing that.

TRUBEK: Yes, and it's not clear that they've made that move.

DRAINE: Mm-hmm (affirmative).

TRUBEK: And it's interesting because the guy who's just come, said that to me. He said [03:43:30] that to me while somebody was asking about the project and he said, "Well, this is a very important project and we got a 50% chance of them supporting it." Because we're asking for real money, and we're asking for ... some real commitment. So, we'll see.

DRAINE: You want to start back at the beginning?

TRUBEK: Yeah, I'll start back at that.

DRAINE: Because we never talked about the Blue Cross Blue Shield thing or-

TRUBEK: Okay, now, let me see if that ... If that ... Yeah.

Okay, so.

Yes, why don't we start on that.

DRAINE: Do you want to take a pause before we do?

TRUBEK: [03:44:00] Yeah.

Would you like tea, or not?

DRAINE: Yeah, that would be great.

TRUBEK: Okay, I'll make the tea now.

Now, I was thinking about ...

DRAINE: Okay so we're returning now to the story of how you came to develop what's going to be your first post-retirement project.

TRUBEK: That's right.

Well ... I had ... In the 1980s [03:44:30] ... Really, '90s ... I ... The Center. Not just me. One of our big areas of work was health. It was in relationship to elderly, it was in relationship to disabled, and it was in relationship to uninsured, and to general consumer protection. We had ... An extensive part of our work was in health. Then, eventually, we spun off the elderly, and we spun off the disabilities ... But, we were the leading [03:45:00] organization that advocated on health issues in the state ... particularly from the consumer protection, but more generally, all areas. And we were very well-known. We did legislative advocacy, we did individual ... assistance, we produced a lot of publications ... We ... Let's see. And we also sometimes brought lawsuits.

[03:45:30] One of the big lawsuits I brought ... Was brought ... Was ... One at the year I was at Harvard by my lawyer I left behind, and I left ... and the next day she filed this lawsuit and it was such an example of ... whatever you want to call it. And it was against Blue Cross Blue Shield. And it was on elderly policies ... I think it was Medigap policies, I can't remember.

And I had worked on-and-off quite a bit with the head of Blue [03:46:00] Cross Blue Shield, and he was very upset. He called me up and said, "How could you file this lawsuit?" And I said, "Well, you know, the lawyer felt this way." And all that, and then I said to her, "Boy, you better pull this thing off." And we brought somebody else in to help her and then eventually, we got a mediator and we negotiated then it was a million dollars was paid out.

DRAINE: And what was, in your back ... And for people who don't know the background, what was the issue there?

TRUBEK: Well, I'm trying to remember ... It had to do with misleading information, or misleading ... I think, information [03:46:30] in the policy or an interpretation of the benefit so people were not getting the benefit that we felt that they were required to under the policy. And it was a conflict over interpretation on the benefit.

So there was real money at stake. And a million dollars was paid out to consumers as a result of that lawsuit. And I had already known quite well the President of Blue Cross Blue Shield but, you know, we were on opposite sides we ... We finally got together [03:47:00] and settled. So I was a very well-known figure in health in the field ... In the state. And I also in the ... Peter Carstensen, that was another very nice thing that a professor did, asked me about teaching health law in the Law School. There were two people who taught bioethics, but nobody who taught the basic health law, particularly organization and financing ... and he asked me if I would do it. And I was very pleased to do it and, of course I did all this on top of everything else I did ... [03:47:30] Never thought to get more money or get anything like that.

So, I began to teach the course and ... It was a good thing because it made me organize ... Look at the way it was organized in the casebook and I changed casebooks and then I began to use a problem method and I ... It was a successful course. I had maybe 20 or so students every year. Now remember, I had taught the poverty law course for many years, so I was teaching in this period [03:48:00] poverty law, health law, and public interest law, plus supervising clinical students over at the Center. Plus then, at that time, I was beginning to write articles. So ... So, Blue Cross Blue Shield decided in the ... 1998 or 1999, many of the Blue's organizations, which, every state had them, they were all nonprofits. They changed the rules of the [03:48:30] National Organization which said that you could be for-profit ... and there began to be a wave of Blue Cross Blue Shield that converted to for-profit. And there was a kind of legal doctrine emerged out of it that if you converted, since they were nonprofit and had not paid any taxes to the state, that when they converted and sold the stock on the stock market, the additional ... The original money that was received [03:49:00] from the sale of the stocks had to be, in some way, returned to the state in some way ... so that the citizens of the state would benefit from the foregone taxes.

Now, the first group that had been converted were mostly California, and they set up what we call "Wellness Foundations." They put the money, which was many millions of dollars, into foundations which then was like the Ford Foundation. And they were huge. Many multi-million [03:49:30] ... Hundreds of millions of dollars. And they gave it out for health-related projects. So, I had no idea this was going because it's very secretive about deciding whether or not you're going to convert. Then, one day, I get a phone call from the President of Blue Cross Blue Shield and said, "Tomorrow we're announcing that we're converting ... to for-profit and the money is to go to the two medical schools. And at this press conference, [03:50:00] there's going to be the governor. The attorney general. The deans of the medical schools. It was a done deal. And he said, "I hope that you'll support this". And I said, "Well, I don't know," when I was thinking about it. I didn't have to do anything immediately. I was not asked to be at the press conference. So of course it was all the talk. And my Board, the of Board of the [03:50:30] Center, I talked with them. They were very upset and felt that it was not the appropriate use of the money. It was the first time any conversion would be taking place where the money would not go into a public foundation.

In order for the plan, to conversion, had to be approved by the Insurance Commissioner, because they operate under a special charter from the state, so there was quite a bit of outcry. The Commissioner of Insurance decided to hold hearings. [03:51:00] Most of the outcry was from community people, who had wanted the money. There was not so much objection to going to ... Losing the non-profit to for-profit. Most of the objection was to where the money was to go. They held several hearings, and they split the money 50-50 ... (inaudible), but whatever was gonna come it, because they couldn't sell it until they converted, was to go to ... [03:51:30] Split between the Medical College of Wisconsin, and the Medical School here in UW. And the purpose was to improve the public health of the state, and that was pretty much how it was left. It was completely under thought. They got together in a room, the Executive Committee of the Board of Directors, and there were a couple of people who had attachments to the University, and a couple attached to MCW, they didn't want to set up a foundation. They felt it would be too expensive, [03:52:00] there was too much administrative costs and transaction costs in running a

foundation. They wanted a less administratively heavy ways of doing it. And they thought there would be together about \$250 million dollars.

DRAINE: Was this pocket of money profit they were going to make yearly?

TRUBEK: No, it was one time, the IPO, what they called the initial ... It was a one time thing, and then would be given to the Medical School, that was it. And then whatever happened to the insurance company happened. [03:52:30] They would be a publicly traded Blue Cross Blue Shield, and that would be the end of their association. They would lose all the association with the state and with the ... And they would just keep on selling their policies that way. So then I get a phone call, and they say, "Okay, this is the way we plan to do it," from Blue Cross Blue Shield, from the president, " [03:53:00] We're planning on setting up a board, called the Wisconsin United for Health Foundation. And we're going to give the stock, once the conversion is approved, we're gonna give the stock to the Foundation, and the Foundation will then sell it. And then it will transfer the money to the medical schools". That's what we were supposed to do, and it was a five year period.

It would have [03:53:30] five public members and two members from each medical school, and Blue Cross Blue Shield came up with the people, the names, and they put me up for the position, one of the public members, called the State Health Advocate. The other people, the other public members, were people who were well known. One was a former legislator, one was a [03:54:00] lobbyist for the beef industry. They were people that were well-known good citizens kind of thing. But they didn't know anything about health. I was the only one that knew anything about health. And there was one that was from a minority person, and they had like one new management, one new minority, that kind of Board.

So then they had these hearings, and the Insurance Commissioner had hearings. And there was a lot of community objection to [03:54:30] the way they had done it, to the fact that it was given to these medical schools. But then there were a lot of suggestions, a lot of people criticized where the money would go, because they felt the money would just be spent for science, it wouldn't go for health, and would go for buildings. And it was very general, and very few standards in the document.

And I accepted going on the Board, [03:55:00] and my Board at the Center was very disapproving. And they had no right to tell me not to, but they felt that I was ... I said, "I'm doing it in my own name," and they said, "No, you're endorsing in the name of the Center". But I stuck with it. Then the Commissioner ... I'm trying to think the timing. The Commissioner came up then with an order that changed the governance structure, and created [03:55:30] two oversight bodies with community members within each medical school, which was appointed by some elaborate process. And they also said 35 percent of money had to go towards community based public health type projects, and 65 percent could go for, "Research and education". But then they kept the oversight Board, and appointed all the people that Blue Cross [03:56:00] Blue Shield proposed, so then I became appointed for a 10 year term.

DRAINE: So you're appointed in the general oversight board, not on the one for our med school?

TRUBEK: Yes, exactly. And the ones for the medical schools, it's specific, go on in infinitely. While what I was on was five years. Basically, convert the stock, get the money, and then transfer the money. Then two of my former students and colleagues who worked at the Center, [03:56:30] who were now working for other public interest groups sued. They sued the Commissioner and said that the order they had come up with was not ... It didn't do enough to satisfy the taxpayers of the state, that the medical schools under this order could not do enough for public health. It went up to the Wisconsin Supreme Court, and they upheld it, the order. So we were sort of on hold for a long time. Then the market was down [03:57:00] and whatnot, so finally the stock was sold, maybe 1999, and it was \$600 million.

DRAINE: Whoa.

TRUBEK: Way more than anybody expected. So it was \$300 million for each medical school, and there I was on the Board. The reason for doing it, this guest to the University, the reason for doing it is I felt that ... Oh, and there was a restriction, all of them were subject to general conflicts of interest, [03:57:30] but the Health Advocate could not have any relationship with either of the medical schools. But they interpret that as not meaning the University. So that even though I was an employee of the University, I had nothing to do with the Medical School. And they interpreted, nobody ever questioned that, so I stayed on.

[03:58:00] There was still a lot of objection. They put out a five year plan, and of course Bill Ferrell made his famous error of saying he was gonna use some of the money to build a building, so a lot of damage control went into that. There was a lot of concern, "Oh, they're just going to put it all in the sciences, and it's not gonna ...". Of course, the interesting thing was, there was nobody ... It's actually interesting that, even more so in Madison [03:58:30] than the one in Milwaukee, there was nobody with any vision about what to do with this money. There was no public health school, there was no public health degree. There was practically nothing in health policy.

It was basically a science based medical school. And I had for years understood that, because I couldn't get anybody to work on any of the issues I was interested in. I virtually didn't know a person over there. And [03:59:00] so I said to Dave, "How do you think you get change?" And he said, "Well, you need three things," he was then the Dean of course, "You need money, you need leadership, and you need people in grassroots with ideas". I said, "Well all we've got is the money". And that's all we had, so the question was how we were going to accomplish two and three. So they appointed these people to the oversight bodies, and everybody thought that we had no power, because everything really was given to these oversight bodies. And once we converted and [03:59:30] sold it, then what were we doing?

TRUBEK: So, [04:00:00] I always hang up almost immediately and every once in a while, it's about something, like your actual phone. Charter calls or something. Because they never sound, they never have that touch where they say, "hello Louise, I'd call you about this, but they have this automated text."

DRAINE: Right. Okay. Back to the two boards.

TRUBEK: So I said, "what are we gonna do here now?" But there was a lot of criticism and I said, [04:00:30] "Why do we have to turn the money over to them right away?" The Board was staffed by a lawyer. A very able lawyer and they did the administration and the legal work. And he and I talked a lot and he was the person I talked to all the time. And I said, "why don't we figure out a way they have to give us annual reports about what they're doing. What about we say that we'll release they money." They have the money, they can invest it. But [04:01:00] they can't spend it all until they demonstrate the five year plan fulfills what we think are the goals of the order.

Oh, my God the deans threatened to sue us. It was a big to do, particularly the guy in Milwaukee. But to my surprise, the other public members stood by me and we voted that we would put these requirements on and that we would review the annual [04:01:30] report at the end of each three years, we would decide whether or not they had met the, what we thought were the standards. And we did some work on standards.

So we had the congressional hearings where we sat on the podium and they would have sent the reports and we would ask them questions, two hours worth of questioning. And the people who were on the oversight boards, they had to approve it first. So by the time it got to us, they had already approved it. [04:02:00] And it was retrospective. They had already given the grants but because we had the next years', we could give them confidence about what to do.

We did this for three years and then released them, and I did most of the questioning and most of the work. I put a lot of time in. We got paid \$1,000 a meeting. But that was it. I put in hours and hours on it. And of course, so they all knew who I was at the Medical School. We got virtually ... there was no website. There was no transparency. We got virtually no [04:02:30] information from the public. It was a kind of weird exercise but the striking part of it is, we were almost universally viewed as being very successful and sort of getting the medical schools to understand that they had to do something different from what they were going to do and they had to work with the community and they had to think about policy. They had ... I pushed multi-disciplinary [04:03:00] but ... it was quite successful.

So then last year, about a year ago, they five years was up and we had given all the money back. We had the meeting in September, where we agreed to give all the final amounts of money back. We had withheld \$30 million dollars in case they sued us, which they had. So we gave the money back. And at the time the question came up about whether or not it should be dissolved, because it was supposed to be [04:03:30] five years. The medical's interestingly enough, the Foundation, the UW Foundation, who administers the money, who vests the money, was very anxious to have us continue because there were two reasons why there was an interest in having us to continue.

One was protection against somebody claiming that the money was spent for reasons that were not in the order, which is now fairly common. There's this big lawsuit against Princeton. [04:04:00] So they felt that having a group like us, who reviewed some extent would be protection against that. Which, I think is true. And the other, there was a group that was afraid that the legislature would try to get the money as they had done with the smoking money. Even

though it was already invested and was already there, they could, the order still existed and the order will exist in perpetuity. So there's a state connection there.

So they felt that the state was in such bad financial, [04:04:30] there would be an effort to kind of raid that money. They felt that this group would be protection against that. So it's all protective. And I said to myself, "why do I wanna be on this?" I'm not interested in protecting the money and the medical schools. I'm interested in having it spent in the way I want to and I don't see ... we're too far away now. The reports are so artfully written. You really don't know what's going on. I've [04:05:00] lost my community contacts in a way to know really what's going on, and I was very disappointed because they had done no health policy, health law hires none of those kinds of hires that I had wanted. They had an MPH degree but they didn't create a school of public health, they created this transformed medical school, whatever that's going to be and they called it the School of Medicine and Public Health.

So I said to myself, it was interesting [04:05:30] in the way this all happened because I said to myself, they agreed to continue and I went home and I voted to continue and I said to everybody, just because they continue, doesn't mean I continue. And I went home and I said, "no, I'm not continuing." So I decided to resign.

Then I had already decided to resign about that same time from the Law School, but the area that I was working on was health and, all of the sudden, they had told me ... because I [04:06:00] was doing a lot of ... meanwhile, I had gotten this grant to work on the European Union and Health with the Medical School. So I had spent a lot of time over there getting to know people, at that level, at the bottom level. Rather than the Deans that I saw at these meetings, who knew who I was but I often didn't know who they were. I was actually working with people on these programs, which I got no money for. I did this professor in the Law School.

So I was putting on all these programs and they told me that [04:06:30] they just hired this person that helped policy, but he wasn't going to come, but he finally came. Tom Oliver. He finally came in January. And I went and met with him and I said, "Are you interested in working on developing a really good ..." He was there all by himself. They didn't get him a joint appointment with political science. Didn't work out. They didn't get him a joint appointment at La Follette. But his work, I had cited to his work in one of my articles. [04:07:00] His work is very ... he's interested in policy entrepreneurship and policy network and health systems innovations. Very similar to what I'm interested but from the political science perspective. He had been at Hopkins. He was going to come with tenure. And he was coming because people said because he was a small fish in a big pond. He wanted to be a big fish in a small pond, which is all for the good. So I went and met with him and really like him and I said, "do you want to work together and continue this European Union and Health project?" Because the three years was up and we had [04:07:30] to put in another three year proposal. So he said yes and I said to myself, "well, why don't we try to get a lot of money from the Medical School." It was \$5,000 a year and I had put in all this time, just like I had done in the other, for no money. I said why don't I go to the Medical School and say here, this is the kind of proposal you should be doing. Here, you got a guy there who wants to do it. We got the money from the European Union to do it. Why don't we do a big project.

