

ABA Senior Lawyers Division  
Women Trailblazers in the Law

**ORAL HISTORY**  
of  
**MARYGOLD S. MELLI**

Interviewer: Joan F. Kessler

Interview: Fall 2005

The Women Trailblazers Project was initiated by the ABA Commission on Women in the Profession.

## MARYGOLD SHIRE MELLI

- 1 Joan Kessler: This is a repeat of an interview previously done but not recorded on this very  
2 same equipment of Marygold Shire Melli, a wonderful woman I met when I  
3 was first in law school at Madison, and we are going to do this interview for the  
4 Oral History Trail Blazers Project for the ABA. Margo, thank you for letting  
5 me repeat my efforts to make the technology work, and we'll hope that this  
6 time it actually gets recorded.  
7
- 8 Marygold Melli: Well, I'm sorry you have to do it again. For both of us.  
9
- 10 JK But it's always fun to hang out with you.  
11
- 12 MM That's right. That's right.  
13
- 14 JK So, if you don't mind, let's start way back at the beginning with your family of  
15 origin, where you grew up – all those kinds of things. Tell me about that  
16 please.  
17
- 18 MM Well, I was born in Wisconsin. But my first memories are of Mississippi where  
19 I lived as a small child. You and I had discussed about whether I had lawyer  
20 role models. Certainly not within my family. There were no lawyers in the  
21 family. My mother was a grade school teacher, and later she taught piano. She  
22 taught music in the schools. My father was a factory worker, so that neither of  
23 my parents had college degrees. My mother had a teacher's college certificate,  
24 which was what was required in the early part of the 20<sup>th</sup> century. My family  
25 moved to Mississippi when I was about two years old, and I went to first grade  
26 in Jackson, Mississippi.  
27
- 28 JK Do you know why they moved?  
29
- 30 MM Well, yes, because my father got a job with Dr. Pepper.  
31

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- 1 JK Aha.
- 2
- 3 MM And so as a small child I remember Dr. Pepper, which, when we moved back to
- 4 Wisconsin, nobody had ever heard of. People drank Coke here, but not Dr.
- 5 Pepper.
- 6
- 7 JK Dr. Pepper was a southern institution.
- 8
- 9 MM Southern institution, yes. I think the headquarters were in Texas, and Jackson,
- 10 Mississippi had a big facility. I went to first grade in Jackson, Mississippi. The
- 11 Depression then hit. Whenever I hear people complain about welfare families
- 12 moving to Wisconsin because things are better here, I say, I'm one of them.
- 13 My mother's family was from Wisconsin. My father lost his job. Dr. Pepper, I
- 14 think, closed their facility in Jackson. Things were really bad. My mother said
- 15 if she was going to be desperately poor, she would rather be in Wisconsin. So
- 16 she decided that what we should do was move back to Wisconsin. My father
- 17 didn't have a job, but we had relatives here, and he was able to get something
- 18 through the relatives.
- 19
- 20 JK So how old were you when you moved back to Wisconsin?
- 21
- 22 MM Well, I was in first grade, I think I was maybe 5, maybe 6 by that time.
- 23
- 24 JK During the time you were in Mississippi, was it still a segregated?
- 25
- 26 MM Oh, my, it was segregated! It was unbelievable. In Jackson, where the white
- 27 folks lived, the streets were paved, but you could tell the minute you went into
- 28 where black people could live because the streets weren't paved. I don't think
- 29 they had a high school for the black people, and of course they weren't allowed
- 30 to go to the other high school. They must have had some kind of grade school,
- 31 but I know they didn't have a high school. It was abysmal. Mississippi was

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- 1 probably one of the worst offenders on its treatment of black people back then.  
2 JK When you got back to Wisconsin, then you would have been about how old?  
3  
4 MM I began second grade in Wisconsin.  
5  
6 JK So probably  
7  
8 MM And I was a little young for my grade, so I began second grade when I was 6  
9 years old. I began first grade at 5. We lived in Jackson, Mississippi. My  
10 family is Catholic, and my mother was asked by the Catholic church to teach  
11 the eighth grade. My mother said she couldn't do that because she had this  
12 child who was at the time, I guess, 5 years old.  
13  
14 JK Which was you.  
15  
16 MM Which was me. My older sister was quite a bit older, and she was in eighth  
17 grade, so that was okay, but my mother had nobody to take care of me for the  
18 full day. They didn't have kindergarten in Mississippi at that time. So, the nun  
19 said, "Well, we'll put her – they didn't have kindergarten either – in first grade,  
20 she's a nice quiet little girl. She probably won't cause any difficulty, and she  
21 can just do what she can do." And so I went to first grade. I finished first  
22 grade, and they passed me to second grade. I think until I was about in sixth  
23 grade, each year my mother would go to the school because we moved around  
24 an awful lot as my father looked for work. My mother would go to the school  
25 and say, she had this little girl and she was bringing her to fifth grade, or fourth  
26 grade and whatever it was, but that they could put her back a year because she  
27 was young for her grade and that it had been a mistake to start me in first grade,  
28 but nobody ever put me back, so. There I was.  
29  
30 JK So you came back to Wisconsin and moved around a lot. Just so we have a sort  
31 of a sense of how many people were involved, you had your Mom and your

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1 Dad, you had an older sister.

2  
3 MM When we moved back to Wisconsin, one of the reasons I think my mother  
4 wanted to move, was because she was pregnant. My younger sister was born  
5 that year. So I have one sister who is seven years older, and one who is seven  
6 years younger. We had three only children.

7  
8 JK So then when you moved around a lot, was it always pretty much in Wisconsin?

9  
10 MM Oh yes. We came back to Milwaukee where I went to second grade. Then my  
11 uncle had the Coca Cola franchise for much of northern Wisconsin. It was  
12 called Taylor Beverage, and he offered my father a job in the plant which was  
13 in Antigo, Wisconsin. So we moved to Antigo, and I went to third, fourth, fifth,  
14 and part of sixth grade in Antigo, although I went to two different schools in  
15 Antigo. And then we moved to Madison. I was in sixth grade when we moved  
16 to Madison, and I completed grade school and high school and college and law  
17 school here. I'm very provincial.

18  
19 JK Once you got settled, you put down roots and just stayed.

20  
21 MM Stayed, yes. My mother was the person behind our move to Madison. She had  
22 had a job teaching music in the country schools in Langlade County, which is  
23 where Antigo is, but that wasn't paying terribly well. Nothing paid very well.  
24 My Dad was always looking for work. Things would work for while, and then  
25 they would peter out. So my mother said, "You go to Madison and try to get a  
26 job," because she was dead determined that her daughters would all go to  
27 college. She felt that had been one of the reasons she had not done better on the  
28 salary scale, and so she said, "We'll live in Madison, and they can go to the  
29 University. We wouldn't need to pay room and board." And so we did.

30  
31 JK So education was a major value with your mom.

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MM A very, a very important issue with my parents. Yes.