[04:08:00] So I said all right. Of course, I would be rehired annuitant. They would rehire me back. I couldn't do it, but of course I had to resign. I already decided to resign because I couldn't take money from the Medical School and still be on the Foundation Board. Remember I had said to you, I couldn't be involved with the Medical School. So I couldn't take money from them, but I had already decided to resign. So I said okay, so I'll put together [04:08:30] a project. So you need 30 days between the time you can resign and the time you can be rehired. So a date of retirement is May 25.

DRAINE: You're talking about retiring from the Law School? Not retirement from the Board?

TRUBEK: Yeah. So they both happened almost simultaneously. I did both. But I can't sign anything. I couldn't take money from them until I was off the Board, but I can't be rehired until 30 days ...

DRAINE: Okay.

TRUBEK: So it's this summer. This [04:09:00] summer, they'll either do it or they won't do it. So I am working really hard on that. So what I see what I'm doing is rather than be there on the top, I'm now trying to do it on the ground. See if I can develop a project, which embodies a lot of the kind of things that I wanted them to do. It is not a teaching ... I wouldn't teach. It's not an advocacy project. It is a research and publication project but it's about [04:09:30] how people do get innovations. What are the systems that work and don't work? What are they theoretical concepts you might keep in mind, and also a little bit of exchange of views between how they're doing some of these things in the European Union and how we're doing it in the United States. I don't see it ... it is also clearly a letter in a bottle. But at least, and what was interesting to me is when I walked around, we went and visited all these people who have to approve the proposal [04:10:00] and get their advice last week and I was just amazed. They want us to be more ambitious rather than less ambitious. Because they understand the criticism that they haven't done it, and they say nobody comes in and says, "We want the money, we want to do it." But I'm saying I'm doing it for them, in other words. Which is good and bad. I'm not saying ... I'm not the Dean of La Follette saying, "Give me the money", or the Dean of the Law School. I'm saying, "OK, you give me the money, I will develop it for you", but you have [04:10:30] to put the money up then.

So, they're going to have to be willing to put this money, and it's obviously going to be the Blue Cross Blue Shield money. Which, in my mind, satisfies the goal of improving the health of the state. It's not going to involve the community, it's going to be out of the famous '65%' rather than the 35%, which is a technical thing you don't have to know about.

It's a short-term project for me, but what I see them [04:11:00] wanting is a longer-term project. Which really surprised me. They see this as maybe being, you know, a niche for them, nationally and internationally.

DRAINE: Do you think it will involve future hiring?

TRUBEK: Yes.

DRAINE: Into the Medical School?

TRUBEK: Yes. That's part of the goal, yes. It's not part of the mission, as it's described ...

DRAINE: But it's one of the things you may need?

TRUBEK: Absolutely. But it may justify that, they may see, "Okay, these people are doing something useful; if we had three or four other people, how much [04:11:30] better it would be." Exactly.

DRAINE: I'm also wondering if there may be people, especially people in the later part of their careers, but maybe at any period, who have some inclination ... Faculty members, or academic staff, the clinical staff, in Med School, who would be interested in joining in this kind of effort, but they haven't had encouragement or there hasn't been recognition for this kind of work, and that they might actually be people who could be part of your effort in the future?

TRUBEK: Well, it's interesting. [04:12:00] That may be so. One of the aspects that come up is that there's a lot of interest in the global, and by global they mean the developing world, not the European Union. And that program is struggling a little. That's the one that (inaudible) has put all this money in. Interestingly enough, the criticism of that program is not academic, it's about sending people out to give vaccinations. And there's no [04:12:30] intellectual, or academic, component to it, and they can't figure out how to get that in there. And so, that has come up. But the person I'm working with doesn't want that, he's not interested; that's not his background. He's interested in the European Union, because it's advanced and industrialized, and it's related to the United States, 'cause his field is domestic.

So, it's possible that if this thing develops, and people say "OK, well, why [04:13:00] aren't we also looking at what's happening in the developing world?", and then we would say, "Not unless you hire somebody who writes and studies about the developing world." And half of which there's hundreds of such people. So, that's one way in which it might happen. And more people who are doing this kind of work, but don't see the policy implications of it. That's what we would bring. So, that's a possibility. We would bring in people already there, but we would need definitely one person.

[04:13:30] The other way it's come up is that, the Dean of Research said to me that they, in fact, do a lot of research with people at the European Union, but they don't work with them on the policy issues relating to those issues. So, he's sees that as a possibility. So, maybe there are people who couldn't possibly see the interest in the European Union's policy, then they see that, "Oh, it's about cancer", and they do cancer ... Look, how do you implement [04:14:00] more screening programs? How do you get support for that? That they would be interested in that, and that they could be brought in that way. It's getting people who do the science end to see the relationship between the science, or the clinical end, and the public health and policy end. That's what we're hoping to do. I mean, that's the possibility.

DRAINE: Has there been any talk of involvement [04:14:30] of any School of Nursing personnel?

TRUBEK: Yeah, there are School of Nursing people. They are involved, yes, Linda Rivet's name comes up. She does policy over there, so she would be the person. They have a person, Barbara Bowers, who does international; she does the global; the developing world.

I'm more interested in the La Follette-Law School sociology, but there are very few people [04:15:00] on the campus who do anything. So, a major emphasis would be in creating what we call the 'Multidisciplinary Working Group'. That would be a big part.

DRAINE: That's the kind of organizational work you do really well.

TRUBEK: Well, the question is whether they'll pay me ... I'm asking for one-fifth of my salary, which is \$20,000 a year. And if they don't give it to me I'm not doing anything.

DRAINE: No, that's a very modest request.

TRUBEK: Particularly the Medical School, where everybody gets \$200,000 [04:15:30] minimum.

DRAINE: Your idea also intersects with what's going on in WUN, the Worldwide Universities Networks. There are several institutions there ...

TRUBEK: Sheffield's is one of them, and that's where my colleague is. But I'll tell you, Betsy, I've heard nothing good about the WUN. My friend at Sheffield's said she went ... I said, "Go find out what Sheffield's will do for you." She said, "They'll pay one-way over [04:16:00] for a planning meeting."

I saw David MacDonald, and he said, "Oh, you know, so-and-so is doing so well at the WUN; he's doing Amicoi." I said, "Well, what does the WUN give him?" "Oh, one trip over there for a planning meeting." "You know, I'm asking for seed money."

DRAINE: Seed money.

TRUBEK: I'm asking for \$75,000 for a Medical School here. So, you know, it seems like a lot. Nonetheless, we could throw in WUN.

DRAINE: One of the reasons I'm thinking about it is because there might be some institutional [04:16:30] support in those universities. Not so much in WUN, but in the WUN-connected universities, sometimes through their WUN personnel. But they have expertise there at the graduate level; what they call their Research Deans. With dealing with the EU, and getting money from the EU, in conjunction with NEH money, and the other major funding institutions in the United States, it's a new thing, but something that's being encouraged [04:17:00] from the EU

side. That there would be joint applications between the big US agencies and EU agencies. That's just a potential ...

TRUBEK: No, that is what DeLuca was talking about. He was very high in that. Tom and I were blown away by that. But I know a little bit because the studies that we've been doing on the regulation and transformation of law in the European Union has been funded by a very large research grant, [04:17:30] through one of those research grants at the EU. The amount that we get is a small amount of money from these EU Centers, but you're talking about going to the heart of the EU research money. And that's what DeLuca wants.

So, what we're writing now in the proposal is ... Tom and I got very nervous about this effort to make it too ambitious, because: you make it too ambitious, you don't get the money at all, because it's gets to be \$500,000 a year. And number two, we just don't have the staff. We just don't [04:18:00] have the people.

This is very preliminary. And for the amount of money they're paying me, I plan on putting one day a week in, and that's it. And I don't want to spend all my time, and not be able to achieve anything. So, what we're putting in is for ... I just sent the email this morning ...is basically \$75,000 a year, to accomplish what the EU was giving us \$5,000 a year for, for three years. And in that period, we will consider putting in what they call a 'collaborative research proposal'. [04:18:30] Which would be a competitive one to them; to the Medical School. And then, maybe, out of that will come something that will be collaborative with the European Union in the research area.

The only area that I have any contact that's substantive is cancer. 'Cause I wrote this paper on what the European Union has done in cancer, and we brought this wonderful epidemiologist, who's all tied into the Cancer Network in the European Union. [04:19:00] But I said to him, "None of the people in the cancer program here were interested, they didn't even come to the meeting." And so he said, "Well, you know, they think they know everything, and that the European Union doesn't know anything ... but I don't agree. I think that the European Union is great, and they're better than we are."

So, here's a guy who's this fearsome Research Dean, who turned out to be the most supportive, in the sense of trying get even more ambition. 'Cause you know, research in the Medical School: if it's not \$500,000,000 it's not worth it, right? So, you know, they think on this [04:19:30] enormous level. And so, they're trying to move us into thinking that way, and that's a lot for social scientists.

And of course one of the things that Tom Oliver is worried about is that social scientists ... there's very little money for this kind of research here. And so, if we end up with too big a starting grant, and we have to continue to get the money, where is he going to find the money? Unless he turns it into these great, [04:20:00] big science research things and then he has to tie in with these doctors who he doesn't know yet. So that's the project that's ahead of me and it's very exciting and very interesting.

DRAINE: Yeah you kind of light up when you're talking about it.

TRUBEK: Yeah.

DRAINE: That's great.

TRUBEK: Yeah I'm very interested in it. I'm thinking about two articles. What I decided to do is out of these discussions I see two articles, follow-ups on articles I've already written that fit into the general area [04:20:30] that we're going to be studying and, which I will do even if I don't get any money on the administration end. He's going to do something. They're going to fund him to do something. The question is whether they want me involved, whether they want this particular take on it. It's hard to say what they'll decide in the end.

DRAINE: Well let's say this does go through and it does go through at the level of 20% of your time. How are you envisioning [04:21:00] your life then? A week of life and work for you? Is this going to be the main activity? The article writing is certainly is going to occupy you. Those two things alone would be enough for me, retired so to speak, but do you have a sense of the shape of where you're going?

TRUBEK: Well one of the things I've been thinking in the last week or so is, of course, the apartment in New York and how we're going to work that out. [04:21:30] What I see happening is that I want to preserve the idea that for the next two years we're here in the fall and we're in New York in the spring. I can work around this because as of now I'm doing the scheduling and I can always come back for a weekend or ...

DRAINE: A meeting.

TRUBEK: ... a couple of days for a meeting. Right. But the work that [04:22:00] I'm doing would be continual. In other words that's the advantage of not teaching. In other words, I'd be writing the article here and writing the article there. I'd be setting things up there and setting them up here and so that would take about 50% of my time between the writing and there. And then the rest of the time I have the family and other things and seeing friends and not working so hard and watching the soccer game and all that.

The other [04:22:30] advantage of this project is it ties into a more general European Union regulation and governance project that Dave and I are both involved in, which is a set of lawyers who work in the intersecting question of health regulation and governance. If that money comes through there's five conferences on that, three of which are in London and one is here in Madison and one is in Columbia. So ...

DRAINE: So that involvement [04:23:00] will occupy you a lot?

TRUBEK: Yes and particularly because we'll have to write articles and there's overlapping of peoples. One of the people involved who's the one in Sheffield where there is WUN. He's involved in both of these projects too. So that's what I see myself doing. I might also try to find people in New York who are interested in working in these fields. Not so much in the health policy but more in the ... I have somebody who's running the clinical project program at CUNY

[04:23:30] and he's looking to develop something in health. So I said I'd be working ... I might talk with him. Then there's a woman at Fordham who's teaching a course in new regulation. She wants me to teach a class there. I don't want to give up on the New York end. I'm really developing a comfortable life there for whenever we're there. And then we'll see how it all works out.

DRAINE: Do you expect to be here about six [04:24:00] months of the year? Six to eight? Fifty-fifty do you think?

TRUBEK: It's more or less fifty-fifty. Because the summer you know and in the winter we're in Florida in the summer but more or less fifty-fifty. But it looks like the bulk of our intellectual and academic work will still be based at Wisconsin and that will be the home base even though we're in these networks. But you see the university wants networks now.

DRAINE: Yes. Right. It's a newer idea.

TRUBEK: [04:24:30] That's right. They want the networks and so it's not a negative to not be here all the time.

DRAINE: No.

TRUBEK: Not at all. So it's so interesting that that's what they wanted us to do. In fact one of the deans we talked to said, "Well you don't want to do that because that's about the state. We're not interested in the state."

DRAINE: What a change.

TRUBEK: So I thought to myself hmm, hmm, and now they want me for the national and international. I mean I thought this money was going to improve the state.

DRAINE: Yeah.

TRUBEK: But I [04:25:00] kept my mouth shut because of course I think that's right. I don't think we can envision how we're going to improve the state by only looking at the state and not looking at what's going on ... That's a ridiculously old fashioned view.

DRAINE: Yeah, yeah.

TRUBEK: The problem now what I'm worried about is this 20% time. I don't want them to push us beyond our capabilities if we don't have enough people. It takes a long time as you know to develop these relationships and these [04:25:30] networks where there's some trust involved. The advantage we have is it's young people and they're at La Follette most of them. So I think it's not going to be the Law School. The Law School lost it. They lost it. They didn't want it and it's understandable. From the Law School point of view, health is not ... there are things that are better for them. It's not a national [04:26:00] topic the way constitutional law is or even international law.

DRAINE: But won't health be becoming more and more of an issue?

TRUBEK: Well that's what the people in the Medical School say. They think it's extremely short-sighted.

DRAINE: Yeah.

TRUBEK: But I said, "Look I put my time in there. They'll come when you", the Medical School, "decide you want a health law person and this is the kind of health law person. You give them the money, they'll find you somebody." But it's a five year project and that's right.

DRAINE: So they don't have personnel over there right [04:26:30] now? (crosstalk).

TRUBEK: Well now I'm gone what happened is that they had Alta Charo. She's decided to go into science not health. Meg Gaines who does this Center for Patients Partnerships, which is kind of a sui generis kind of thing. And then my course, which I have two adjuncts teaching now, which is not sufficient but I thought by having the adjuncts it's kept the course being kept but it's a marker and then nobody else is ... they can take it away when somebody else comes in [04:27:00] they can just dismiss the adjuncts.

DRAINE: And you know for students like you who come into medical school with that kind of social justice interest at least still have something that will feed them some information about how it's done.

TRUBEK: Yes and he's going to teach courses that will be multi-disciplinary and the law students can take his courses because his courses are going to be very much the kind that law students who are willing to go over there and take those courses. So the Center is shifting to the Medical School away from the Law School. The Law School is basically going to be the handmaiden [04:27:30] to this basic project, which it has to be placed in the Medical School. People say to me, "That's really cutting edge because medical schools have not done that, public health schools have." But now that they said, "No. We're a transformed school of medicine and public health.", they're going to have to have it there. And they're going to have to be willing to deal with all these different kinds of people if they're going to really ... So they're kind of hoisted now on that. And they do have to monitor it going on. It may not be me. I'm inside but they still have Katherine Lyall, [04:28:00] by the way, is one of the people they're appointing to that Board to represent the Medical School.

DRAINE: Oh really? Interesting.

TRUBEK: Yes. I thought that was very interesting. And she's a serious person.

DRAINE: Absolutely. She certainly knows the state and the university as a whole because she's worked in it.

TRUBEK: Yeah.

DRAINE: She's been the system president but she's also worked right here on this campus. So that will be interesting. She'll see the politics when they happen ...

TRUBEK: Right.

DRAINE: ... and be able to [04:28:30] deal with them. That's very interesting. Well I have another topic I don't know whether you'd maybe like to put it off until next time. We might generate a list of what we're going to talk about.

TRUBEK: Yeah.

DRAINE: The whole issue you talked about now you have a big collaborative project or maybe two with Dave. The EU thing and then the ... I don't hear you saying that he's going to be involved with the med school one.

TRUBEK: No.

DRAINE: But that whole issue of how the collaboration grew over time. We talked about it piecemeal but just a [04:29:00] sort of overview. Then also general views of the university, university student body, the university as a whole, its leadership, the chancellors. And then from the law school point of view how it has changed ...

TRUBEK: Yeah.