JK Did your father subscribe to that as well?

MM Oh, yes. Oh, yes. He was always very supportive. Oftentimes fathers think that their sons can do something better than their daughters. My father had no sons, and he so he thought the daughters were the final answer. He was very supportive of all three of us, and all three of us went to college. We had careers. We have all worked throughout our marriages.

JK And your mom worked.

MM And my mom worked. My mom was the main support of our family, actually, and I think that was one of the things that she was so determined about. Very early on in their marriage, my father lost most of his right hand in an industrial accident, and of course that created a real problem. My husband Joe says it probably destroyed my father's life, you know, because it created real problems for him the rest of his life. Back when my mother was young, of course, you expected to get married and be supported by your husband. She said you can never count on that. She wanted to be sure that all three of us could earn our own way.

JK An attitude I can certainly understand.

MM Yes.

JK So, you've got one sister seven years older, one sister seven years younger, and the family migrates to Madison.

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- 1 MM There was really real pressure on us to move to Madison because at that time  
2 my older sister had already graduated from high school in Antigo. Because we  
3 didn't have the money for her to pay room and board, she had gone to  
4 Milwaukee where I had an aunt and uncle, and she lived with them and went to  
5 what in those days was called Milwaukee State Teachers, that's UW-  
6 Milwaukee now, of course, which had a perfectly good education, but my  
7 mother thought the University of Wisconsin was where you really wanted to go.  
8 And so, my sister went one year in Milwaukee and then by that time we had  
9 moved to Madison in December of 1936, and my sister transferred to Madison.  
10
- 11 JK So, when she was doing her second year of college – that would have put you  
12 about the beginning of high school?  
13
- 14 MM No. I was in seventh grade.  
15
- 16 JK Not quite the beginning of high school. You were roughly middle school age.  
17
- 18 MM Middle school, or whatever. Junior high they called it back in the olden days.  
19 This older sister of mine was a great influence on me. She was seven years  
20 older, but I was always trying to do what she did. When she read Shakespeare, I  
21 read Shakespeare. You know lots of times I didn't understand what I was  
22 doing. I must have been a real pest.  
23
- 24 JK I was going to ask you whether that seems to be what she thought.  
25
- 26 MM Well, I think she did, although she was also very supportive.  
27
- 28 JK So then, was she living at home when she was going to college?  
29
- 30 MM Yes.  
31

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- 1 JK And how did that, that sort of watching your sister study classes, and what was  
2 kind of the ripple effect of the experience?  
3
- 4 MM Well, again, I was always interested in what she was learning more than in a  
5 way that what I was doing. That's not true, of course, obviously, I was  
6 competitive in school and I was one of those people who wanted to succeed.  
7 But I was always very interested in what she took and always trying to read her  
8 books. When I was a freshman in high school, she got rheumatic fever, and in  
9 those days, the University put her in the hospital for like six weeks or  
10 something. I can remember I went to Edgewood High School here in Madison,  
11 and I used to walk over to what was called the student infirmary, which was on  
12 University Avenue, and I would walk from Edgewood over there and spend  
13 some time with her each day on my way home.  
14
- 15 JK So about how long a walk was that?  
16
- 17 MM Oh, I suppose it was a mile or so, I don't know. Then, of course, it was a mile  
18 or so home from the infirmary. I remember she was taking a teacher course.  
19 She ended up teaching high school English – Shakespeare. She was trying to  
20 keep up with her course work, but she eventually had to drop out because you  
21 can't miss that much school in college and make it, so she didn't graduate until,  
22 a year later. Anyhow, she was always testing me on various things.  
23
- 24 JK Practice.  
25
- 26 MM One of the things that she tested me on was my knowledge of literature. I was a  
27 freshman in high school, and I ranked as a sophomore in college. I think  
28 probably because I had been reading what she had been reading, you know.  
29
- 30 JK So were you really sort of trying to help her keep up while she was in the  
31 hospital?



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MM No, I don't think so. I just was going to see her. She was lying there being bored, and that was one of the things I did. Go see my sister.

JK Did the things that you learned when you were reading her books and all that sort of thing, have any impact on what you decided you wanted to do in college?

MM Probably, although I didn't assess it that way.

JK Okay.

MM It sounds silly, but I think I developed my interest in being a lawyer from reading the newspapers. My father always read the newspaper at a table because he couldn't hold the newspaper the way you or I would. So when I was four years old or so, I would sit on his lap and he would read me the funnies. He was a big comics reader. Eventually, you know, I got to where I looked at other things, so I became a great newspaper reader because of my father. As a matter of fact, when I went to first grade as a five-year-old, they reported to my mother that I could read. My mother didn't know I could read, and they figured out that I must have learned to read from my father reading me the funnies. Anyhow, because of this I became a great newspaper reader and I observed that the people who had influential positions in the world were often lawyers.

JK Aha.

MM So my interest in being a lawyer didn't stem from going down to the courthouse. I had never been in the courthouse. It stemmed from reading who the famous people were in the world and deciding that that was the way to get ahead, being a lawyer. And also at some point, probably I was in eighth grade, even high school, I can remember reading Oliver Wendell Holmes, who said

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1 that the law is the calling of thinkers, and I remember thinking that through and  
2 saying, "I think that's what I want to do." If I have to earn my living all my life  
3 – which my mother kept pointing out to me I would, I felt I'd like to do  
4 something that made me think, right?

5  
6 JK Sounds like a plan to me.

7  
8 MM But it wasn't the normal thing, you know, I had no cousin who was a lawyer or  
9 saw lawyers on television.

10  
11 JK There not being any.

12  
13 MM Not being any, right.

14  
15 JK So then, when – tell me a little bit about your college experience at the  
16 University. How many women were there, what was the ratio?

17  
18 MM Oh, well, I entered the University at the height of World War II in a class of  
19 1,000 women and 100 men. But that was not quite true because there were all  
20 sorts of men around because the University was training engineers. The young  
21 men I met had been in college and either were drafted or enlisted in the Navy.  
22 They were then sent to something called the V-12 program. You're too young  
23 probably to have heard of it, but it was a program where they had to be  
24 engineers, various kinds of engineers and they were training them, since they  
25 were in the Navy to take over ships and so on. They went to college as if they  
26 were regular college students, got college degrees and so on. And those were  
27 the young men we dated.

28  
29 JK Were there many women professors?

30  
31 MM Oh, of course not.

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- 1
- 2 JK Let me rephrase it. Were there any that you had, that you remember?
- 3
- 4 MM I did not happen to have her, but there was a very famous woman English
- 5 professor, by the name of Helen White who was somebody that everybody
- 6 noticed because there so very few women professors. There were women
- 7 instructors partly because the men were gone, I would guess. I took Spanish
- 8 from a woman instructor. She was not a professor, she wasn't even on the
- 9 tenure track line, but she was very good. She was, I think, from Chile, and she
- 10 spoke beautiful Spanish. And then I took the History of the British Empire and
- 11 my quiz instructor was a woman. Her husband ended up being the dean of the
- 12 law school who hired me.
- 13
- 14 JK Aha.
- 15
- 16 MM I can remember she asked me what I wanted to be, and I told her I was in pre-
- 17 law. I was going to go on to law school, and we had this big discussion because
- 18 her husband was a lawyer. She was getting a PhD in history, and I remember
- 19 she said to me, "Oh, I hope that you continue on this because I think that's what
- 20 I should have done. Been a lawyer, not gotten a PhD in history."
- 21
- 22 JK Very interesting.
- 23
- 24 MM Very interesting, yes.
- 25
- 26 JK So then you graduated with a degree in
- 27
- 28 MM International Relations because, you see, in my reading of the newspapers, the
- 29 people with influence were people who were interested in the world. There was
- 30 a great deal of interest in international things. They were forming the United
- 31 Nations. We thought that would save the world. I've had so many of my

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1 dreams sort of dashed in my adulthood, but I majored in International  
2 Relations, and in the back of my mind, I was thinking I would maybe apply for  
3 a job with the State Department. It didn't occur to me that the State  
4 Department probably hadn't hired a woman back then, but that was what I was  
5 interested in doing.

6  
7 JK You were, you were lucky not to have been saddled with some of the  
8 stereotypes about women can't do X, Y or Z.

9  
10 MM When I graduated from law school, I began to run into that kind of, I guess  
11 you'd call it prejudice, or attitude. But I don't remember that in college. I can  
12 remember one of my professors. His name was Skilling, and he left Wisconsin  
13 to go to Princeton. He was a very famous scholar, and I went to see him about  
14 a paper or something, and after we got done talking about that, he said to me,  
15 "Have you ever thought about getting a PhD in political science?" And I said,  
16 "No." I said, "I'm going to go to law school." "Well," he said, "you know you  
17 have the kind of a mind that deals beautifully with theory, oh – I'd like to  
18 encourage you to get a PhD in political science." I remember I said, "Who  
19 would hire me on the faculty?" Because there were no women on that faculty.  
20 And I remember he kind of thought about it. Obviously, he hadn't been  
21 thinking about that, and he said, "Oh, you're right." And then he looked at me  
22 and he said, "You think you'll have a better time as a lawyer?"

23  
24 JK Unfortunately prophetic, as it turns out.

25  
26 MM Yes.

27  
28 JK So did you end up graduating with honors, and Phi Beta Kappa and those kinds  
29 of things?

30  
31 MM Yes, all those kinds of things. In those days, you could go to law school as a

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1 senior and apply those credits toward you degree. I wanted to do that. Well,  
2 my international relations degree was what they called a divisional degree, and  
3 I had to have the approval of the economics department, the political science  
4 department, and another department. The economics department wouldn't okay  
5 my degree because they said I hadn't had enough international economics. So  
6 instead of going to law school in the beginning of my senior year, I had to stay  
7 as an undergraduate in letters and science and take economics courses. I can  
8 remember the professor who had refused to okay my major, I think he was sure  
9 that I had been avoiding all this intellectually difficult economic stuff. So I  
10 took his course. When I finally got my grade, he had given me an A-.

11  
12 JK Just had to stick that minus on there.

13  
14 MM In those days it made no difference at all, it was still the same thing, but he had  
15 to let me know that he didn't really think that I was smart enough to get a full  
16 A. So I then went to law school in the middle of the year, in the middle of my  
17 senior year. When I graduated, I did not graduate with high honors. I only  
18 graduated with honors because although I got grades like 90, 91, 92, which  
19 were astonishingly high for the law school back in those days, they were  
20 translated as B's in the College of Letters and Science. I can remember people  
21 calling me up saying, "You only graduated with honors?" That's neither here  
22 nor there, but something I remember.

23  
24 JK So then, tell me about your experience in law school. Was this still while the  
25 war was going on, so that there weren't that many men?

26  
27 MM No, I started in law school in January of 1947.

28  
29 JK Okay, so the war was over.

30  
31 The war was over. As a matter of fact, my political science courses had been

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1 fascinating because the veterans started coming back and these were guys, who  
2 had been majors and captains and didn't take anything from the instructors at  
3 all. They just beat them down. I can remember one of the professors who  
4 taught a course in Nazi Germany being taken to task by guys who had seen  
5 Auschwitz and things like that. Now, this professor was Jewish, so he  
6 obviously felt strongly, but I think he was trying to be fair or evenhanded. They  
7 would take no evenhandedness about anything like that. When I went to law  
8 school, these were people who were not a lot older than me, maybe four, five  
9 years older, and they had an awful lot more experience.

10  
11 JK Certainly very different experiences.

12  
13 MM Oh, yes, I was just a child next to them in many ways. I had never been  
14 anywhere, and they had been to see these terrible things. I remember the guy  
15 who sat next to me, had been a German prisoner of war. He must have been  
16 maybe 6'2", and when he was finally liberated, he weighed something like 93  
17 pounds. He said the prisoners would just lie down and die. They had no food.

18  
19 JK That's an amazing experience to have in law school.

20  
21 MM Yes. So there I was with these people who had much more experience than I  
22 had in the world. They gave me a tough time because I was usually the only  
23 girl in the class. They weren't unkind, and they didn't think I should not be  
24 there. Well, I suppose way down deep they all thought I was there looking for a  
25 husband or something, I don't know. But they didn't say anything like that.  
26 But obviously they noticed me. The phone would ring and somebody would  
27 say, "This is John Jones and I sit five rows behind you in property, and I was  
28 wondering if you'd like to go the movie Friday night." Well, you know I was  
29 embarrassed to tell him I had no idea who he was. I think they were all glad to  
30 be back and there was an ordinary girl and they were interested.

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- 1 JK How many women were in the law school when you were in?  
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- 3 MM I think there might have been about 14. About my second year I decided that  
4 what we women needed were role models because there weren't any around.  
5 So I hunted up women lawyers to come in and talk to us and tell us what it was  
6 like to be a woman lawyer in this world. That's how I have this memory that  
7 there was something like 12 or 14 women because I got the names and put up  
8 little notes for them. I finally gave it up because they were all busy and they  
9 didn't come.  
10
- 11 JK This would have been about 1947, 1948.  
12
- 13 MM 1948 maybe in through there.  
14
- 15 JK And the thing that surprises me about that is that when I started law school in  
16 1968, 20 years later.  
17
- 18 MM There weren't very many more women.  
19
- 20 JK There were probably not even that many women.  
21
- 22 MM Yes.  
23
- 24 JK At the same university, at Madison.  
25
- 26 MM Yes, when I started teaching in 1959, somebody asked me, what it was like to  
27 have girls in my class, because they knew that I had boys in my class. And I  
28 remember stopping and saying, "I don't know, I haven't had any girls." And  
29 the first girl I had was Barbara Crabb.  
30
- 31 JK Who is now a federal district judge.