DRAINE: ... and the deanships, the leadership issues. Of course, it would be interesting to talk about the structure in general of the Law School since it is different from other colleges. Chairs operate differently [04:29:30] and I know you weren't appointed to one of those departments but you certainly saw it functioning and you might have something to say about how that affected whether you could get done what you wanted to get done. Then general kind of a ...

TRUBEK: Well I certainly could talk about the Wisconsin Idea, too.

DRAINE: Yes, that would very important.

TRUBEK: And also ...

DRAINE: ... since you obviously have served that. You've mentioned it as you've gone along-

TRUBEK: Yes.

DRAINE: ... but you certainly have been an instrument of the university serving that.

TRUBEK: Yeah.

DRAINE: And then just basically summary statements about how you think [04:30:00] your

work, what legacy have you left to Wisconsin and then nationally? And, the university? Have any of your actions actually affected the university, either through people who you mentored or helped to do things a different way or just the way things are done. What kind of legacy are you leaving the university and the state and the nation, internationally too? That kind of thing. How [04:30:30] do you think the university, the opportunities to have been here have shaped you? You have talked about that all along but you might have some summary statements that you want to make after you've said what you've said. We haven't actually gone through your awards but that might be something you think about and could talk about when you're talking about the accomplishments of the way you've affected the state, etc. There are people who recognized you for different aspects of your work and [04:31:00] I think that's very telling. We also have never talked about wage, have we?

TRUBEK: No.

DRAINE: We maybe better start (crosstalk)

TRUBEK: Yeah, we can talk about wage. And we can talk about the European Union Center too. The European Union Center.

DRAINE: Maybe we could talk about those first since they're more discreet, and then we can go on to these other larger issues.

TRUBEK: Okay. Now was there anything that Lisa said in her comments that you wanted ... I know you noted the collaboration [04:31:30] with Dave and that was very interesting that she pointed out as a model for the other professorial couples in the Law School. And it's funny, because when we were celebrating our, now that we celebrated our 50th anniversary, several people have mentioned that and Dave was interested in that. He said somebody had mentioned it to him. While it's obvious that's what we do, we really haven't analyzed [04:32:00] or in any sense have ever written up about it. And it's interesting when people comment on it, I mean it's interesting to see the outside. Watching people think, nobody spelled out what it is that we last did, that's in of itself. But are there any particular things, well one of the things you mentioned is that we actually write together.

Yeah, so I think that's an interesting topic. [04:32:30] And I suppose that's a third if you're going to have the themes in my life, one would be a feminist theme, one would be a political theme and the second would be my relationship with Dave. I mean, after all people have written whole books about it.

In fact, I was quite influenced, talk about somebody that made me think about that, was the book that Sissela Bok wrote about her parents, who were Gunnar and, what's her mother's name? Murdof. You know Gunnar Myrdal was a famous social scientist. He wrote about segregation [04:33:00] and discrimination and she worked with him. And she then became, she had a big job at the U.N. Can't remember what it was. But they separated and then came back together in their 80's. It's a wonderful book by Sissela Bok about them. So that's an example about a book that is about the relationship between the two of them over the years. Starting at the beginning they were also very young and worked together over [04:33:30] well over 50 years. But the marriage

didn't, it lasted, but it had a short break were they were literally separated and then I don't know if he remarried and then he came back at the end. One of those stories.

But that's one of the few and that interested me a lot because I saw that. And then also Eleanor and Franklin Roosevelt. The last book is a wonderful book on that, that left a big impression on me. And that's also about their relationship. Also [04:34:00] not such a happy one, but one that lasted were they worked together and shared political interests and so forth. The one on the Myrdal's is particularly because Sissela is very thoughtful about the relationship with the children, while the last book is, because it's not written by the daughter, it's written by the biographer.

So I have been interested in that, that issue. It's very, I suppose once you last 50 years [04:34:30] you can allow yourself to think about, it makes you very nervous to think about ones own marriage, you know. And of course the children have very different points of view on marriage. And for something like this, I don't think I'm going to go into that.

DRAINE: No, but you can think about ... I think this is great, it will be a good topic for the next time. And in terms of what Lisa Alexander said, I think we've covered some of the big points that were from her point of view. But she also quotes some other people where I think it would be good for you to look [04:35:00] at these quotations and comment on them when they're talking about your legacy. They came up.

TRUBEK: That's probably Stewart's. They came out of Stewart's and Stewart took them out of some of these articles. And they were very interesting to me when they were, they came out of the articles, but of course when I read them they came out to the reporter, they didn't come from me. So, they are interesting and I should look.

DRAINE: Well there's the Arnold Christianson quotation that you were always aware that the law exists for the benefit [04:35:30] of the public and not just for a particular group or for affluent special interests. The public should be able to use the law to improve their lives and everything you've done has been centered around that, that aim.

TRUBEK: Right. And of course, what I've learned from you yesterday in the questioning and the discussion, was the relationship between ... There's the storms again ... The relationship between my interest in that at 11 years old and my becoming a lawyer and professionalizing it. And I've always been very [04:36:00] interested in that relationship.

And one of the things that, one of the reasons that I am doing this work in the medical school is that I realize when I talk to my friends in New York, not my friends here who are all professionals in some way or other. But my friends who are friends that I, I do not have a very good ability at all now to talk like a citizen. That I have become, my interests have become extremely [04:36:30] professionalized, I mean they may be about social values and social ... And I'm not going to be able to go out there and be on some board. Or be a citizen activist, it's too late for that. I've become too professionalized. And so therefore, if I'm looking for projects in the world, I might as well continue to do what I know how to do, and where I feel I can get some

satisfaction for it and get a little money for it. Because I'm not going to be ... And I've tried book clubs, I've tried stuff like that. [04:37:00] It just doesn't work for me.

So, I figure I might as well continue that, so it is true that I really see that. And I think that's clear. And it's also a model for that because that's what women did. That's the story of what women, you know Jane Adams and the people in the early 20th century, that is that story, that's the Linda Gordon story. Linda Gordon was always very interesting to me as a contemporary example of those tradeoffs between the social workers and the women who [04:37:30] ran the very early legal aids. And there is, that is a strong, that is a sort of a model for what I'm trying to get at. And Lisa's trying to figure out how you can do that and also be, be the successful academic that I did not achieve. See I was not able to achieve that because I had too much baggage from the earlier processes to be able at 50 years old to turn myself into that. I never went through the hiring process and they will never [04:38:00] accept you as a peer unless you've gone through that.

DRAINE: So, aspiring to be a clinical professor, you really in some ways have become an independent scholar?

TRUBEK: That's right.

DRAINE: And that you've had to give yourself your own supports and encouragement and peer review and all of that. You've had to figure out how to do that yourself.

TRUBEK: That's right, and that's really what I'm doing in the medical school. I'm taking myself over as an independent scholar and saying, here I want to work with you on this [04:38:30] because this is useful for you and I'm interested is basically what it's about and I'll use my experience. 'Cause see I'm mentoring this younger person, mentoring, owning in the sense that he comes to the state, doesn't know anybody, doesn't know what political science is, he doesn't where La Follette is. I mean, they really brought him here and they dumped him here. I mean they're trying, but they just don't know it themselves. And so yes, that's what I'm doing and that's my sort of project, so it's almost like a volunteer project or something like that. But it's within the professional range. So Lisa [04:39:00] is very clearly trying to position me as, you know she's trying to redeem, she's trying to say that I accomplished all those things, even though I wasn't, I'm not recognized for that. She is positioning herself as a person who is going to do that.

DRAINE: Mm-hmm (affirmative), I see yeah.

TRUBEK: And I also said, I thought what would be an interesting thing what she thought was so incredible in her presentation, not only that she herself did herself a lot of good with the faculty. Not only did she redeem me, but [04:39:30] she made herself. And Dave said after, oh God she's going to be a Dean, because she has tremendous fluency and attractiveness in the way she presented it all. So, it was really a ...

DRAINE: So, you've passed on some power to her to do more than you were able to do.

TRUBEK: Absolutely. And that makes me feel really good about it. So it's been really a very

redeeming process and that's a very ... I'm very glad I did retire for that reason. Because there was no point in my continuing, it was very frustrating for me. And I go what's the point in this? [04:40:00] For instance, an example, a recent example, they're looking to hire somebody who does poverty law and does public interest law, and he's basically a big deal constitutional lawyer, but he's interested in poverty and he did public interest work at UCLA. Or he's interested in it. So, they're trying to hire him, so I had lunch with him, and he said to me, "Oh, Louise, I want to set up a public interest program like we have at UCLA.

I almost dropped my teeth, I said, "Well, fine, you think that the law school [04:40:30] might put some money up?" And I said, "Well, here's what you should ask for, and all that." So he goes into see the dean, and apparently the dean said, "Sure, you want to do it, we'll do this sorta thing." And 50, 75,000 dollars, whatever.

So, I was talking to my very good friend, who's the associate dean for research, and I just said, "It's just amazing," I said, "that they did that." She said, "What do you mean? All you need is leadership and then the less the dean's all looking for is leadership, and then he'll do it."

I said, "What are you saying to me, Cathy? [04:41:00] Here I've been here 30 years doing this stuff. I could've put together from the back of my hand, he would've thrown it out in the wastepaper bin." She blushed. She didn't even know what to say.

So, you see that only ... It never crosses their mind that I could've done that, or ... There's so many reasons why they wouldn't. ... So, I'll help this guy, but I'm tired [04:41:30] of them now, and so the people in the medical school are much more ... I'm just this weird person that showed up, and because I know what they need and I'm part of the person who told them that's what they need, they realize, and they realize it's been very difficult for them to realize how to put it together.

DRAINE: You're an enormous resource that walked in the door-

TRUBEK: That's it, that's right, that's what I see. And then they'll see if they say yes. And there just isn't the baggage, Dave isn't there, they haven't got all [04:42:00] that stuff. They think Sheila's great, so we'll see. It's a little bit of a different group of people, so we'll see.

DRAINE: Okay. Let's stop at this point. We've done a lot of work today-

TRUBEK: Look, quarter after four, there we are. Now, tomorrow, and you should-....That should do it.

DRAINE: That should do it, yep.

TRUBEK: And the reward, I have red and white wine and healthy snacks.

DRAINE: Okay, for the record, this is the way to do a third [04:42:30] interview, yes. That said, I'm just going to reward at the end. So, today's Friday the 13th of June, 2008, the third track, the

third date of interviewing with Louise Trubek, and last time we covered your career through the Center for ... now I'm forgetting my-

TRUBEK: Public Representation.

DRAINE: Public Representation, and a good deal of your other work, especially [04:43:00] as you moved into publication. But we noted as we ended that we hadn't talked about your work in WAGE, the Center for World Affairs and the Global Economy. I don't know whether it was you said back to me, something ... I was thinking of the law school's health law project, which is kind of in some ways a continuation of your earlier work, and wasn't there a third thing you said you wanted to talk about?

TRUBEK: The Wisconsin Idea.

DRAINE: The Wisconsin Idea, and how that ...

TRUBEK: And European Union Center.

DRAINE: And the European Union Center, [04:43:30] okay. Then we're going to talk about the whole big topic of collaboration with Dave and finally issues about your legacy, what your impact has been and your legacy has been and ... at that point I've just spoken to Dianne Greenley, I was telling Louise, who was at the Center for Public Representation early on, and she had a good deal to say about why what you did worked and how it worked, so we can talk about it there as a general characteristic of your career, strategies you used, [04:44:00] and what about the way you worked, worked.

So, let's start with one of those areas of work that you'd like to talk about, WAGE or the law school's health law project or European Center. Where would you like to start?

TRUBEK: Rather than on the collaboration with Dave, we'll do that later?

DRAINE: Well, I think after you've talked about the ... (crosstalk)

TRUBEK: After, I think that's a good idea. I did have one correction. I don't know how it came to me, that ... of course, I grew up in Brownsville, not Bedford-Stuyvesant. Bedford-Stuyvesant is the neighboring poor neighborhood, [04:44:30] which is now also considered one of these urban violence places, as is Brownsville. But Brownsville is where I grew up, so.

DRAINE: My mother-in-law, who's from that general area, wanted to know what streets you lived on.

TRUBEK: I lived on Strauss Street.

DRAINE: Strauss Street. And you told us PS-

TRUBEK: 183.

DRAINE: 183 was your ... Okay, all these New York people from Madison and from all over the country who came out of that environment are really interested to know where other people were and-

TRUBEK: Well there's this guy that teaches in the English department [04:45:00] who grew up in East New York, but he was from a Catholic, Irish Catholic background, so remember I was talking about the Italian Americans who grew up in Brooklyn, had a completely different experience, and I believe he went to Catholic Schools.

DRAINE: That Joe Wiesenfarth?

TRUBEK: Yes, yes. Because East New York is not far from Brownsville, it's sort of a neighboring area that's also become viewed as an urban ... slum is an old-fashioned word, but kind of the drunk taking kind of the bottom of the ... And that happened fairly soon [04:45:30] after I left. So that most people associate it now with urban violence and poverty, but at that time it was a Jewish ethnic neighborhood.

DRAINE: Okay, so-

TRUBEK: Okay, so now on that, all right. Okay, let me ... I made notes on all this, yes. Well, it's interesting to think about the WAGE and EUSA experience [04:46:00] because while it's a relatively minor part of my work, it was significant in regard to the scholarship, because when I look ... by the way, it was extremely interesting to go through again my publication list in light of our comments yesterday about finding my own voice, because it's clearly in the ... you can trace the whole thing in the publications, and starting [04:46:30] in '92. But just to skip through that, if you look at the very end of it, the most recent publications, starting with "The Open Method of" ... Oh, here, it starts with 2003, with "Healthcare and Low Wage Work." That's on the first page, 'cause of course it's backwards. If you go towards the bottom, "Health Care and Low-Wage Work: Linking Local Action" in "Governing Work and Welfare in a New Economy," edited by Zeitlin and Trubek. That's David Trubek. Okay.

[04:47:00] That's the period that Dave and I started to work again together, and that's because there was a desire on the part of ... Institute for the Global ... whatever it was called, the international studies, to develop a European Union program, and they needed people who had some European Union experience. [04:47:30] Dave and I worked together, that was one of the early times, in 1980, that shows on my resume. Again, before I found my voice, when I was basically ... Dave was using my work, and I was theoretically writing with him, but I was very much the junior partner.

But in that period we picked up knowledge about the European Union, so in 1990, almost 2000, when the university was interested in getting involved in the European Union, Dave, who was dean, said, [04:48:00] "Well, I know about the European Union," and then the interesting part about it is, they needed people, and Dave said to me, "Why don't you get involved in this?"

And I said, "No," I said, "I don't want to go over and have you be the senior person, again." I had been writing, I had found my own voice, I had forgotten everything I ever knew about the

European Union. It was about general governance, it was not then about healthcare, because the European Union wasn't doing anything [04:48:30] in healthcare, but they were doing some things in poverty. And Dave said, "We need you, we need-" I said, "No, I'm not going to do it."

He had Jonathan Zeitlin contact me. And I have to say that I have, to this day, a very warm feeling towards Jonathan, not uniformly shared by many, by all, let's put it that way, because he did a very good job ... We went out to lunch, actually, Dardanelles, where I was just at lunch, and he convinced me that it [04:49:00] wasn't because of Dave at all, it was because of my knowledge of poverty, my reputation in poverty law, that he wanted me to be part of this project, and I have a very warm feeling towards him for that because I had gotten virtually none of that in the law school, you see.

And this gets to an earlier point, and one point I want to make later, about the university, that to some extent my work was more prized and valued by people at the university than [04:49:30] it was by people in the law school, because of the politics of the law school, and gender politics too, if I may point out, because I'm becoming to ... clearer and clearer to see that now, through these interviews. So that was a very meaningful experience for me, and it was very successful, because I was able to work on it, and Dave and I were able to work both separately and together on European Union [04:50:00] topics, because health then emerged as a big topic, and I've been writing on European Union health by myself, but I was able to work collaboratively with Dave because I had in the in-between period between 1980 and 2000 been able to find my own voice, so to speak. Though my work was very different than Dave's, and as Lisa has described the positive aspects of my work, which were very distinctive from traditional legal scholarship. That's considered to be important, [04:50:30] and so the European Union experience was very important to me and WAGE was kind of an add-on to that.