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1  
2 MM Federal district judge.  
3  
4 JK In the Western District of Wisconsin.  
5  
6 MM Yes.  
7  
8 JK All right. So there's you and maybe 14 other women in the three classes of this  
9 law school, and any women instructors, any women professors?  
10  
11 MM No.  
12  
13 JK Not if you're looking for role models by getting them to come to college.  
14  
15 MM No, no. On the other hand, I must say that my role models and my promoters in  
16 law school and after law school were men. I didn't feel the lack of  
17 encouragement, frankly.  
18  
19 JK You found mentors who were men.  
20  
21 MM I found mentors who were men.  
22  
23 JK Where did Joe Melli show up in all of this?  
24  
25 MM Well Joe Melli showed up in class.  
26  
27 JK Five rows behind you in property.  
28  
29 MM Well, one of the young men I met in one of my classes and then started dating  
30 him, and he was very, very prominent in Republican politics on campus. I was  
31 then, and am now, of course, a dedicated Democrat. Anyhow, he introduced



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1 me to this young man who had just come back from the army of occupation in  
2 Japan. His name was Joe Melli, and I remember thinking to myself, he's kinda  
3 good looking, but I was dating this other guy and I liked him very much. He  
4 graduated then, went up to Wisconsin Rapids to practice law, so I was  
5 available, although he would come back in town to go out with me. Joe and I  
6 were in Wills class together, and he kept coming by and talking to me about my  
7 friend Jack Potter, who was the Republican up in Wisconsin Rapids. One day  
8 when he was stopping by, I said, "You know, I'd really like to meet a  
9 Democrat." Well, this was in the fall of '48 and Harry Truman was running for  
10 President. One of the things that you may have read in history about that  
11 election was that nobody was in favor of Harry Truman, and you couldn't get  
12 people to speak in his favor. I can remember being very impressed with Ruth  
13 Doyle, the Governor's mother, because she appeared at a program in the  
14 Wisconsin Union theater where they were discussing the various candidates for  
15 President. Normally they would have had all men up there, but they couldn't  
16 get any man to speak in favor of Harry Truman, so Ruth did it. Well, Ruth was  
17 a very good speaker, and she was very good, and she sort of brought down the  
18 house. That fall she also ran for the Assembly in Madison and the only reason  
19 she got to run for the Assembly was the Democrats were just kind of trying to  
20 fill out a roster. They expected to be beat, you know.

21  
22 JK And she won.

23  
24 MM She won. The professor who taught Wills was somebody by the name of  
25 Herbie Page, maybe you've heard stories about Herbie page.

26  
27 JK I've heard of him.

28  
29 MM And he was a Democrat, and I at this point was wearing a Truman button. You  
30 took a lot of guff if you wore a Truman button, except that Herbie Page said to  
31 me one day, in the hall, "I'm pleased to see, Miss Shire, that you are for Mr.

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1 Truman. So am I, but I don't think it's appropriate that I wear a button." So  
2 anyhow, I passed that on to Joe. Joe called me up and he said, "I'm calling you  
3 because I thought you might like to have a date with a Democrat." And I said,  
4 "Who's this calling?" and he said, "This is Joe Melli." Of course I knew who it  
5 was, but I said, "Oh, I thought it was Herbie Page!"  
6

7 JK So one Democrat finds another.

8  
9 MM Yes. But that was in the fall of '48. We lived through the great election of  
10 Harry Truman, who did not win, you know, until the next day. We ended up  
11 getting married in 1950.  
12

13 JK So, was Joe behind you in law school?

14  
15 MM He was a semester behind me. I don't know how he ended up being a semester  
16 behind me, but I graduated in January and he graduated in June.  
17

18 JK So then you got married when you both finished law school.

19  
20 MM No, we got married while he was still in law school. And we got married  
21 because I wanted to live in Washington, D.C. – because I had all these ideas  
22 about what I'm going to do.  
23

24 JK International relations.

25  
26 MM He was going to Washington, D.C. looking for a job with the labor board.  
27 About that fall, Senator McCarthy, Joe McCarthy had started his campaign. Joe  
28 had been President of the Young Democrats on campus here. Joe had had all  
29 sorts of left wing friends. I can remember the FBI in those days was always  
30 investigating people, or they still are, I guess, for their left wing, their  
31 Communist associations. Joe became a big source of information for them

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1 because Joe had been very active in these left wing organizations, not  
2 Communist, but in some cases Communist took them over, or some of them  
3 had some ties – that all sounds kind of silly now, doesn't it, but at the time,  
4 people were very serious about it.  
5  
6 JK No, it actually sounds remarkably current, if you substitute.  
7  
8 MM You're right, just a different  
9  
10 JK If you substitute a different villain.  
11  
12 MM Yes, that's right, a different villain, you're right. So anyhow, Joe wanted to go  
13 to Washington, D.C. I wanted to go with him. I had some money, and I had  
14 used my money to buy us a car. I wanted to make use of my money and that  
15 car and go to Washington. But in those days I wouldn't go with him unless I  
16 was married to him. So we got married at the beginning of spring vacation, and  
17 went to Washington as a married couple.  
18  
19 JK I gotta tell you. This is the only time I have ever heard of anybody getting  
20 married so they could buy a car. Which is sort of what I think you just said.  
21 Not quite, but.  
22  
23 MM I had bought the car, and I wanted to go to Washington with it, you know.  
24  
25 JK So you guys went to Washington. You have a degree. He is going to have one  
26 shortly.  
27  
28 MM That's right. And he was looking.  
29  
30 JK And presumably you're job hunting.  
31

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1 MM That's right.

2

3 JK What was the experience for you, as a woman?

4

5 MM Well, I wasn't looking for a job because earlier that year when I graduated, I  
6 had been hired for a project by the State of Wisconsin and the University. They  
7 had gotten some Ford Foundation funds to do a codification of the criminal law.  
8 Now, that sounds kind of silly now, but back in those days, that was a very  
9 forward looking view of the law to codify the criminal law, to have it in a code  
10 with terms that were used throughout the code similarly, etc. It was  
11 intellectually a very interesting experience.

12

13 JK Tell me about your efforts to find employment. What happened?

14

15 MM It was not very good. Although I never felt that they, the faculty and my fellow  
16 students, didn't think I could do anything that anybody else could do. My  
17 experience with job hunting was not good. Law firms would come to the law  
18 school to interview and they still do. But in those days, they only interviewed  
19 the students that the Dean had chosen for them to interview. There were not as  
20 many lawyers. There were not as many law firms. It was just a different world,  
21 Joan, than it is now. I noticed that the list would go up on the bulletin board  
22 and my name was never on it, so I never got a chance to be interviewed by any  
23 of these firms. So I asked the faculty member who was in charge of hiring. He  
24 said, "Margo, I don't make up those lists. The Dean does. You have to go ask  
25 him." So I got up my courage and went and asked the Dean. I told him that I  
26 noticed that my name was never on any of those lists. He said to me, "Well,  
27 Miss Shire, none of those firms would hire you, why should I waste their  
28 time?" I remember telling one of the faculty members about this and he said to  
29 me, "I was just going to talk to you Margo. We've got this deal worked out  
30 with the Ford Foundation and the Wisconsin Legislative Council,"

31

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1 JK Right.

2

3 MM "And we want to recodify the criminal code. We wondered if you would be the  
4 project assistant on that, if it all goes through." So I started that as I finished  
5 law school. When Joe and I went to Washington, I had this job. I was not  
6 looking, I thought I would wait and see what happened with Joe. He had a  
7 number of connections through Democrats in Wisconsin, who knew people in  
8 high places, but Washington wasn't hiring, and they sure weren't going to hire  
9 somebody with his political background. So, Joe, then ended up being  
10 interviewed by law firms. One of the firms that interviewed him was the  
11 biggest firm in Madison back in those days, which meant it had maybe 15  
12 people.

13

14 JK Was that the Lafollette firm?

15

16 MM No, it was called Schubing, Ryan. It's got a different name now. I can't  
17 remember.

18

19 JK It doesn't matter.

20

21 MM No. no.

22

23 JK This really more about you than about Joe.

24

25 MM Exactly.

26

27 JK Except there's an intertwining.

28

29 MM Oh, sure, sure. Anyhow, he went to be interviewed by this firm and they  
30 narrowed the applicants down to Joe and the guy who was first in the class.

31 And they ended up hiring the person who was first in the class. But one of the

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1 partners who had interviewed Joe was leaving the firm to go off on his own,  
2 and he had been very much impressed with Joe, so he hired Joe to work for  
3 him. So when Joe finished law school, that's what he did. He always says he  
4 had to stay in Madison because I had a job, and that's why we never went to  
5 Washington.

6  
7 JK So that sort of plants the roots for the Melli family in Madison.

8  
9 MM We stayed here, yes.

10  
11 JK And when did children come along? Tell me about the growth of the family,  
12 and how that impacted on your career.

13  
14 MM Well, we were married 10 years. We had not had our own children. In the first  
15 two years you thought, that's kinda nice, we're getting adjusted and getting a  
16 place to live and so on. And didn't think much about it. Then, of course, we  
17 went to see doctors about it. In those days there was very little of any fertility  
18 stuff. Just nothing in those days. And the doctor said, "You should adopt." So  
19 our four children were all adopted.

20  
21 JK Now that has to have been a process that would be stressful, a little disruptive  
22 on the family, etc. Tell me how that ended up having an effect on both you and  
23 the work you were doing. This was 10 years. The Legislative Council job to  
24 codify the criminal code didn't take 10 years.

25  
26 MM Oh, no. In the 1950's I really had a great time in spite of the fact that nobody  
27 would hire me. First of all I did this stuff with the criminal code. It was  
28 intellectually a wonderful experience, and I worked with a committee of one of  
29 the premier assistant attorneys general, and several members of the bar who  
30 were very good lawyers. Frank Remington, who was new on the faculty, was  
31 my immediate supervisor.

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JK He was the criminal law professor.

MM He was the criminal law professor. That project took about two years, and in the course of that, I met the people who ran the Legislative Council.

Break

JK We're resuming this, and we were talking, I think you were telling me about your job after the criminal justice code was developed.

MM So I was hired by the Legislative Council as a director of a project to revise the children's code. And that's how I got interested in juvenile and family things because I ran this project. Again, I have an interesting story about being the woman hired to do it. I was sitting in the offices of the Legislative Council. It was just a big room. There were desks for researchers and there were secretaries in one area. The capital has gotten much fancier than it was back in those days. I was sitting at my desk, and the legislator, who chaired the committee came storming in to say to the director of the Legislative Council, who had hired me, that he had heard that he had hired a woman to do this job. The Senator said, "You know, this is an important project and we don't want people to be thinking that we think it is not important and we're hiring a woman to do it." And so the director, who was a master politician in terms of keeping all the legislators happy, kind of calmed him down. I remember he looked out of the corner of his eye at me because the legislator had no idea that I was sitting there. He assumed I was one of the secretaries, you see. And the director said, "Well now this young woman is a very good lawyer and she's very bright. The meeting is scheduled for tomorrow, and why don't you give her a chance?" Under some pressure, I want you to know, I appeared with the committee. We got started, and of course, I had organized everything. I knew what I was doing. This senator became one of my biggest supporters. He ended up thinking I was the best thing since sliced bread.

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1 JK You tend to have that effect on people.

2

3 MM I don't know about that.

4

5 JK For people who may ultimately read this interview, the Legislative Council is a  
6 neutral body that does drafting of bills and things for both parties.

7

8 MM For both parties. That's right. I remember the director saying to somebody  
9 when he hired me, "I suppose she's a Democrat, but I can't help it if all the  
10 bright people around here are Democrats." I don't think any of the legislature  
11 ever asked me what my politics were. They were interested in my work  
12 product, and they were pleased with it.

13

14 Then after I did that, I went to work on a project for Jake Beuscher from the law  
15 school, who was a big land use scholar and interested in all the post war and  
16 post Depression development that was taking place. He had money to do a  
17 study of the way in which subdivisions were being handled in Wisconsin.  
18 Wisconsin had a statute on subdivision control, which we still do, and he  
19 wanted to know to what extent that was being followed, and was it having any  
20 effect on the land use, and he asked me to be in charge of that study. So after I  
21 finished codifying the children's laws, I went to work for Jake Beuscher on  
22 land use control and subdivisions.

23

24 JK Was this still at the Legislative Council?

25

26 MM No, that was with the law school. Actually the initial thing that I did on the  
27 criminal code was done at the law school, because those funds came through  
28 the law school. But the law school had an association with the Legislative  
29 Council so that the Legislative Council put the bill in as their bill, which was  
30 important.

31



## MARYGOLD SHIRE MELLI

1 JK Sure.

2

3 MM The children's code thing was done for the Legislative Council. And as a  
4 matter of fact, when I finished the work on subdivision control, that bill went in  
5 through the Legislative Council too, but I worked down at the law school as a  
6 research assistant.

7

8 JK So now this gets us chronologically to about when, mid 1950's?

9

10 MM Yes. About that time the bar and the legislature had set up something called the  
11 Judicial Council which worked with the Supreme Court on rules of procedure.  
12 The rules of procedure get approved by the Supreme Court and then put into  
13 legislation. They can be amended by the legislature, but the initial thing is  
14 usually done through the Supreme Court.

15

16 JK Wisconsin has this sort of unusual combination.

17

18 MM It's a hybrid. Yes. It may be that that's true elsewhere, I don't know.  
19 Anyhow, in those days the main thing the Judicial Council was concentrating  
20 on was restructuring our court system. You people live in a world now in  
21 which most of the courts are circuit courts. But back in those days, you had  
22 municipal courts and county courts and various kinds of local courts, some of  
23 which were paid for by the county, some by the city, and it was a messy system.  
24 The bar and the Supreme Court were interested in having this restructured.  
25 And so I got hired by the Judicial Council as their executive director,  
26 somewhere in the middle 1950's. And what I worked on was court  
27 reorganization.