It was really ... because Jonathan directed both, as did Dave, and they wanted me to be involved in the governance end, which was part of that. The importance of it to me was the fact that I was able to work with social scientists and very fancy academics in a collegial way and my work was respected by them. It was not [04:51:00] only because I was working with Dave. So that's the importance of --

DRAINE: And Jonathan and Dave worked in both days wage, which again I want to get clear for the record is center for world affairs and the global economy based in the university. Did Dave ... pretty much created that?

TRUBEK: Yes, he did.

DRAINE: And then ... is it the European Union --

TRUBEK: Union Center of Excellence it's called now.

DRAINE: Which Jonathan [04:51:30] ...

TRUBEK: Jonathan founded that, and now Jonathan has been running it for many years. Dave

was a co-founder with Jonathan but then he soon ... Jonathan took it over basically, but then Dave became an academic involved in it rather than a director.

DRAINE: So, that's interesting. In spite of the fact that these, not exactly institutions, are vehicles for research and activity that Dave had established you were able to be yourself [04:52:00] in this particular instance at the invitation of Jonathan as well, Dave was trying to invite you, but you didn't quite hear it.

TRUBEK: That's right, that's right. And another significant aspect of that which I also was thinking about as I was made notes is of course both wage and European Union Center are interdisciplinary and this of course is a very important aspect of my whole career because that was what ILS was.

To go back to that and that's what I'm trying to do [04:52:30] in the medical school now, so that aspect was very important to me in my work, but it was also important to me professionally as shown by the fact that I was able to work with people who were not in the legal arena, gave me an opportunity to have different kinds of supportive relationships that I was able to achieve in the law school because of the different disciplinary aspects because of the value they placed on certain kinds of knowledge that I had.

That [04:53:00] the law school did not place the same value. Personally it was very important to me, and I didn't realize that until I made the notes on that. That I think is significant, and it's significant to me that that's what I'm quite carefully trying to create in the medical school.

DRAINE: Well that's interesting in terms, in very general terms to that one could say then that when one university opens up to interdisciplinary, which, many universities did, but Dave made [04:53:30] a big push for it to support the efforts of people like you who wanted to do things in an interdisciplinarity way, that at least theoretically in your case that also opens up for people who are more involved in praxis to bring their kind of work, because they don't have a narrow sense of what the protocol is for doing this kind of academic work.

You're already opening up to different protocols, you're expecting to find a literature person, you're expecting to meet different kinds of protocols that come from [04:54:00] other disciplines, so if I meet the protocol praxis, I won't be surprised that it's different and will trying to accommodate it.

TRUBEK: Yes. That's absolutely right, and as I look back on my, when I talk at the end, about the legacy, about how I feel about the university, that to me is has been a very strong aspect of the University of Wisconsin. Ironically the law school, which has the reputation nationally as being an interdisciplinary law school is actually [04:54:30] falling backwards in that area. That is a big loss for a lot of people including myself. As I recall that was the two boundaries I was talking about crossing. It wasn't global international, I think it was disciplinary and clinic and tenure track.

So that whole issue of interdisciplinarity or multidisciplinary is very important because as you know and I know it's very difficult to achieve and the university itself has [04:55:00] gone a little

backwards. Some people feel since David Ward has come in, because he put a tremendous amount of emphasis on it. And it was very successful at that period of time but it's very difficult to maintain. You need constant incentives and constant pressure to achieve it. Some people feel the university has fallen back a little.

Certainly the law school fell back, but it was not related to David Ward's efforts, it was a pre-existing aspect of the law school, [04:55:30] interdisciplinary and it's falling back had nothing to do really to do with the university.

DRAINE: Can you give a little bit more texture to that in what ways was it interdisciplinarity and what does it mean to fall back, what kind of things showed that that's true.

TRUBEK: Well, in the law school world it's called sociolegal studies or law and society. That is the interest and understanding law from the outside as well as inside. So, the way political science and sociology, English literature, [04:56:00] film, it's a lot now in cultural, laws of cultural phenomenon. That was started in the early 20th century.

There is a whole story that Wisconsin was one of the early leaders in that kind of work and includes empirical work as well, though not exclusively because there's interest in movies and so forth. But it had a lot of empirical basis and that's why I went there. That was one of the attractions of Wisconsin and was also attracted to Yale law [04:56:30] school, which also held itself out to be an early exemplar of that.

And so at Wisconsin they had people from different disciplines who worked together extensively. People like Bert Kritzer and Jill Grosser and there was a legal studies undergraduate program as well. Well I don't want to get into the whole story or mini story, Dave is better at telling the story probably than I am because he worked really ... I was kind of a beneficiary of it rather than [04:57:00] a proponent of it in the law school days.

Now one thing about the Center for Public Representation, we had a research program early on that Dave ran and some of those early publications were produced through that. We called it a research program and we tried to do social sciences, law and society research based on our work at the public interest law firm and that has never taken off.

Every once in a while someone will writes an article saying "oh this should really be going on" in fact [04:57:30] I think I wrote it in my article, but it's been very difficult to maintain. So, that there was a big effort and it started in the 50's, if you go on the law school website it's all about that. Law and action, that's what Stuart McCaulay is the icon of.

Well, the falling backward occurred partly because of the strength of the discipline. So, you had to hire people jointly in both [04:58:00] departments. The tradition was critical legal studies was controversial among the law and society people. Wisconsin was a law and society law school and there was very little support for critical legal studies.

So that created tension among the people like Dave who were involved in law and society and critical legal studies, so there was tension. There was tension [04:58:30] in hiring , then when

U.S. News and World report came out with the rankings, which is very significant in the history of the law school. The fact that those articles were usually not published in the traditional law reviews, but in the more multidisciplinary journal had an effect and the current dean is not at all in that tradition.

I think he mouths it and he says it's important but he himself is a traditional legal [04:59:00] scholar. Also some people feel that certain aspects of socio-legal studies was in all law schools so we lost our niche. So that now they just hired four new people, five new people with Ph.D.'s that do multi, you know, interdisciplinary work and everybody goes to the law and society meetings.

So it's controversial within the law school, but certainly there's [04:59:30] also an argument that that niche is now counter to the interest of the law school because it will not be enough to guarantee us national status anymore. It's the only thing we had so we'd better find other niche's otherwise we're gonna slip back. It's a very different story than it is for the university as a whole. Nonetheless, it exemplifies the difficulties of moving across disciplines, but I think the argument for it in university which is the synergistic effect and the [05:00:00] global necessity is probably greater at the University, certainly it came later to the ... David Moore definitely ... that was very important in the campus. But, it wouldn't have effected me at all if it hadn't been for Dave being involved in it and he is pushing me to be involved the European Union Center for example in (inaudible) as a clinical person or as a public interest lawyer, or whatever I was doing, I would not have been [05:00:30] moved in that direction If I hadn't been recruited, because of people like that. So, I can't claim it but it definitely helped me.

DRAINE: What was your work there? What did you do? What projects were you involved in?

TRUBEK: Well, at the European Union Center it was primarily issues of governance, in other words how do we regulate in a period of global change. And, so, I was involved in, we received funding for conferences and for speakers to come. [05:01:00] But the European Union Center was the main aspect, even though it was relatively ... I never received any salary money, it was just money for conferences and so forth, but it brought me in. We created and were part of a group of European scholars, not American ... a couple of American scholars, but primarily European scholars, social scientists, lawyers, law professors, who were working on the European Union. [05:01:30] And they were younger, everybody was at least 30 years younger than we were.

DRAINE: Who was involved?

TRUBEK: Well, there're people who co-wrote the articles with like Tammy Hervey and Gonya Deborka and Joanne Scott, and it was tremendously wonderful for us, for Dave and me, because not only did we have new intellectual colleagues but they were very lively, and they were much younger, and so we had this whole new world. [05:02:00] And we would go to Europe and then there were some social scientists who were helpful too, but the personal relations were really with the law people.

DRAINE: And where were they based? (crosstalk)

TRUBEK: They were somewhere ... they moved. Because in Europe people move all the time now, some were at the European Union Institute. Tammy is at Sheffield now, she was at Nottingham. The move to Sheffield help because it is a WUN school. Gonya Deborka was at the European Union Institute now she's at Fordham Law School, she's moved to the United [05:02:30] States now. She married somebody who is teaching now in the United States. There were people at Saint Mary's in London. Mostly in the ... you can't even call it because it includes Ireland ... mostly in the English speaking ... that kind of part of the world. But, we also got to be friendly with French scholars and Dutch scholars and Belgium scholars, and so forth. So, it was very exciting, and you know at our age, in the last 8 or 10 years they've been some of our most important colleagues. And I was able [05:03:00] to work both on the regulation area, the more general legal theory end, which is something that I never thought I'd be able to do, and then on the health end, with Tammy, because she does the European Union health, and so, and I give a lot ... the European Union Center, and Jonathan was totally responsible for that, in the sense that they brought me in and they've been very supportive.

And then I met younger scholars here on the campus who in the European [05:03:30] Union Center had trouble maintaining them, but I just started ... you know ... I had an email conversation with a guy who's just arrived, an assistant professor political scientist who does the European Union. So, that was very ... it got me out of the law school box, you see, that's the importance. I think the interdisciplinarity is ... for me, it isn't so much the global, I think, as it was the interdisciplinarity and moving out of the law school [05:04:00] itself. Now I had done work in public interest law overseas, as we talked about earlier, but that was not as ... until my recent book that I've been doing ... was not as intellectually ... I was not able to create a world of people that I work with, the way we were able to do it with the European Union Center.

DRAINE: What is the recent book that you've been doing?

TRUBEK: The edited volume on transnational public interest law, that I referred to, that [05:04:30] will be out in the Fall.

DRAINE: Now, is any of that interdisciplinary work evident in the law schools health project which you ... ?

TRUBEK: That's a good point. Well, I always describe the course that I taught as being a socio-legal approach to health law. It's not ... you can't get in there and say, "okay this is from sociology, this is from political science." If you look at the materials, I use the traditional case book, [05:05:00] but if you look at the way I taught the course, I didn't start with legal doctrine I started with issues ... problems ... it was policy oriented. And I used policy from all over, it was ... I had two sessions on international, so it was a very unconventional approach to health law. And, in fact, when I taught it ... I taught one unit it at the medical school. The students didn't like [05:05:30] it all, because ... the public health students ... because it didn't look like law to them. While the law students are used to law being taught in a wide variety of ways, so ... so, I think there is some aspect in that, and, of course, working at the medical school is multi-disciplinary. So, that's why I wanted students, but I couldn't get students from the medical school or from the public health school to take the health law class, which is one of the reasons I'm now moving to

the medical school, because I'm interested in [05:06:00] the multi-disciplinary approach to health.

DRAINE: So, the health law project at the Law School, did it consist ... can you describe it to somebody who is an outsider? Did it exist mainly of this course, or this course was an ancillary of it, or what?

TRUBEK: Well, I ... when I set it up I set it up because I ... there was some money left over from the center of public representation when it moved into the law school, and it became the economic justice center briefly before it folded [05:06:30] completely. There was some money left over and some of it was transferred to me and some of it was transferred to them, I converted that into a health law project. So, basically, it was about fifteen thousand dollars or so that was there and I at the beginning had ideas of a more ambitious program, but I could not find the colleagues at the medical school and I couldn't ... the colleagues at the law school weren't really interested. So, what I did was I taught the course and I had [05:07:00] externships that were attached to it. So, I had a little bit of a clinical component, but they were externships, the students were placed in legal frameworks. And then, I used it to help support my individual research, because I wrote quite a few articles about health law and about health policy during that period.

But I was not able to create a really large project the way I had originally envisioned it. And it's interesting that you mention it, because you can argue that what I tried [05:07:30] to lay out there I couldn't achieve in the law school and I'm trying to achieve it now through a medical school base. It may or may not work as I said earlier, I give it a 50/50 chance. But, the law school was ... and I don't fault the law school for this, I never expected them to really help me. But, there just wasn't enough going on in a synergy and the work on governance is cross-sector. So, the work we do at the European Union [05:08:00] we look at the way regulation works or should work in the US and the EU. We look at the environment, we look at employment and poverty, as well as health. So, I was not able to get enough of a purchase on there. Now that may develop ahead. The money is helpful to me because now ... I've held on to about 6,000 of those dollars now that I'm retired and I can use it's very (crosstalk)

DRAINE: It's amazing what you can do with a little bit of money.

TRUBEK: [05:08:30] Absolutely.

DRAINE: Fifteen thousand sounds like so much nothing, and yet it enabled you to carry on this project.

TRUBEK: That's right. And it gives me ... it enables me, for instance, to get research assistants and so forth, without needing to get additional grants. Of course, it was set in a separate account at law school and they've enabled me to continue to use that.

DRAINE: Great, good. Well, those were, I think, the projects you wanted to talk about. Though, were gonna talk before the collaboration [05:09:00] about how this served the Wisconsin idea, and what you mentioned was, of the Wisconsin idea ... did you get exposed to that first, or it

came after you already had your own idea of what a university should do and how the work of the university should serve the people?

TRUBEK: No, the Wisconsin idea was very important as I was an undergraduate, but, yes, the Wisconsin idea was very important to the setting up of the center and also the progressive tradition. [05:09:30] And I have a whole analysis here for you ... whenever you want to do it ... that my view of my contribution to the university and that is one of my, I thought, major contributions, was that ... of course the Wisconsin idea way predates me ... but, when I set up the center in the early-seventies the Wisconsin idea was not operationalized [05:10:00] very much, it was kind of a general concept and when I set up public interest law firm, set up in the center here, we were the first public interest law firm in the state. We were one of the first public interest law firms in the center of the country. The original ones were, of course on the East Coast and the West Coast. So, I placed it in the context of LaFollette and Progressivism and the Wisconsin Idea.

It was very important in the [05:10:30] spinning and getting legitimacy in the state, and it had a lot of traction, because I believe one of the attractions was that at that point the State Government had become quite bureaucratic. It was a very successful, clean government ... There was some innovation, but as the years went on particularly in the 80's, [05:11:00] late 70's we were really quite out there as a group, that while we played down the connection to the University because we didn't want to get the University in trouble. Many people at the University saw us as somewhat related to the University, which we clearly were because we had the clinical program, and we were expressing the Wisconsin Idea in keeping it going, in a period where they were moving into big grants, big science research, [05:11:30] big development, of hiring a lot of people, and losing to some extent the connection to the state.

I think that we were important in maintaining in that period, a model for how the University in a more contemporary period ... Rather than writing the Unemployment Compensation Law, but represent interests that weren't heard in order to get a more fair process, which was one of the big needs [05:12:00] then in that period. I view that as one of our major contributions. Now in 2000 and the University sees that as being very important, as does the Dean of the Law School, who makes the contributions to the state because he has all these faculty who won't do anything for the state, and the clinics are the one, but of course he can't quite put it together with what we're doing, but the University does see it. We've talked about that earlier.

I know that [05:12:30] Mary Rouse was saying to me about the Morgridge Center, which is the service learning aspect that the University is really placing its hopes on this Villager Mall as serving the city and helping disadvantaged people, and the main thing they provide there is legal services.

DRAINE: So, you kept the University honest, in that you were actually enacting the Wisconsin Idea.

TRUBEK: Yes, yes, and I think that there are people at the University, and at the Law School, I should say, who [05:13:00] saw that, and with very little money, and with very little getting themselves in trouble. I was a really successful package for them. I think that some people saw

that and some people probably did support me, as I say, I never got anybody calling me up and saying, "Don't do that. That you're hurting the University doing that." That's a big thing because many of these legal services, like I said, we sued the state, this kind of thing got in a lot of trouble with their own universities and law [05:13:30] schools because of that kind of work. I think the fact that we were able to pull it off is a very good story about the University.

DRAINE: Oh, it really is.

TRUBEK: I think that.

TRUBEK: There was lot of good work going on, in terms of the University serving people through extension, especially in the agricultural side, but also social, sociology, social work kind of side. Then, the division of outreach, now called "Continuing studies," but that didn't call upon [05:14:00] so-called regular faculty within the university structure. Your work is using the resources of the Law School, and the personnel of the Law School to really serve the people directly. Certainly, we have this issue in women's studies, where there was a real decision made by the more powerful faculty in the program, that we were not going to do advocacy. That there you have this women's studies program with all [05:14:30] the theoretical knowledge to do advocacy in the right way, but that they just didn't want to be seen that way, they saw their route to getting resources from the University and being taken seriously, as remaining academic and letting other structures do that. [05:15:00] I want to make a comment of that. I got that reaction from the Poverty Institute.