28

29 JK That was the first court reorganization.

30

31 MM The first court reorganization where because of the opposition of the circuit

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1 judges, we ended up with sort of a half of a loaf. We had county courts and  
2 circuit courts. We didn't have a constitutional amendment. We made them  
3 similar in jurisdiction except for some strange thing like, treason.  
4

5 JK That's how it was working when I started.  
6

7 MM We collected data from the courts. We wrote that up. I think I visited every  
8 courthouse in the state in the course of this. It was a fun project. It was a great  
9 project.  
10

11 JK Your vitae says that you were the executive director in the Judicial Council  
12 from '55 to '59.  
13

14 MM Yes, that's it.  
15

16 JK Well now, where in this time sequence then did children come on the scene for  
17 you and Joe?  
18

19 MM Well, we didn't adopt children until the 1960's, and by that time I was at the  
20 law school.  
21

22 JK Okay.  
23

24 MM I can remember when I was hired in 1955 for the Judicial Council, one of the  
25 people interviewing me was John Conway from the law school.  
26

27 JK I remember him.  
28

29 MM Because I was very much aware of the concern of employees about women  
30 having babies, I said to John, "Joe and I are interested in having a family, and  
31 we've been working at it, so I want you to know that maybe in the course of my

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1 tenure here I will have a child and I may have to take some time off, or  
2 something.” And John said, “Yeah you could get hit by a car, too, Margo. We  
3 aren’t worrying about those things that aren’t imminent.” Why he decided that  
4 getting hit by a car is being somewhat similar to having a child, I don’t know.

5  
6 JK But it could cause you to miss time from work.

7  
8 MM Yes. He was being nice and making clear to me that that was not going to deter  
9 him from recommending me for the job.

10  
11 JK So then you started, at the law school as an assistant professor in '59.

12  
13 MM I was hired to begin in the fall of 1959. We had gotten the legislation through.  
14 I was very pleased with myself.

15  
16 JK So before you go back to law school to be a teacher, you have codified the  
17 criminal code, you have codified a juvenile code, you have codified a land use  
18 program involving subdivisions, and you reorganized the courts.

19  
20 MM Yes, right. So it was a wonderful time.

21  
22 JK And in your spare time . . .

23  
24 MM It was a wonderful decade for me. I’ll be honest.

25  
26 JK If you had quit right then, that would be a pretty amazing accomplishment.

27  
28 MM Well, it was an interesting ten years anyhow. Certainly. And I enjoyed it all.  
29 And in addition to everything else, I want you to know, I learned a lot about  
30 how to get legislation through.

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- 1 JK I can imagine.  
2
- 3 MM One of the things I had learned, for example in the court reorganization was that  
4 the county judges were very influential with their local legislators. So when I  
5 wanted to get something through, (and in the course of all this I got to know a  
6 lot of judges), and I would just call up the local county judge and say, "You  
7 know "so and so" may not vote the right way." That was probably illegal, but I  
8 was getting my legislation through.  
9
- 10 JK Anything that works.  
11
- 12 MM Anything that works, yes.  
13
- 14 JK So what led you back to the law school? There weren't any women professors  
15 when you were there.  
16
- 17 MM That's right.  
18
- 19 JK There weren't any when you went back.  
20
- 21 MM Well, in the course of all this I worked with a lot of the faculty. While on the  
22 criminal code I worked with Frank Remington and I worked with John  
23 Conway. On the subdivision stuff, I worked with Jake Beuscher, and then  
24 when I was with the Judicial Council, Bill Foster did the long-arm statute. That  
25 was one of the projects that we worked on, and they had hired him to do the  
26 background research on it. So I got to know him, too.  
27
- 28 JK That was one of the first statutes in the country.  
29
- 30 MM Yes.  
31

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1 JK That codified the extent of civil jurisdiction over people who are not residents.  
2  
3 MM International Shoe.  
4  
5 JK Yes.  
6  
7 MM That was fascinating.  
8  
9 JK And it's still on the books.  
10  
11 MM I worked at the forefront of a lot things that were happening, so it was a lot of  
12 fun. I enjoyed it very much. Of course, when we were trying to get court  
13 reorganization through, I went around making speeches to all sorts of groups:  
14 the League of Women Voters, the AAUW, anybody who wanted a speaker.  
15 Sometimes local bar associations wanted a speaker, although they were less  
16 friendly to court reorganization than the ladies' groups were. And I had people  
17 who thought I ought to run for office, because I was out making speeches, I  
18 guess.  
19  
20 JK Then the law school opportunity was what? Was this a particular job?  
21 Particular classes? What happened?  
22  
23 MM Well, it was just an offer from the Dean to come as an assistant professor. In  
24 those days you came and you taught whatever they wanted you to teach. But  
25 by that time, I told Dean Young that I was interested in the opportunity to  
26 explore these children's and family issues that I had seen when I worked on that  
27 project. And I, just from my reading, had never taken what in those days was  
28 called domestic relations, and the law school really didn't offer very much.  
29 They had had it taught by a dowerer, and I wasn't interested. But then I  
30 began to see that this was an area where the law on the books and what was  
31 happening in the courts, the divorce courts, were just, there was just no relation.

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1 People were getting divorces because they wanted to get divorced, and they  
2 really didn't have the grounds that the legislature had set up back in 1900, you  
3 know. So anyhow, all things I could see were changing, and so I told George  
4 Young I was interested in being able to explore some of those kinds of issues.  
5 Well, and I can remember, I had misgivings about leaving down there because I  
6 had really had a great time and enjoyed it very much and had been very  
7 successful with my little behind scenes activities of getting things passed.  
8 Maybe I told you about this before, about getting this little postcard from John  
9 Wyngward, who was one of the big political reporters. He wrote for the State  
10 Journal and the Green Bay Press Gazette and a whole bunch of Republican  
11 related newspapers, at least at that time they were. He wrote me this little note  
12 saying that he was very sorry to see me leave, that he'd enjoyed knowing me  
13 and seeing my activities. He said, "Maybe you can teach those law students  
14 how to get legislation passed." So that was why I was really pleased to have  
15 Fred Kessler as my student, later on.

16  
17 JK So then, tell me how your law school career developed, because you were the  
18 only woman on the faculty.

19  
20 MM Yes, and again, I only felt out of place to an extent. I can remember, for  
21 example, going over to the main library where I wanted to go into the stacks  
22 which is allowable for a faculty member. I was an assistant professor and my  
23 faculty card said that. So I showed the young man at the desk my card, and he  
24 looked at it and then he went over to one of the senior people, and he said,  
25 "She's somebody's assistant?" And the senior person looked at it and said,  
26 "That's a professor. Let her in!"

27  
28 JK Before we switched the tape, we were talking about the beginning of your  
29 career at the law school.

30  
31 MM At the law school, which is in 1959.

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JK 1959, and so what did you end up teaching? How did that impact on raising a family. Tell me about that part.

MM Well, for one thing, in those days, the Dean had the idea that the way to become a professor was to teach through the curriculum, so I taught business organizations, secured transactions, all sorts of things. I learned a lot, I want you to know. But as I say, I was really very interested in the family area, as I say mentioning this to the Dean and reminding him of it after I came down there, and he said to me one day, "You know, Margo, there's no law in that, why would you be interested in that?" So, you know, in the course of my career at the law school, I developed two core family law course which they still teach, 1 and 2. You know, the divorce part and the parent-child part of the family. I developed a course in juvenile justice administration. I developed a course in law of the elderly because I began to realize around the 1970's that this was a whole new area of the law that people really hadn't thought much about. The law school still does not have a core course in law of the elderly. It's taught at night by a downtowner.

JK Now I don't mean this as an indelicate question at all, but when you started teaching at the law school, do you have any idea whether you were paid the same as your male counterparts?

MM I never asked, but I assume that I was. As a matter of fact, my salary got published in the newspaper.

JK Just yours?

MM Just mine. There was an announcement in the newspaper, I don't know where it came from, that Marygold Shire Melli, who was the Executive Director, at the State Judicial Council was leaving that position to become an assistant

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1 professor at the law school at a salary of \$7,000 a year.  
2  
3 JK Wow.  
4  
5 MM And talking to my colleagues, we were all paid \$7000, \$7400, \$6500.  
6  
7 JK So it seemed to be about in the same range.  
8  
9 MM In the same range, yes. That first year I was full time. After that, I was always  
10 only part time. Later, my colleague Martha Fineman, was sure that I was being  
11 paid less than other people, and I got increases along with everybody. I might  
12 not have gotten as big increases as some people. I never felt that I was being  
13 discriminated against. Now maybe that's just me, Joan.  
14  
15 JK Well, it's a debate in some ways. That part time versus full time and the  
16 comparable pay.  
17  
18 MM Yes.  
19  
20 JK Issues that go on in a lot of places where there's not that many women.  
21  
22 MM Yes, well, I was the only one, you know, for a number of years.  
23  
24 JK You said the first year you were full time and after that part time.  
25  
26 MM I was part time.  
27  
28 JK Does that coincide with when you had children?  
29  
30 MM Yes.  
31



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1 JK When you and Joe adopted?

2

3 MM Yes, when they hired me, I told the Dean right off the bat that we had applied to  
4 adopt a child. And I didn't know what was going to come of that. As a matter  
5 of fact, the adoption agency objected to my working, if I was going to adopt a  
6 child. So it wasn't the law school. They couldn't have cared less. But it was  
7 the agency. I told the Dean that I would resign because that was the agency's  
8 rules. And I did. About May of that first year, we came up for a child and we  
9 received our first child, and I then resigned.

10

11 Now I ended up going back the following January. The Dean called and said,  
12 "You know Margo, you're the one who's interested in teaching Domestic  
13 Relations (in those days that was what we called Family Law). How about  
14 coming in and teaching 2 credits? You could come in and teach that during a  
15 brief time and we would pay you on a per credit basis." Well, I did that for a  
16 semester, and then I said to the Dean, "I won't do that any more. I think that  
17 the law school takes advantage of the part timers you have come in." The Dean  
18 said, "Well, we'll appoint you to the faculty again, and so they did." So I was  
19 appointed to the faculty in 1959 and then again in 1961.

20

21 JK So, now, you had more than one child. You adopted more than one child, but  
22 not all of them at the same time.

23

24 MM By the time I went back to the law school, the rules had begun to change.

25

26 JK Okay.

27

28 MM They would give you another child even though you were employed as a  
29 mother.

30

31 That whole adoption experience was very interesting for me. It doesn't really

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1 have much to do with my being a lawyer.

2

3 JK It has a lot to do with your career.

4

5 MM Oh, yes, and it had a lot to do with my life.

6

7 JK Sure.

8

9 MM When we went to apply for a child, the agency process included an interview by  
10 a social worker. The same woman interviewed the two of us, and then she  
11 interviewed Joe alone, and then she interviewed me alone. When she was  
12 interviewing me, she looked at me and said, "You know, I do not think it's  
13 good for children, particularly girls, to have mothers who are career women." I  
14 said, "What do you mean by that?" She said, "Well, my father was a banker,  
15 but my mother was very interested in the banking business and she was  
16 probably a better banker than my father; my mother was always on the phone  
17 with banking problems, and I don't think that was a good role model for me as  
18 a little girl." And I remember noting that I was in my early 30's at the time,  
19 and she was probably a little bit older than I was and she wasn't married.

20

21 JK Yeah.

22

23 MM But I thought to myself, "You know, that woman, maybe she wishes she were  
24 married and she's blaming her mother for the fact that she thinks she wasn't  
25 feminine enough to attract some man." And she said, "You know, mothers  
26 should be baking cookies, not talking business on the phone." I remember I  
27 just blew up. I said, "If you are equating femininity with baking cookies, you  
28 have got the wrong lady." Oh, I was angry.

29

30 JK Plus, there was your mother, who worked. The whole time.

31

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1 MM Yes, and I wasn't smart enough to tell her that. Anyhow, she turned us down.  
2 But the agency had a rule that if you turn somebody down, that had to be  
3 approved by the upper echelons. I suppose they figured they didn't want to be  
4 sued. Maybe not in those days.

5  
6 JK Who knows.

7  
8 MM Who knows? So, anyhow, it was their rule. The agency was the state agency I  
9 had worked with on the children's code stuff. As a matter of fact, before I went  
10 to work for the Judicial Council, they had created a job for a lawyer for the  
11 children's services agency and they had offered me the job. I can remember  
12 they told me that they had polled the juvenile court judges in the state, on  
13 whether or not they ought to hire a lawyer to make sure that they did things a  
14 little more legally because the judges were always complaining about their  
15 social work failures in court. The man who was the head of the agency called  
16 me and said the judges are in favor of this except that they don't want us to hire  
17 a woman unless that woman is Margo Melli. Well, I didn't take the job because  
18 it was a big agency and I much preferred going to work for the Judicial  
19 Council. But anyhow, obviously the head of the agency knew me.

20  
21 JK Right.

22  
23 MM And he said that he couldn't understand how she could turn me down. That I  
24 was the kind of a mother they wanted to have, and so on, so anyhow the child  
25 was placed, our oldest child was placed with us while I was teaching. I  
26 resigned. In the meantime they began to rethink some of their rules, and so by  
27 the time in 1961 when I was reappointed, I didn't need to worry about that rule  
28 about having not being able to work if I was an adoptive mother.

29  
30 JK So now, in the early '60's, there was very little available by way of day care.