DRAINE: Really?

TRUBEK: Yes. They saw me as an advocate that was going to bring into question their scientific and academic legitimacy. There was a recent book written about 5 years ago, in fact the woman who wrote it, in all fairness to them, they brought her out, was about how the Ford [05:15:30] Foundation funded these organizations, these poverty institutes and their several others. They did not do they kind of advocacy she felt they should of because they were pursuing the academic vision. So, I felt very vindicated, because of course nobody ever said to me that's why we don't want to work with you, but I went to them several times, many times, and they were not interested.

In that sense, I always view law schools are a better location, because I [05:16:00] often say to people, "Lawyers are supposed to make trouble," that's part of our professional *raison d'être*, so they are much more open to this type of work than the traditional disciplines. That's one of the ironies. Women's studies is one example, and so is the Poverty Institute, and now it's documented in these writings about professionalization of these disciplines, like [05:16:30] women's studies.

DRAINE: That is interesting. Well what do you think, should we go on to talk more about your legacy, or go back to the collaboration issue and then return?

TRUBEK: Well how do you want to handle what Diane Greenlee said?

DRAINE: One of the things she talked about was that. I asked her, "How is it that Louise is able to do so much, to build so much, and get so much done with so little resources and support really [05:17:00] from either the Law School, or much else in the University?" And she said well, "First of all, Louise was very savvy and one aspect of being savvy was having a sense of what the next important issue was. And that that was absolutely invaluable, and that you helped the Center. You picked the issues that were going to become important, to all kinds of constituencies. To the state, but to the public in general." I want [05:17:30] to hear you talk a little bit about that, because one could say that that is just an aspect of native wonderful intelligence, to do that, but you must have been tracking something. What were you paying attention to as you were making judgements about what the next hot issue is?

TRUBEK: Well that has been a characteristic of all my work and it's a characteristic of my academic work, as well. Because for instance, new governance, which is what I've been working on, and, which Dave and I have collaborated. [05:18:00] It's very cutting-edge, out-there subject, which may or may not amount to anything ... And so forth.

At our age, we have started on something that's very controversial and very cutting-edge and that's why we are able to work with young people. Well, first of all, I bridged both the academic, because I was the wife of a Professor, I was comfortable with [05:18:30] reading academic literature and talking with Academics. David Wilkins, who is a professor at Harvard Law School has said that one reason my writing is much better than the traditional clinician, is that I had all this contact, and I talk with people who are in the intellectual world, and so I was able to put that knowledge into that context. This is, to some extent, what Lisa is talking about. I was able to see issues there too ... Because [05:19:00] I went to the Yale Law School, which set up public interest law, and was a network of cutting-edge people, I had a network of people throughout the United States who I know who were doing all this public work in public interest law and I was a part of that world and that helped me.

For instance, when Diane Greenlee was interested in mental health, and she had gone to Stanford, to work with people who I knew who were in mental health. It was [05:19:30] more than local. But, on the other hand, I was interested in the local, what was there, and so it's that combination. You pointed out, when we look at all these issues, you made the observation that I did these cutting-edge issues, and it's obvious, yes, and some worked and some didn't work. One of the reasons The Center is not in existence today is because I didn't take 1 subject, and say, "This is it," and stay with it, like women's studies, like women's rights, or elderly. Instead, [05:20:00] we did them, we developed them, and then we spun them off. And that was the model that I wanted. So it had, it affected the institution itself because while I was very good at keeping it going, and I raised all this money over and over again, I didn't embed one group and one ... and there were some employees who were not happy about that because they felt they were there to work on children, they just wanted to work on children and my job was to keep the money coming in for them to work on children.

That [05:20:30] is definitely one of my strengths and that's what the medical school will or will not buy in, because I'm also telling them that these are the areas that I think you should do, and these are the cutting edge issues, and this is what I want to work in. If they say these aren't the

issues, I'll say I'm not doing it cause I'm not gonna do some boring thing that I don't think, that's already been done by five other people.

DRAINE: This is having vision. This is what they mean when they say having a vision. You're looking beyond what has already been discussed to death.

TRUBEK: Right, exactly.

DRAINE: That's great.

TRUBEK: [05:21:00] So that was definitely one of my characters. I also, on a more practical level have never been principled in that since I've been very opportunistic. So, for example, we started out with government money. There was a period in the history of public interest law where it was considered a violation of you speaking up against, to improve government if you took money from government agencies. And so most of our money over the years came not from [05:21:30] foundations, which was a traditional source, or the bar, but came from government agencies. And that was part of my savvy, because many public interest law firms stood on some kind of principle, and I never accepted that.

The groups that have survived today are the ones that are primarily getting government money, like Diane's group.

DRAINE: Yeah, on disability.

TRUBEK: Disability, yeah.

DRAINE: Which in a sense, you were saying was a spinoff of Diane got her training in doing this kind of thing. She was, talked about how grateful she [05:22:00] was for the training she got. She was one of that cohort. She said one of your biggest legacies is a whole generation, and more than one generation, but she's thinking of her own generation that has been working now for 25 years or more, having been trained by you to do this kind of public interest law.

TRUBEK: It's funny because when I talk about my legacies, I have it divided into 3 parts, interestingly enough. Locally, nationally and internationally, and they're very different. [05:22:30] To me that is my biggest accomplishment locally. It is not a national accomplishment. It's never been understood as a national accomplishment, and I've never been awarded for it nationally. That's what I told you. It was only when I started writing that people realized what we had done in Wisconsin. That's very local. It's almost like a Wisconsin thing now, because we have a public interest section of the bar. It's really tremendous. Of course, the timing was right, but these people have stayed together.

[05:23:00] Betsy, who was the person I had lunch with, is part of that initial group. They had this 30th anniversary of disability rights.

DRAINE: (crosstalk) Why don't you say her last name for (inaudible)

TRUBEK: Abramson. Part of disability rights Wisconsin had their 30th anniversary, and she was saying all these people stood up who were there, and they all worked for me, literally. But then, she was saying that the students are there too, some of whom I don't know, who were students of the people, because Diane teaches a course on disability law at the law school. Betsy taught elder law for many [05:23:30] years. That has been interesting enough, that is my local contribution, you see. It really interesting.

DRAINE: Now, you did train people that went on nationally, but you're saying that people ...

TRUBEK: (crosstalk) Very few

DRAINE: Very few.

TRUBEK: Which is one of the few, and she started at Radcliffe. Don't forget that. Wisconsin is very deeply local. Not the graduate school, but the law school is local. Most of the people come from Wisconsin and stay in Wisconsin. That was a source of, [05:24:00] I can't say frustration, but it was good for me because I created a local world. It was very bad for Dave, because he wasn't interested in a local world, and because the students, basically, don't go in to academics and they don't go in to big corporate law firms, and they don't go elsewhere in the country.

DRAINE: She talked about, Diane Greeley did, about the fact that there is this cohort of people who have gone on to head up agencies, etc. Plus she loved working with the students [05:24:30] that you would bring in as interns, so she said that there are all those students who she couldn't even name now, but who also were passing through not just the employees that you manage.

TRUBEK: Because we had a clinical program. That was the clinical program. Yes, and one of the tensions when people created their own public interest law firms in the state was about whether or not they wanted to take on clinical students. To this day, it's an issue. Placing these students that many of the public interest law firms [05:25:00] don't want the students. They want people who work on their beck and call. They don't want to have to talk about the cases. They don't want to have to train them. It was shocking to me. I was very disappointed, because I love that, but I also taught the course in public interest law with the students. I felt I was training public interest lawyers.

Many of the people I trained wanted the students to just do the work. They were, therefore, not interested in clinics. They would rather pay them, if they had the money. [05:25:30] That's why Diane mentions that, because we had a very well developed clinical program, and a lot of students then came, particularly in the 70s, because they were interested in the political nature of it. Now if you go, you're interested in elderly, you do elderly, right? The more theoretical, and vision of politics and government is lost in many of these public interest groups that do a lot of good work, but they don't have that vision. I think that's what [05:26:00] Diane was reflecting, because I think her organization now has some of that more narrow minded view.

DRAINE: One of the things she said was that your style of working with the young lawyers under you, they would be called the interns? What would Diane Greeley be?

TRUBEK: No, she was an employee. She was a lawyer.

DRAINE: Okay, lawyer there. But, you gave them much more responsibility than they would ever have had if they had gone in to a law firm. You would turn over something to them with confidence, [05:26:30] you will figure out how to do it, and then let them run with it and learn. She said they usually did come up to the mark.

TRUBEK: Yes, and that has been a real aspect of my life. It's interesting, because it goes back, of course, to having been a Ford student at 16 years old, and coming to Wisconsin. I believed that young people could do these things. I was here with no mentors and I did it. As you would say who was your mentor for [05:27:00] this and that, I didn't have it. I just thought you could do it. It's a good and a bad, obviously, because some people can't do it. Those people who now are applauding me for it, who were there, who did all these great things, some didn't. Some didn't make it, and some did. Later on, the quality of the students ... I don't want to talk about the students are not as good as they used to be, or whatever. Some students were not able to do it, and I wasted some [05:27:30] resources and time on those students who didn't.

But, also my interest in working with younger people is shown by how interested I am in this group now that I work with who are younger. I like that. I wasn't that much older, also, don't forget, than these people. It also was related to the fact that public interest law was set up by people right out of law school. Among the people who set up public interest law firms in the late 1960s to mid 1970s, [05:28:00] I was already out of law school, remember, 10 years. Most of them were right out of law school, so they were younger than I was. I was 30, you know 32, 33, so it was a young person's business in those days. I continued that, because I had been a successful very young person, too.

That's the kind of characteristic. That's quite true. That's why I also have the students write papers, and I try to share the papers with people, cause I think they have value. That has been [05:28:30] an aspect of my style. As I say, it has some down points. People who want somebody who trains you every day, and corrects every sentence that you write, that's not my style. I was more of a teaching by model, sort of the apprenticeship model, rather than the ... What would be the other way of doing it? The teaching the craft through actually reviewing everything, was more of [05:29:00] the app ...

DRAINE: (crosstalk)Well, Diane Greeley was the person who really appreciated the freedom that you gave, and the flexibility that you gave.

TRUBEK: And I gave her confidence. It was because I gave her confidence that she set up disability rights, which have been such a huge success. Because she saw me, I wasn't that much older than her, and she said I can do it too. There's no doubt about it. I was telling Betsy today that Disability Rights Wisconsin is clearly, even though I'm not acknowledged as the founder or anything like that, is clearly the organization [05:29:30] that have been most successful in exemplifying what I tried to set up there with the center. It just happens to be in the disabilities area. It could have been in other areas, but the combination of the money coming in, Diane being

very able, good people in state government who are very supportive at that time enable it now to become the exemplary public interest firm in the state.

DRAINE: Another way of putting it that Diane [05:30:00] spoke about your allies. That you sought and found allies or had people that you could bring in to be allies when you were dealing with the very controversial or very new issue. That was very important in actually accomplishing successfully some of the things that were pretty ambitious.

TRUBEK: Yes. That is ... Remember I told you before we started, when we had lunch, that one of the observations about my style, which several people made, is [05:30:30] that I was able to bring a lot of people together and get collaboration going and find allies. It's funny because a lot of people view me as this very forthright, opinionated kind of person. In fact, it's interesting to note, that that characteristic, it's the combination on the two.

DRAINE: Yeah.

TRUBEK: Of course, I was also much more open minded to working with business. That was a big ... Again, taking money from the government, being willing to work with business. Many people are much more doctrinaire [05:31:00] in this field than I was. That's one of the reasons that the university didn't rein me in, is because they saw that I had allies in the legislature. I had allies at the bar. People who I worked with so it was not in their interest to antagonize those people.

DRAINE: How interesting.

TRUBEK: Yeah. So, how much of this went on up there? I don't know in this unknown place. Every once in a while, a Dean would say to me ... I can't remember which Dean said to me, I think it was Cliff Thompson, " Well, [05:31:30] I did get a couple of phone calls for these but I never said anything." I have somehow this feeling that there were people there who observing what was going on and protected, to some extent, me from ...

DRAINE: You know I, since I knew you through Dave, when I was myself in Bascom during the Associate Vice-Chancellorship, I'd occasionally hear a conversational reference. Usually was very, I'm thinking mainly of when we were talking to John Wiley and [05:32:00] the man who was the finance officer there ... this Greg guy.

TRUBEK: Oh, yes. John, yeah. Because I worked with John and he was a ... can't remember his name. Yeah.

DRAINE: There would be a smile and somebody would say, maybe there were some people who didn't know who you were, and "You don't want to tangle with Louise."

TRUBEK: Yeah.

DRAINE: But they also would speak admiringly of what you'd done. That's one unit. The kind of

thing you're mentioning about a unit that really does serve the Wisconsin idea was [05:32:30] greatly respected by John Torpey.

TRUBEK: Torpey, that's who it was ...

DRAINE: And, John Willey.

TRUBEK: Yeah.

DRAINE: Very much so. You had your allies, sort of, from afar.

TRUBEK: Yes. No, no. And I felt that. I felt very ... you know, really, I had nothing bad to say about the law school at the university. The conflict came when I started to write the scholarly end. I'm thinking a lot about why that happened. [05:33:00] Because, I felt that I was very ... I raised my own money. When I went to the law school and I said I needed to get on the ... we were not going to be able to finance it, I needed to get on the payroll. They did it. I think that in the late 1990s, I say it's cuz of my scholarship, but it isn't. It relates to the problems of the law school and how to deal with the clinics and how to with their ranking.

DRAINE: [05:33:30] Mmm-hmm. (Affirmative)

TRUBEK: Those values, which they appreciated in the 70s and the 80s, in the 90s they weren't so sure about that because they were in a much more competitive marketplace. I think that's why now I feel that there's more support for what I do in the university as large and perhaps the medical school than in law school. The law school's problems, I don't offer as much to them. They don't see [05:34:00] me as a way out of their difficulties. They see a much more conventional legal academic as being what they need to rise in the rankings.

DRAINE: Mmm-hmm. (Affirmative)

TRUBEK: I think that's why there's that differentiation.

DRAINE: The one thing that Diane did bring up was that you were talking about being a good model and she talked a little bit about your more east coast style compared with the sort of very mild yes, yes Wisconsinites. [05:34:30] One thing she really appreciated was that, though there might have been some employees or students who were so powering because they had never learned how to carry out an argument, that you always liked people who stood up to you if there was an argument. And would give them support and a feeling that this is okay, to be arguing. In fact, you had a lot of respect for them. She thought that was a good model that you brought people in but you [05:35:00] probably had to deal with a lot of the ... not only with the people who worked under you, but throughout your career with a clash between a Wisconsin style that's make nice kind of style.

TRUBEK: Yes.

DRAINE: A more confrontational east coast kind of style.

TRUBEK: Yes and that relates to what I earlier said about the Wisconsin idea. The Wisconsin idea was based on a collaborative between the state and the university. But, [05:35:30] an updated collaborative style is one where you're helping the state by being challenging and saying you have to do it better. You have to bring these interests in.

There were a lot of people who didn't like that. We had this bureaucracy that was so good and why was I ... and the people would be saying "You are an affront just because you're a public (inaudible) and you're representing interests that you say we're not listening to. We listen to everybody. You are an attack on us."

I sort of updated the idea [05:36:00] of progressivism as well as what the Wisconsin idea is. That's why I thought that was very valuable in that period because it was a transitional period. Now it's seen much more ... it doesn't have that ... now everybody is trying to figure out how we can demonstrate our worth and the republicans are challenging the role of government. So, it's the left and the right has come together so it's not as clear as it was then that we were implementing [05:36:30] a new vision. It's that vision that I criticize later in my article in 1990 that my daughter said "Mom, you're saying what you did all these years as a (inaudible)." I said it wasn't enough. What we were doing wasn't enough to make the policies really help the disadvantaged.

DRAINE: What would be enough?

TRUBEK: Well, who knows? That's what we're working on. The new vision. That's what we're working on is the new vision. That's what new governance is about and new forms [05:37:00] of ... it's about that. What is the new vision?

DRAINE: It would be a question of what are the relationships of rigid government to each other but also of the public that wants to agitate, how can they engage with ...

TRUBEK: Right. Participate, right. In fact, that's what I was talking about at lunch with Betsy Abramson and she was saying she's involved. She's the consumer representative on this e-health, electronic health [05:37:30] records. She said "Louise, you would be so proud of me. I stand up there and I say how can you have just one consumer. You're saying that I represent all consumers?" What she's fighting against ... of course I don't attempt to give her the speech because she actively decided not to become a scholar and not to take that route. But, it's because it doesn't work now. It's clear it doesn't work. I would do that. I wouldn't be the consumer representative. I would say "We have to change the whole system. [05:38:00] This isn't gonna work to have one consumer on there." And she said they have no idea about how to use it. They have this narrow idea what lawyers can do, what consumers can do, and misses the department. She says they're just missing an entire opportunity. She says it's so frustrating.

That's when I went into writing, when I realized it wasn't working. I had to think about other ways of doing it. My standing up there, my keeping this whole thing going, my raising all this money and not being acknowledged and things aren't [05:38:30] changing. What exactly is the point? Some things did change.

DRAINE: You did change a lot.

TRUBEK: Of course, I did change a lot. We provided a lot of services for people that are very helpful. The policy world is not, you know, we're now in a new place. Those systems won't work. The role that they put Betsy in is the very old role. She is very funny about it. And I didn't attempt ...

DRAINE: But you personally have been able to retort it's the right stage of your life or stage of your career to say "Okay, other people can operationalize [05:39:00] this advocacy for now while I work on developing the vision for the new governance." Which will then somebody, either you or they, are gonna also have to develop protocols for it. Not simply ...

TRUBEK: That's right. What I would do, thinking ahead ...

DRAINE: Yeah.

TRUBEK: That's one reason I wanted to see Betsy. Betsy is there and she's frustrated. Now, I didn't attempt in this lunch, which was a supportive lunch for both of us, to say to her "Now Betsy, help me think through how we would design [05:39:30] a better system where you could be more effective. What would we say to these people at the state? To the doctors? To the people? To Epic?"

DRAINE: Mmm-hmm. (Affirmative)

TRUBEK: She would be willing to do it and work with me because she's frustrated. What a lot of people see is when the democratic administration comes in, when Obama is ... hopefully, Obama comes in, they're gonna be looking for new ways of doing things. They know [05:40:00] that they can't go back to the old ways. The old public interest model. They need a new vision, and a lot of people are going to actually be looking at the kind of work we've been doing. I was talking to one of the colleagues who works with him. He feels very optimistic that when that happens they'll be a lot of interest in our work. And you can see it in her. She's ready to, "Okay, show me." But then we have to get the whole system changed. She just can't go in there with a plan. They have to say, "Okay, we'll [05:40:30] do it differently." This way. Wisconsin has been quite traditional, because they had a clean government, because they had some very abled people. They have been resistant to a lot of reforms that other places have done. We're in a little bit of a, we're falling a little backwards.

TRUBEK: Do you envision starting at the state level? Through your work with the med-school.

DRAINE: No, that's what's so interesting, you see, that I [05:41:00] thought about, we would have a dissemination project where we would write these articles, or do these studies, and then we would figure out conferences to hold, and people in. But these last two deans I've talked to want us to be nationally and internationally visible. They don't want us to do that. And they actively, one of them said, "We don't want this to be about the state," so I'm puzzled by that, and my colleague runs the dissemination arm at the public health [05:41:30] school now.

TRUBEK: He's been saying to me, when I say, "Well, let's pick these issues, and then let's work with the person who does the dissemination," because I never gave up on this, I said. And he's been reluctant, and now these deans are saying, "No." It's interesting that they see a line between the two, and I think it's to do with the national visibility. It's the same old problem.

DRAINE: Prestige.

TRUBEK: Prestige. You get prestige if you're published in these big, national journals, and you talk about international [05:42:00] things. If you're talking about one project in Wisconsin, they say, "That's just Wisconsin." It's really interesting.

DRAINE: If, I'm sure this is happening all over the University, and all over implementation of the Wisconsin idea, because there is such big international movement in higher-education to globalize and to work together in partnerships. This has gotta be a fascinating issue. How do you not forget your locality, and take care of your locality, but take advantage of the fact that this [05:42:30] is a time when we can communicate so easily across national borders, and we may be able to quickly make improvements that would have taken us much longer to make, because we have models all over that we can share.

TRUBEK: Absolutely, and that's part of the project that we're doing. And, in fact, they had this guy from the UK who came to give a speech three weeks ago, and his big example is a local Wisconsin project, which has been very successful, [05:43:00] which was written up, they very cleverly got a scholar not from Wisconsin to come and study it, and she wrote up an article. It's been very, very important. That is an absolute model for what I'd like to do.

DRAINE: Awesome.

TRUBEK: But these deans don't see that yet, but I think it's partly because I'm from the state, and that's what I've been ... I mean, they know I'm a scholar, but they know I'm interested in the state. They're giving a warning here, and I have to take it seriously, because of the question of the money, and also my position. I don't want to be pushed down [05:43:30] as being just somebody who knows what's going on in the state, but I find this very interesting, and I think we're gonna have to figure out a way around it. A way to do it, but I do see the problem. I mean, she's sitting there, not that far from all these people with all these new ideas, and the state is just returning to the same old, same old.

And she says the doctors are just signing on because the doctors don't understand what to do. I mean, that was never what they were supposed to do, do consumer participation. There isn't anybody [05:44:00] with any vision there leading the way, and that's the problem. If you don't have a leader there, then you're just gonna spin your wheels. I was a little disappointed to hear her view. I'm sure she's absolutely correct, but I'm seeing that that may not be, e-health may not be the area for me to put my time in.

DRAINE: Interesting. You had a large impact on the state. It does sound as if now the deans may be pushing you in a direction that [05:44:30] will be a growth area for you, to have more of an

international impact than you have had from your work in the past. Although there has been some national, and international, but that it will grow. Why don't we talk about this legacy issue? Even though we keep putting off the collaboration issue, we'll get there.

TRUBEK: Okay.

DRAINE: Because it does seem to flow from what we're talking about.

TRUBEK: Okay.

DRAINE: Your own sense of your legacy.

TRUBEK: All right, so as I said, locally it's public interest law as a field, and that's what Dianne's supportive in. As a field, you know, as a field of practice, [05:45:00] and as an, as a field of practice. The academic field I didn't create, because that's, there were many people there. Its deep penetration in Wisconsin is really, I do view that as my contribution. Here are the notes about it. Wisconsin had a progressive tradition, but it had become bureaucratic, and we brought in these new ideas about how to do it, and we also developed programs that [05:45:30] helped individuals. We did both, and that was very important.

DRAINE: That's another thing that Dianne Greenley talked about, she said, for everyone working for you, they didn't burn out as fast as other legal services kind of people might do, because they weren't only aiding the individual. They knew that their job was to listen, in each instance, for the issues that are more general issues, and that then they would have a hand in helping you to [05:46:00] devise initiatives that would be based on the needs that they had seen through their work with individuals.

TRUBEK: Yeah, and what's so interesting is that while I achieved that locally, everybody who worked with me saw it, it did not have any penetration nationally and internationally, and that's when I talk about my national influence. I then became a critic, then, nationally of legal services. Okay, now the second local effect may be the [05:46:30] school of medicine and public health. I don't want to, because it's so new, hard to say, but certainly my service on the WUHF Board is definitely recognized by people in the medical school and the university. Now, whether liked it or didn't like it, the effect in trying to monitor, and have that money used to improve health in the state and improve the multidisciplinary. And sort of try to contribute to the change [05:47:00] of medicine away from the more science-based ... I put a lot of time and effort in the last ten years in that, and I do think that has been effective. Now I'm not talking about this new period, I'm talking about what I did on the WUHF Board. I would put that as second area-

DRAINE: What does WUHF stand for?

TRUBEK: Wisconsin United for Health Foundation.

DRAINE: Okay.

TRUBEK: People who would know about, would agree or not disagree, would be people like Phil Ferrell, and Wiley, who is very [05:47:30] familiar with everything that was going on there. That's therefore an effect within the university, but it's local. Okay, then nationally I would say poverty law, as a field, was a great contribution, because when I got involved with poverty law with the inter-university consortiums on poverty law in the late '80s, early '90s, poverty law had [05:48:00] drifted away as a field.

It had been a field in the '60s and early '70s, when the Supreme Court handed down constitutional cases on benefits and rights to, entitlements, and so forth. But as the Supreme Court stopped doing that, and the Warren Court was over, the legal academics became uninterested in poverty law, as it became a local phenomenon, as it involved legal services. [05:48:30] They lost interest, and there was no poverty law casebook. I, with a colleague, published the poverty law casebook, which was very significant nationally, and really put poverty law back on the field as a curriculum course.

DRAINE: When you went out to conferences, et cetera, did you did meet faculty who said, "Oh, I've started a course now because I have your model?"

TRUBEK: Yes, many of them were clinicians. Yes, "Because I have the book, [05:49:00] I taught the course," absolutely. That was, that was very significant, I thought. Then my writings on public interest law as an alternative, public interest law, meaning the way Dianne described what we did at the center, as an alternative to legal services. My writing in that was significant. And also my related view on clinical programs and what they should be. That all came from the writing, as I said to you earlier, [05:49:30] my influence nationally only started at the writing. I was never influential nationally based on my work here locally. Those academics who say you shouldn't waste your time working in the state are right. It's those articles that get you nationally and internationally known. No question about that. Then my interest in lay lawyering, that is on the, a non-lawyers, that's what Alin was talking [05:50:00] about. That has had a minor... My writings in that are ... I'm part of a school that people refer to as people are interested in that. That's kind of faded away, but there's a guy who teaches at Michigan, who just told me he's writing a book on this issue, and he was unaware of all the previous work on it. But, anyway ... Then, my recent work on new governance in general, and in health, is becoming to be nationally [05:50:30] significant ... that's recent, but I think that will build on. People may only know me about that, rather than know about my previous things from 10 years.

DRAINE: Is your work on new governance mainly focused on health, or is it much (crosstalk)?

TRUBEK: It's about ... The articles I've written with Dave are on that. I have to tell you them. We talk about my collaboration with Dave about that, but I'll throw it in now in case I forget, is that when you read over Lisa's-

DRAINE: Lisa Alexander's?

TRUBEK: Lisa Alexander's comment. [05:51:00] When she gets to the part about being influenced by my articles, she said orally, which is not in the writing there, and I'm talking about

not the article she wrote with Dave. That was very interesting. Those are the articles are on new governance, more generally, not just on health, sort of as a new approach to regulation and how law can influence society. Then internationally, I think the book [05:51:30] with Scott will probably be the one that's the best known one, on trans-national public-interest lawyering. I did publish two earlier books, but they're not that significant. Clinical education, I don't think is ... Internationally, I can't claim much credit for that. That's on that. I talked about my effect I thought on the ... Oh, so this is the view on the university, so we can go back to that if you want. Then [05:52:00] I have something on the work in family, and that deals with the collaboration with Dave.

DRAINE: Maybe we should ... Let me ask you before we get to the collaboration with Dave. When you look back, what do you think of as the good days? You can take that as particular days when things happened that were wonderful, or periods. When were the times when you felt what you're doing is singing, "Now I'm really doing what I'm meant to do, and this is great."

TRUBEK: [05:52:30] Well of course the period when I was in New Haven. That was a period when I thought I was putting all the pieces together, and I was going to be the successful faculty wife, the successful mother, the successful cutting-edge public-interest lawyer, the successful, you know, so that period. That was five years or so. I think [05:53:00] that in the last couple of years, the work that I've done on my ... Let's see. I was 65, I was very unhappy, and one of the things I've been working on ... it's really interesting that these interviews are in a period now when I really feel very content with my life. I'm content [05:53:30] with what I did, and how I'm moving ahead. I didn't always feel that way. When I was 65, in fact on my way to Harvard Law School, which is interesting that that hasn't come up at all, and yet that was very significant, and yet somehow seems less significant, even though it was very significant, seemed significant anyway.

I felt very unhappy, and sort of not being fulfilled. When Dave was lying ... When he broke his leg, he was lying there about to go in the operation. He said to me, " [05:54:00] Louise, I feel very fulfilled," and he (inaudible) his three accomplishments. Dave has obviously thought about this a lot more than I did. I was quite taken away, and I thought to myself, "Gee, I wouldn't say that if I was lying there." (inaudible) my job, and I worked very hard in the last couple of years to figure out how to say that. I do feel that way now. This is a happy period for me, and I wanted to talk at the end about retirement, because I have some thoughts [05:54:30] about retirement.

DRAINE: Then let's talk about the collaboration.

TRUBEK: Okay. It's very interesting. That is one of the topics that we're talking about here that I have given very little thought to prior to this time. I've given thought to it, but not in a really coherent way. One thing that interests me, looking back, and probably the reason I haven't given it as much thought, [05:55:00] is the fact that ... I had a very clear view when I married Dave, about work and family, and that I was going to be able to combine work and family. I also was very interested in the creation of heterosexual equal marriage, which is what the lawsuit was about. Almost immediately after that came the sexual revolution and women's rights, which undercut [05:55:30] and actually was extremely dismissive of both those goals.

Both creating a satisfactory work and family, because family was considered a trap, and an evil thing. Heterosexual equal marriage, was considered not possible, and also certainly not something that one would work towards. I think [05:56:00] that's one of the reasons why I never, though I worked very hard to achieve that in my own family, and that was my goal, I never deviated from that. I didn't see it as any kind of accomplishment. Now these, or something that people would be interested in, and they are still not interested in, I don't think there's anybody interested. I think those people who work with me, and got the benefit, did Diane mention that to you?

DRAINE: Yes.

TRUBEK: They understood, and they (inaudible), but they were people who were also looking for those kinds of [05:56:30] relationships, and those kinds of workplaces. I worked hard on the Family and Medical Leave Act, by gosh I forgot about that, that was something else we worked on. I've always been very interested in the work and family issues. I was an iconoclast, or that's probably not the right word. My views were not acceptable, or of interest, if not positively sneered at by feminists in a good deal of the '70's and '80's. [05:57:00] My daughter, I remember my daughter, the one that eventually came out as a lesbian, but not until she was in her 30's. She and Vicki Schultz, who's a great feminist writer, I was saying to them how I'm interested in the creation of, "Why are you not interested," and all this feminist work on creation of heterosexual equal marriage, and they looked at me like I was out of my mind. They were not only not interested, [05:57:30] they were positively opposed to it on some level.

That's one of the reasons I think that the girls have been very hard, to some extent, hard on Dave and myself, because they, not only did they see the negative for the family, but they also saw it as a goal. Not to be a goal that they were interested in, and certainly for a long period. They may or may not be interested in it now, but for a long period, they were not interested. [05:58:00] I think that that's an important aspect of the 50 years. We could've been married 50 years in a period where people would've considered it to be a great accomplishment, in the say, '30's, or maybe in 2020. In the period in which we did it, it was not [05:58:30] considered anything that was not only desirable, but not positively not desirable.

DRAINE: That's interesting. Since I was involved with women's days program here, I saw a lot of discussions, and scholarship that would underscore what you said. At the same time, there were a lot of women involved who were heterosexual. Women who had privately (inaudible) this kind of aim. It wasn't the fashionable thing, or the stronger current [05:59:00] of ... feminist intellectual thought was not supporting any longer that goal. They weren't hostile to the goal, well some were, the more radical ones.

TRUBEK: Martha Fineman certainly was.

DRAINE: Yeah, you may have been very much influenced by her power -

TRUBEK: Absolutely

DRAINE: or discourse coming out of law school -

TRUBEK: That's right.

DRAINE: When feminism ... There are certainly other theorists who are wholly hostile to the idea of an authentic heterosexuality period for women. You always must [05:59:30] be subverting yourself if you are involved ... No less there were a lot of us, maybe more, in English. In literature in the less theoretical, in some ways, branches of feminism, of feminist scholarship, who might have been more supportive to your vision.

TRUBEK: I'm not sure. If you count the number of women in the university who are faculty who have had long [06:00:00] marriages, heterosexual marriages with children, who are professors; it's a small group.

DRAINE: I know it's lucky. I had one in my department, Susan Freedman, who was just ahead of me.

TRUBEK: That's right.

DRAINE: So, she was like even though she's not that much older than me, like a year or two, that she had had children already when I came here and so I saw a model of someone who-

TRUBEK: That's right. And that's why I think that the university at that time was not supportive of that. I remember Martha Fineman once saying- [06:00:30] in retrospect, I realized what a real slap it was- she said, "Oh well, Dave could have never achieved everything he did without you, Louise." As if that was my accomplishment. You know with helping Dave. This is the feminist, you know, she never envisioned, never would present it as another way. It was all about what Dave could do for her and I helped Dave be that. You know. I think Martha ever respected my work even though we worked together, you know, and developed a poverty [06:01:00] law code originally. So, I have to give Martha Fineman credit for that.

Yeah, so that was- and women's studies, I tried to get involved in women's studies at some term. Remember, I talked with you about it and they had such a bureaucratic system that I could never get involved in it. But, I think this is an important issue because I say thinking back if I remember, I talked about the two models that I had in mind, one would be Eleanor and Franklin Roosevelt and then there would be the Murdochs because they were [06:01:30] written up and I could read about in both cases, of course, the intimacy of the marriage didn't succeed for the entire period, even though they were together and the politics didn't succeed. So, I was thinking about that aspect and I have to give a lot of credit to Dave.

Dave wasn't certainly your modern man, but he was always very supportive of my work and [06:02:00] he was also very ... faithful is probably too strong of word, but he was very faithful to me and he did not- ended up wanting younger women or all those other things that create those problems in those long-standing marriages, in middle age in particular, you know, they get back together in the end in the middle age period. So, I have to give Dave a lot of credit for that and Dave [06:02:30] never thought about this. I mean, this was not- I mean, if you ask him when you

interview him about this it will be interesting to see what he says. I mean, clearly it's an accomplishment. He sees that, but I don't think he'll have more than three words to say about it.

He might, but not- but, I saw it as something that I was really interested in and that's why I helped, I mean as an intellectual project. Not only my own project and that's why I work in family and I was interested in having feminist studies and work on that and it was, as you recall, an[06:03:00] important issue with Virginia Wolf in the early 20th century. Right? The issue of can we you have equal heterosexual marriages as a goal and it's something to work towards and that has really been abandoned. Now, there is this effort about how you balance it all, but balancing is not the same. Balancing achieves it, but it's not a goal. Right? And one the reasons is it's a downplay of heterosexuality.

DRAINE: Yeah.

TRUBEK: So, I find it very interesting to talk about it and think about [06:03:30] it. Now, the people who are interested in it like Lisa are interested in the intellectual companionship and that I can talk about, particularly now that I thought about it and I looked at the publications and that is very significant because Dave and I struggled with that because Dave originally wanted me to write. He saw me like my father as an intellectual and somebody and I was very resistant to it and I fought Dave [06:04:00] on it for many years and he insisted and- but, what happened then- if it's not your own voice it's a very tricky thing to do because, of course, then I was resentful and I felt only he could do it, I can't really do it and so forth. So, then we fell into the roles of I have the knowledge and he was able to write and think it through. So, that in all fairness today [06:04:30] was my problem, not Dave's problem. Absolutely.

It's interesting to know about critical legal studies because critical legal studies was important to me like Jonathan Zatin at European Union studies because many of the critical legal, some of the critical legal studies people were active, particularly when came the critical feminist studies. What was it called? I think it was called critical feminist studies, [06:05:00] I'm not sure. One of the people, this is the first time her name has come up, but I should have mentioned it is Judy Greenburg. And Judy Greenburg was also one of the first employees of the center and she had come from- and I can't remember where she went to college, she had come to Wisconsin and to go to law school. Her husband was a graduate student history and when she had graduated, George Bunn actually suggested- I think it was George Bunn who suggested her and she became the first employee and she went on to be a professor [06:05:30] at New England College of Law and she got involved in this critical studies, feminist studies or I don't know the name.

DRAINE: I actually think there's a journal called "Critical Feminist Studies" so I think you're correct.

TRUBEK: No. I don't think that's it though. No. I think that's feminist. I think they used- I don't think they used feminist, maybe it was women- I can't remember what it was called. Anyway, it was law and so she invited me to be one of the lead speakers at the conference. So, I got a lot of support from the women who were [06:06:00] in the new group of women who were going into teaching, who were interested in critical legal studies and saw me as one of the early leaders in that and so that was very important to me because this was outside Wisconsin. They were in the

discipline of law, but they saw me as somebody that had something significant to say. They were familiar with my work. And so that was important for me and even though that Dave was the main [06:06:30] person, nonetheless that began to build up confidence in me.

Then I told you I did the therapy and the technology and I was ready. I was ready, I saw what I was doing was not working the way I thought it would and I wanted- I made the turn to writing and that's when I developed my own voice and I kept on writing and writing and writing. My daughter edited one piece, Dave would read what I'd say and he would always say, "This is a good first draft." [06:07:00] He's very critical and he's an excellent writer and does not struggle with the writing at all. So, he and I have very different styles so it took us awhile before I was able to write myself, understand what I was doing was not going to be what he was doing, and so there was this long period when I did it myself or with other people, but not with Dave. And then, you can see it right here looking through the articles and then in 2003 we started [06:07:30] work together and that was in connection with the European Union.

DRAINE: Yeah.

TRUBEK: And that when we started working- and that when we were able to work together. Now, the way we worked together when we do actually write articles together is actually that Dave's on the computer because he's much faster and he's much more ... affluent and that's literally how we work together.

DRAINE: So, you're talking an issue out and-?

TRUBEK: Yeah, and he sits at the computer and [06:08:00] then he writes it down.

DRAINE: And you direct?

TRUBEK: Yeah.

DRAINE: He's writing it down, but he's drafting paragraph by paragraph. And then do you go over the drafts?

TRUBEK: Yes. I go over the drafts, but Dave is an excellent writer so (inaudible). There's much more. He is now a one draft kind of guy. He doesn't do a lot of rewriting, not like me. I'm a very different style. So, when we write together it's his style of writing rather than mine. And so what's interesting is now after an intensive period we work quite a bit [06:08:30] together, but we always did our own work in health primarily. I've been writing myself and some of that work then we apply to the joint article, so we use our knowledge from our own subsidiaries and work together. Now, we're moving into a period where we're probably doing a little less work together because I've had different (inaudible). We're working from different platforms. You know that great word, platforms?

DRAINE: Well, I don't know. No, I don't think I-

TRUBEK: Well, it's used now- it's out [06:09:00] of the computer world because there's the Mac

platform and the- It means that a certain area that is the area that you're working on, in which you generate different papers and different things. It's very useful. So, now I have this governance and regulation platform and I have this health platform and Dave has the governance platform, but he also has the law and economic development and he also has the EU- how [06:09:30] can I describe it, sort of the broader transformation of law platform.

So, we overlap now on one, which is the governance one and not on the others, which I think will be good because we need- I need to have a little space and also Dave is a- he's working style is very different from mine. He works all the time and he's a very fast writer and he [06:10:00] goes to different colleagues. The only group we really share is this European Law group. Outside of that, he's ... I deal with the public interest law, the social justice people, the clinical people, the health people and he deals in more traditionally more law and society people, legal theory people, so we have this intersection and then this broader thing, but the question about [06:10:30] why we came to work together was more than the European Union.

I asked Dave, I said, "Why do you want to keep on working with me?" 'Cause he pushed me to stay at the European Union and work on these things and he said, "Because I like working with you and I don't like working with a lot of other people."

Plus it was the travel, because of course we were both working the European Union, which allowed us to go to Europe together, and I will not travel with him unless I've got a project, so it was in his ... he felt very strongly then. He says [06:11:00] he likes working with me. Now, he has some graduate students at Young College he's happy to work with, but he likes working with me and I like working with him, but the problem of the mode of production makes it more attractive for him than it is for me in a sense. I have to ... He also is more, I can't say more productive, but he spends more time working.

DRAINE: Mm-hmm (affirmative).

TRUBEK: [06:11:30] That's worked out very well and we are ... we sometimes give, occasionally given presentations together where I talk and he talks. I'm sure you and Michael do that too. It's a lot of fun. We like to present together and we like to be in conferences together now that I'm more ... I talk now at conferences.

I didn't initially. It took me a while, and we like to travel together, so we work very well but it took a long time as you can see. To go back where we started from, [06:12:00] and 50 years ago there was a long period where we didn't work; 20 years or so.

DRAINE: You had a great egalitarian start where-

TRUBEK: Yes.

DRAINE: You became interested in certain issues because you wanted to and he became interested in them also, so that it wasn't any one of you wasn't pushing the other to do the other's thing. You were independent and respectful toward the other's contribution and that's been a thread, but more successful at certain times.

TRUBEK: Right, but I want to go to something else about that, because I think this question of our relationship [06:12:30] while in the context of the system and the university has come up and Betsy Abrams had made a couple of comments to that are very interesting about that; as did Diane in the sense that Diane's husband was a professor of sociology.

That many women of that generation and still today come in, in the trailing spouse role, [06:13:00] and it's read backwards now. Not even backwards, but even at the same time, that's what my daughter Anne came into. That when people recruit a couple, there's always rarely that it's truly equal.

DRAINE: Yeah.

TRUBEK: That understanding is reflected and made more important as for a variety of political reasons as time goes on and so [06:13:30] it's ... has very positive, but has very negative. The center is very obvious that many of the people who worked at the center and are successful at the center were spouses of people at the university, and the university used it to recruit and to find people.

Also, we were able to ... We didn't have to offer the best health insurance or pensions because people were already at the university, so-

DRAINE: [06:14:00] Their spouse is at the university.

TRUBEK: Spouse is that the university (crosstalk). Mostly was early on men though of course, and then Steve Mylie is to the contrary, so that had an effect on the way you view the center as a model. You know? It was like okay it was a second career for people. Now, that is no longer true. The public interest lawyers who are now out there are all people who are living on it and they're ... but the association with the university then is different. There isn't that same tie in to [06:14:30] the intellectual world that we had there, so I think that's important. It also relates to my relationship with Dave, in the sense that when we came it was true in New Haven, but in New Haven I was in the world of practice and so I didn't care. When I came here and George Bond got me the job, got me, said to me, "Set up this public interest law firm", nobody knew quite what to do with me at the law school, but they clearly saw that I came because of Dave. It's a ... [06:15:00] I think that is a continuing fact that stayed the whole time.

One of the ... when I get out that particular world, it's easier for me because first of all people don't know what clinical professor means. They know it a mark of a lower status, but a lot of people think, well, it's a higher status (crosstalk).

DRAINE: Professor is professor.

TRUBEK: Professor is professor, right.

DRAINE: Mm-hmm (affirmative). Yeah.

TRUBEK: I think that's an important issue [06:15:30] then, and when you talk about egalitarian marriages, what's egalitarian? Now, I will say this for Martha Fineman, one of her great comments is that we're all dependent on other people.

DRAINE: Mm-hmm (affirmative).

TRUBEK: Nobody is independent.

DRAINE: Right.

TRUBEK: Of course, I come to see that, I mean I understand that and the mutual support et cetera, et cetera. I think that's an important thing to keep in mind, and Lisa is very conscious of that 'cause her husband was hired here first and she has a little bit of that problem as well. [06:16:00] That's another reason she sees-

DRAINE: She was hired into the tenure track faculty.

TRUBEK: She was hired into tenure track faculty, but she did not go through the job market.

DRAINE: Right, but my experience in English is that that can be overcome by achievement if you are in the rank that doesn't have a stigma to it.

TRUBEK: That's exactly right.

DRAINE: When the trailing spouse is hired in the academic staff, as we call it here. Not in the tenure track faculty, that's always a problem. They'll never be respected as much.

TRUBEK: Absolutely, [06:16:30] so that's an important aspect.

DRAINE: It's a problem here at Madison. (crosstalk)

TRUBEK: At the law school, they have allowed that because politically it's important to them, because they are scared of this number of clinicians. They have allowed that to de-legitimize what I've done and they've done the same thing with Steve Mylie, so I was saying to Betsy today that the Steve Mylie story in the sense that vindicates my view that there was no hope there.

DRAINE: Mm-hmm (affirmative). Yeah.

TRUBEK: [06:17:00] That they went and Leigh though that she could have, was powerful enough to do it and she was not powerful enough to do it. (crosstalk)

DRAINE: Just for the record, to get-

TRUBEK: To get Steve a modification in his job, so that he could have the summers off and research support, which is all he wanted.

DRAINE: Mm-hmm (affirmative). Mm-hmm (affirmative). To be able to have the intellectual side of your work respected and supported.

TRUBEK: That's right and he was not asking for a tenure track position. Initially he was, [06:17:30] and then he backed off on that, so ... but that seems to me to be, so there's two aspects. There's a particular law school aspect and then there's the more general aspect. That relates to the more general aspects of what do you mean by heterosexual equal marriage.

DRAINE: Mm-hmm (affirmative).

TRUBEK: Now, Dave and I have been the there's more to marriage than career, so we have all kinds of ways in which we support each other and so forth, but the work has been very important to [06:18:00] us. There's no question about that.

No question about that, and the fact that we had shared interests and we work together on and off in various ways all these years, and it's really nice that we're working together now. It's definitely a plus as we move into retirement, which I guess is one of the last things we should talk about is that. That it's been really important, but I ... so.

DRAINE: I even thought you should write a book about the marriage, but of course in the collaboration. Of course [06:18:30] that's in conflict with wanting to focus on yourself and write something about yourself, but if you would write a memoir about this collaboration, and about the marriage it could be really an interesting topic for people.

TRUBEK: Well-

DRAINE: For the reasons that you've been talking about. All the issues that it raises in terms of gender issues.

TRUBEK: Well I think it's an interesting issue. I mean, certainly from the gender point of view. One of the ... you know I [06:19:00] have to clarify in my relationship to my children, because I think that as I was saying, these kinds of marriages have effects on the children.

You have to be careful when you write something that's public on about how you deal with that. I think that it would be, the way to take off on it would be Lisa's comments.

The question about if there are people out there who are interested [06:19:30] and I could just not set it up as the ideal type, but just say, "Okay if you are interested in." Of course, it could be a homosexual relationship. I mean, that's what my daughter has. In their work now, of course it's very different.

I sometimes ask her about the gender aspect. How much of the similarities and differences in their relationships are gender related. She doesn't think there's that much. I think there's quite a bit; good and bad. [06:20:00] Good and bad.

DRAINE: But just being partners at work and partners in your most intimate relationship.

TRUBEK: Yes and I (crosstalk) That's right.

Absolutely. And I think its definitely something that we could talk about. And, I certainly talk to Dave about it because of course he's the more ... Would be the less traditional end, to have him talk about it.

DRAINE: Mm-hmm ([06:20:30] affirmative)

I'd like to (crosstalk)

I have a sort of a detail because I also have a similar situation, being married to somebody within my department, but we didn't start writing together until after. When we were retired.

TRUBEK: Right.

DRAINE: Or getting ready to retire.

TRUBEK: Right,

DRAINE: But the area where we fought the most about being a couple in the work was in political committee settings. Setting where our power would be perceived to be doubled because we were [06:21:00] a couple. There were people in the department, since we had a lot of such couples in our department, there were people who resented the idea of the couple would sort of gang up in a meeting. And, the two of them would advocate some position. We made a decision way at the beginning when we didn't even sense that we were particularly powerful in the department, when I was assistant professor, that We wouldn't sit near each other at meetings and that, in general, when one [06:21:30] passionately advocated something, the other would stay out of it.

TRUBEK: Yeah. Well that's no problem for us because my power situation was so much less than Dave's. That never became an issue.

DRAINE: So you weren't sitting at the meetings and-

TRUBEK: No. (crosstalk)

The one time Dave tried, was he tried to speak up years ago about the situation of clinicians at a faculty meeting which I was allowed to go to but I wasn't at that one, and he got just absolutely no response and he felt completely at [06:22:00] a conflict of interest and he never tried that again.

DRAINE: (inaudible) because who else is going to speak up?

TRUBEK: Well that's right. That's right, but that has never ... In fact, quite the opposite because Dave's ability to help was reduced by the conflict. So, it made my situation worse and there's ... So, in fact that did not, it [06:22:30] worked ... It didn't happen because I couldn't vote on

appointments and so forth. I told you the story about the public interest law in the law school, how you know I was just viewed as a person of no power within the institution. Somebody they had to kind of put up with. They couldn't take away things because Dave had power but on the other hand they weren't ... Dave was controversial within the law school its self too. When he was gone as Dean it didn't make any difference [06:23:00] really. It was the same whether he was there or not. That was not (crosstalk) would have been an issue I'm sure if we had equal power.

DRAINE: Well did you feel at times that you had to somehow downplay Dave's potential to help you because people might feel it was unfair that you had a Dean of International Studies, or you had a powerful person in the law school to help you do this and that and you had to sort of tip toe around that at any point?

TRUBEK: Well, no except the time that we were at Harvard [06:23:30] in 86/87.

DRAINE: We need to talk about that. Probably because it was a thing there, people might wonder what that was all about.

TRUBEK: Yes. When Dave was at Harvard in 1986/87, he was offered a position there at Harvard by the law school but the President vetoed it ... of Harvard so he never went. But, in the in between period between the time he was given the offer and the time it was taken away, Wisconsin was very concerned about us staying there. And, that's when they increased [06:24:00] my status and put me as Clinical Professor.

DRAINE: Mm-hmm (affirmative)

TRUBEK: In order to keep ... That was clearly trailing spouse issue and I was very surprised because I never had any consciousness of myself as a trailing spouse and it was not ... I didn't ask for it, they just came up with it.

June Weisberger did that on their own. Then in the end we went back anyway. I [06:24:30] think that it's utilized now. For example, Betsy Abramson said at lunch that one of the senior dean, let's not go into names, was the one who was very, runs the clinics program now, she had a very bad experience coming in with a grant recently, in the last three or four years. It was a terrible experience. Poorly handled by everybody, but anyway. In the course of it, she said to this Dean, "Is there anything I [06:25:00] can do to convince you to support this program? And he said, "Well you just married the wrong person."

DRAINE: Wow.

TRUBEK: And that's because of Steve Miley and myself, who are the spouses of people at the University.

So, in other words, it's used as a reason. Well Louise, she's only here because of her husband. Despite 35 years. So, this is the extent to which this real ill will ... Ill will is the wrong word. What's the [06:25:30] correct word? Where people feel that they've done a bad thing but don't

want to think about it or admit. And, that's why after Lisa gave ... That's why the speech was so important. When Lisa gave that presentation, the room was just ... Nobody knew what to say because the people who knew, the professors who knew that I had been poorly treated all these years, for all the wrong reasons. Right?

DRAINE: All the recognition she was giving you really should have been regularly given to you all along.

TRUBEK: Exactly, exactly, exactly. [06:26:00] And, so this guy to use that ... I mean this guy never published a thing in his life, is able to say it's all because of who you were married to. And, of course I realized when she said that, that I'm sure was often used to me even though I never came- You know? Anyway. Because, Dave was a very powerful person in the law school and very controversial. That's why he never became Dean.

DRAINE: Dean of the law school?

TRUBEK: Dean of the law school. Right. Oh. And, about [06:26:30] spouses and working together, one of my biggest things that I am sorry about is that I changed my name. In those days you automatically ... For instance, all my friends there from Tilden High School, we all took our husband's name. In fact, it was illegal not to. In fact, I was involved in lawsuits here called the Lucy Stone, date back to the 19th century, when Lucy Stone fought to keep her own name. Because, the law was when a woman was married, she had to take her husband's name and there were still Lucy [06:27:00] Stone laws through the early 70s. And, I was involved in efforts to repeal them. So, I took Dave's name and that of course is a big disadvantage when you're going to work professionally in the same field.

I was very, very sorry. I really regretted that. None of my daughters did that, but I just think it's a terrible, professional mistake for people in the same field because it's just [06:27:30] too easy.

DRAINE: It's interesting how for a certain ... For a generation that came just after me, I was born in 45, so that generation just after me, everybody took their name. For me, when I was younger, 22 I had this little short marriage and I took his name. Whereas, when I married Michael, by that time, I was in my 30s, I would never have done that. I think the mores had changed [06:28:00] completely and yet now, women are starting, a lot of young women are starting to take the name of the husband.

TRUBEK: That's right.

DRAINE: What's that all about?

TRUBEK: Well, what's that all about? That's the whole question with feminism now and that's why I'm saying that our ... My story, Dave and I's story, might ...All of the sudden, you may be right. It may be we're at the cutting edge -

DRAINE: I think you might be

TRUBEK: and people will say "Oh well." You know maybe. This is interesting. You know, rather than almost the entire time being viewed as some kind of weird phenomenon [06:28:30] that shouldn't be admired or considered an accomplishment. Let's put it like that. Because, that is right. People did not consider it an accomplishment. Because, it somehow showed that you were too boring or you were too faithful, or you weren't attractive enough or you just didn't have enough experimentation or whatever it is.

DRAINE: Well I'll look forward to seeing the book. We'll talk later. I have titles all ready for you (crosstalk)

[06:29:00] Now, we're going to talk about retirement.

TRUBEK: Yes. We're going to talk about retirement. Oh, okay. Now, I already did the view of my contribution to the University and my contribution to the law school. I don't think I'm going to go over the law school again. And, I already talked about my view of the University and let me just say, just to conclude that, that I think that the incorporation of, the maintenance of the [06:29:30] Wisconsin idea is very important.

DRAINE: Yeah.

TRUBEK: And, I also think that multi-interdisciplinarity is very important. I think the university is in a good place and I feel good about it. The punch above its own, the state's level is a big issue and so forth. But, I feel that as global universities go, Wisconsin is a good model. And, they're also a long standing model. And, they're unique [06:30:00] and so I feel very committed to that and I think what I'm trying to do with the medical school is my own effort ... I mean I supported the money going to the medical school because I felt that the medical school could help the people of the State and carry out the Wisconsin idea, and so I feel that my work at the medical school is my effort to improve the University, rather than do other things that I might be able to do.

DRAINE: It's part of a good direction you think the university [06:30:30] has gone?

TRUBEK: Yes. I do. I think that the ... and you were saying, I think that the administration, the Chancellor's office is interested, and should be interested in the accomplishment of that goal, not only because they're responsible for the money, but also because the multi-disciplinarity. If the medical school could move to be multi-disciplinarity, it would help the social sciences tremendously on the campus, because [06:31:00] they've got money and they're able to raise big pots of money, which the social scientists can.

Even if the humanities a little bit Judy. Levitt was saying that the question of the ... she feels very optimistic. I ran into her. I barely know her and we were talking about the medical school. She's very optimistic and she feels I don't know how true it is I didn't say anything to her. She feels the fact that the History of Medicine Department is in the Medical School is a very important model. I haven't heard a person make that comment since [06:31:30] I've been there. Nonetheless, she feels that's a model for what I'm trying to do. In other words, that they have

embedded within historically since ... and it's very unusual to have the History of Medicine Department be in the Medical School rather than in the History Department.

DRAINE: That's interesting. She could be a good ally for you. All her work, does have big social implications.

TRUBEK: Yes, and she was Chair of the Dean's Search Committee for the Medical School. So, she might be somebody [06:32:00] who I could talk ... after I get things going ... she's too remote right now, but after I get things going and I see certain things, she might be able to give me some good information. She's still working I gather.

DRAINE: Yes she is, and since she did work as an Associate Dean before being the Chair, I think she has a good sense of who is who up there, who isn't brand new. The people who have been there for a long time, so that could give you some sense of who might help.

TRUBEK: Well, she was also Chair of the Search Committee that produced the new Dean. That always gives [06:32:30] you a certain insight.

DRAINE: Right.

TRUBEK: All right, now on retirement. I very much appreciate the retirement system at the University of Wisconsin. First of all, the defined benefit pension, is not to be dismissed lightly. The excellent health insurance situation is very important, and also the flexibility about [06:33:00] when you retire and how you retire. Now, the Law School has not worked for me, but it has worked for many people because they do allow and have encouraged re-hired people, which allows people to phase out over a period of time. I think they're backing off on that, but I think it's very important and I think the University should go back to doing more of it. You know, they've dropped it to some extent in the Letters & (inaudible) Science. I think it's very important. I think that the question of [06:33:30] what we do with older people and their relationship between work and so called retirement is a very important contemporary social issue.

One of the interesting things I say to people is that it's one of the few areas now where there is no one model or even clear two or three models. There is all different things going on and there is a lot of experimentation and I think it's very interesting and very worthy of study. I think this [06:34:00] interviewing people who are retiring is part of that idea of valuing what people did in their lives and figuring out how they can work in the future. I consider it to be a really interesting topic, so when figuring out what to do about my own retirement, a couple of people who are very ... one person who is at the University that I wanted to mention is David Slotterbach and I see that he was interviewed. He's on your list. The person who I did not see interviewed was Margo Malley, [06:34:30] and I was really surprised not to see her name because, of course, she's a very influential person and been here for a very long time and I think she would be a wonderful person to interview, but I looked here and I definitely did not see her. No, she's not here.

DRAINE: I'll beg to interview her.

TRUBEK: Yes. She would be very interesting for you since she's interviewed me because we'll see what [06:35:00] she's said. So, David Slotterbach was a professor of anatomy and he retired right when he was 65 and I met him because he then became a volunteer for AARP on health issues and he and I worked together very intensively for three or four years until very recently and now he's not interested in seeing me now that he's gotten out of the health field. He was [06:35:30] very helpful to me because he and I worked ... he was ... I don't know how old he is but he ... when I met him I was maybe 63 or so and he had been retired for a while, maybe 3 or 4 or 5, so he must have been in his ... maybe 70.

He and I worked together and ... what he had done is taken his interest in ... you know he had been a professor of anatomy in the the medical school, was not particularly [06:36:00] happy about the direction the medical school had gone and the way anatomy had gone, because anatomy had changed from gross anatomy to basically stem cells, so his work was no longer of great interest. He retired and became very active, and I saw how he was able to take his academic and intellectual interest and move it into ... he became an advocate, kind of the reverse of what [06:36:30] I do, but I was very impressed with that. That helped me have one vision about how you could do things of value and keep ... in a professional way and yet be a volunteer at it. I found him a very interesting model for me.

Woman tend, as you know, to retire a little later [06:37:00] because their careers started later and their pensions aren't as good and that is not true of me. I waited until 70. David retired a little early but he was rehired and I knew they would never rehire me. I knew that I had to ... I felt that I was bored with ... that's not bored with what I was doing ... I ready to have more space and I also needed to be ... felt a need to eventually be nearer to my children because I felt [06:37:30] that one of the prices of having a strong collaborative ... for me ... a strong collaborative relationship with my husband is that I did not develop ... and being very busy and having three children, is that I did not develop a set of friends outside of my work. That led to an understanding that I would be very alone once I was completely [06:38:00] retired and sort of just out there and I needed to be near people who would feel some kind of duty to me. I think that was an important ... and I had to build that up ... it wasn't going to happen immediately and so I had to figure out a path to achieve that. Then, in the course of retiring I realized that why don't I try the Medical School now because I realized that I didn't really want to completely [06:38:30] not do anything. Also, Dave was continuing to work and so what are my options? To work only with him again? He was also moving into these other areas, the other platforms, away from the platform that we had worked together so I didn't want to be in a situation where I had no colleagues in what I was going to work on because ... particularly now at this stage of my life ... and I was never very good at sole sitting at the computer by myself, so I needed to have some kind of structure and people [06:39:00] to work with then.

The European Union Center has come through again in the sense that they put us in the grant proposal they put us in for another three years, and they are going to need me because they don't have a lot of people and the Medical School is very attractive to the funding sources. That enabled me to make the move and they don't care whether emerita or not. [06:39:30] The University was very nice. John Mallory wrote, or somebody wrote a very nice letter in my

emerita package, because emeritas are not given automatically. For academic staff, I gather for faculty it is.

DRAINE: No, it actually there has to be a vote and there has to be ... somebody has to write up an application for you, which is usually your Chair and in some departments I think it's usual that people are made emeritus [06:40:00] but they're not always.

TRUBEK: Well, I understood from some remark from somebody in the Medical School that there probably clinical people have trouble, because they have so many clinical people. He said that he was impressed. I said well I thought it was pretty automatic but I gather not.

DRAINE: No. It's not.

TRUBEK: I gather it's not, so I was pleased and they did a nice job on that, but I do think the University is interested in retiring and how to handle it and so forth. [06:40:30] A lot of it is very perfunctory, but I do think that Margo Malley's active in a group of retired professors. I would not be interested in that. That's the kind of thing I turn out not be interesting to me. Margo thought I would be, but I'm not. I'm not interested in good works. I got too professionalized, so I'm just not interested in the good works. That's why I need a more academic kind of situation. I said to Betsy Abrahamson at lunch, [06:41:00] I wasn't going to go back and organize another program to deliver services. She said, "Louise, please. You will be so bitter and angry if you went back and did it again. Forget it."

DRAINE: Well it's good that you have something to be involved in. To be a little butterfly coming out of a cocoon again into retirement. Don't you think? You're really evolving.

TRUBEK: Yes. That's right, and you have to figure it out, see it that way. That's what I was telling you ... I suppose we should end on this note. [06:41:30] That when this is all ... I feel that my life, up to now has been put in a box ... literally in a box now, and so now I'm figuring out the next part and you just don't want to spend your time going back over all these things and you have to keep on moving ahead. I was glad of this opportunity. If it doesn't work out ... particularly, I still have the writing articles, part of it, so I feel that [06:42:00] it's a new project whether it's funded or not funded, large or small, it's still there.

DRAINE: That's great. That is a nice note to end on, but I do want to give you a chance to think, is there anything that you wanted to say about the University, about your life at the University. We didn't do a section on how the University has changed, which we thought we might do. Remember I said we can talk about that and chancellors there have been. Is there anything you want to comment on in that [06:42:30] wider life?

TRUBEK: Well, I do think in retrospect that the David Ward period was helpful to me in terms of the interdisciplinarity, which has helped in terms of the, sort of, people's understanding that you could have cluster hives, you can have different ways of achieving it, not that it isn't still a struggle. Outside of [06:43:00] that, and my comments on the retirement ... doing stuff on that, and I have probably have said all I need to say about the University, about the Law School. Let me see if there's anything else.

DRAINE: You might think about it this way. Do you think being at Wisconsin shaped you significantly? Whether aspects of the way Wisconsin was organized or what they expected you to [06:43:30] do or that the Wisconsin idea of being present here before you came that you feel may have shaped you into a direction that you wouldn't necessarily have gone in.

TRUBEK: Absolutely. What I did was that I came to a place that, as I said, allowed me to be what I wanted to be and there's no question about that. I selected Wisconsin and Wisconsin supported me, it was both. Now again, when I came back into the Law School they did not select me for that but they did give me that opportunity so I [06:44:00] feel absolutely that Wisconsin has been tremendously important to me and I would not be who I am today if it wasn't for the University. I feel very much that way and I am very supportive of it and I think that it has great potential in the future. I really do and I think if they can continue the move to the goal of the university, which is the way they have to go, they're on the right direction and [06:44:30] just work for it, so I feel very ... absolutely, that the University is responsible for a tremendous amount of my career.

DRAINE: Well, I want to thank you so much. You gave a lot of time to this and a lot of thought to it and who knows who will be listening. I hope that they find it useful and you were going to say something about where your papers, other papers are.

TRUBEK: Yes. I've been very [06:45:00] fortunate because of my work on the Center for Public Representation, which was viewed as important in the ... Wisconsin is interested preserving archives about the particularly social aspects, so the Wisconsin Historical Society took the early boxes, the early periods, the 1970s through the early 1980s. They, of course, are not in very good financial shape now, and I understand that they are [06:45:30] not doing a very good job on cataloging, but it's there. The more recent documents have been given to the University of Wisconsin Law School and there they are very interested, and they have room and so they are storing all the minutes and annual reports and other work about the Center for Public Representation. In addition, they have all the copies of all my publications, [06:46:00] and they have put it in some kind of usable format, so the archive situation is good, and I feel very good about that. It probably would be helpful for those people to know about this interview.

DRAINE: I was thinking ... I'll see to it that the archives sent a letter to both the Historical Society and the Wisconsin Law School to make sure that in those files there is something put. [06:46:30] I'll have them do it because they'll know how it's cataloged in the archives and they'll be able to get them the exact reference.

TRUBEK: Yes. I think that's very important because I think that it's likely that they would get to the interview more likely from the Historical Society or the Law School than directly from the archives.

DRAINE: Could be.

TRUBEK: And I think this would be very useful for people doing certain kinds of work.

DRAINE: Great. Thank you so much.

TRUBEK: All right, now did I give you this? [06:47:00] This permission?

DRAINE: No. We need to talk about that. Okay. I didn't want to just gush to the computer here, but ...

END TRANSCRIPT