31

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- 1 MM There was nothing available. Not only was there nothing available, but most  
2 people were very hostile to a mother like me whom they regarded as making a  
3 choice to do this. So what I did was, I arranged my class schedule – remember  
4 I was part time, so I could be at the university at times when I had child care.  
5 My mother was in town and I hired a woman whose youngest child had just  
6 gone off to school, so she used to come for part of the day, every day. She not  
7 only helped with the kids but she helped with the house, which helped me a lot,  
8 because my husband is not a house husband helper.  
9
- 10 JK Well, men in that era weren't.
- 11
- 12 MM That's right. He was from a different era. He regarded himself as being very  
13 supportive of me because he didn't object to the fact that I worked and that he  
14 was proud of me, but he wasn't interested in helping. As a matter of fact, when  
15 we went to adopt the children, he said to me that he, at that point, he began to  
16 wonder whether maybe the Lord was telling us something. He said he was very  
17 busy with his law career. I was being very successful with mine, why didn't we  
18 just do that? And I said I really wanted to have children and they've been a real  
19 joy. He said, "Well, okay, if we have children, they're going to be your  
20 responsibility." So every now and then that would come up when they were  
21 small and he would say to me, "Well, it's your responsibility, Margo, you  
22 know." So anyhow, I lucked into, I keep lucking into – I think in some ways –  
23 with this woman who is still a friend of mine and who helped me with the  
24 children and the house. She's 85 and I take her out to lunch once a month, you  
25 know, because she was there throughout my children's small childhood.  
26
- 27 JK So were you lucky enough that you were able to keep using the same woman.  
28
- 29 MM Yes.  
30
- 31 JK Through all four kids.

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MM Yes, and she, well she quit at the time that we adopted our youngest child, and by that time she wanted to do something else. But by that time I was pretty well organized on things, and so, and the youngest was, and still is, a wonderful human being. He was easy to take care of.

JK So you and Joe ultimately adopted four children.

MM Four children, yes.

JK Over span of about how many years?

MM About 6 years, I think.

JK Reasonably close together.

MM Yes, they are about 2 years apart. And my colleagues at the law school, these men, were very supportive off all this. I can remember when we adopted the first one, one of my colleagues, by the name of Dick Efland who was probably gone to Arizona by the time you came. He came in with a little package of safety pins, diaper pins, and explained how wonderful they were because they were steel. Before that diaper pins used to rust.

JK Rust?

MM Rust, yes. And, "Oh, Margo," he said, "You should really use this kind of diaper pin." Another of my colleagues had an heirloom bassinet that he insisted that I borrow. I had to give it back to him because he passed it down in the family, but I used that for the first couple kids. My colleagues were just all so thrilled that I was doing this stupid thing.

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- 1 JK So now you stayed at the law school consistently through that till your  
2 retirement.  
3
- 4 MM Throughout the whole time. I never took any time off.  
5
- 6 JK What else? What sorts of problems did you encounter, and how did you end up  
7 solving them when your kids got to where they were mobile and they needed to  
8 be in school, they needed to be at Boy Scouts or Girl Scouts or all of those  
9 other kinds of things that kids do. How did you manage that, with your  
10 teaching career?  
11
- 12 MM Not easily. Well my mother lived in town. My kids went to Edgewood. So for  
13 example, when my children went to kindergarten and got out in the middle of  
14 the day, I managed to car pool with four other mothers, and they dropped the  
15 child off at my mother's house. And of course my mother was thrilled. She  
16 saw my children, and she taught piano, so she taught them all to play the piano.  
17
- 18 JK Added benefits.  
19
- 20 MM Yes. By the time we had the fourth child, we had a student who lived with us  
21 from the University. She graduated from the University, Phi Beta Kappa. She  
22 was a wonderful person. When she got married, she had the reception at our  
23 house. We still correspond with her.  
24
- 25 JK While you're managing the logistics that  
26
- 27 MM I have to tell you one of my favorite stories on this. At one point Shirley  
28 Abrahamson had joined the faculty, maybe she came in the late '60's.  
29
- 30 JK She is now the Chief Justice of the Wisconsin Supreme Court, and has been for  
31 years.

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- 1
- 2 MM A long time, since the early 1970's.
- 3
- 4 JK Nearly 20 years.
- 5
- 6 MM Yes.
- 7
- 8 JK Maybe more than that.
- 9
- 10 MM She went on the court I think in the early '70's. She wasn't at the law school  
11 for a very long time. But anyhow, when she came, she was with a law firm  
12 downtown, it was called Lafollette, Sinykin & Doyle. She came in the  
13 beginning only part time. And she had a parking place right behind the law  
14 school. I was kind of interested in a parking place closer because I would have  
15 to go out to pick up my kids, and I would get out of class and I would be kind  
16 of edging away from the poor students because I had to go pick up my kids, and  
17 so I was interested in getting one of these places. I said to the Dean, "How do  
18 you get a parking place behind the law school? I notice Shirley Abrahamson  
19 has one." "Well," he said, "you know, she has to go downtown to a job." I  
20 realized that's important, but picking up my kids wasn't.
- 21
- 22 JK Pretty amazing.
- 23
- 24 MM So, anyhow, there were very few services. I felt all my children should go to  
25 preschool. And of course preschool would begin at 9:00 and end at 11:15 or  
26 something. There was nothing like an all-day preschool daycare. Nothing like  
27 that at all. I did a lot of my preparation between the hours between the hours of  
28 4 and 6 a.m. I'm an early riser, so that wasn't too bad. I just managed to  
29 survive in those days.
- 30
- 31 JK So then, while you're juggling all the logistics of small children and not so

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1 small children as they keep getting bigger.

2

3 MM Yeah, getting bigger.

4

5 JK What's going on in your career at the law school over this period, and when do  
6 you finally get some colleagues who are also women?

7

8 MM Well, Shirley was the first one. But she was not there very much because she  
9 came and taught class and went back downtown.

10

11 By the way, in the faculty meetings, the Dean called the faculty meetings  
12 together by saying, "Mrs. Melli and Gentlemen." And one day I said to him,  
13 "You know, George, you don't really need to do that. Just call the meeting to  
14 order." He was surprised. He thought he was being nice, you know.

15

16 I'm thinking about the 1960's because those were the years when I was  
17 struggling with the law school and with small children. I ended up getting  
18 tenure. That was another one of my problems: my half-time status. The Dean  
19 called me in and he said, "The University won't approve you for tenure unless  
20 you're full time. And so he said we're going to have to appoint you full time."  
21 He said, "You could teach that many classes for a year teaching and then we  
22 would send you up for tenure. You can survive that." And I can remember  
23 kinda straightening myself up and saying, "You know, if this university wants  
24 to take advantage of the talents of women, it seems to me they have to  
25 recognize that they have other obligations. It's going to be a very long time," I  
26 remember saying, and my, I was so right, "before there may be equality in jobs,  
27 but equality at home is going to take a much longer time to come and you're  
28 going to have to recognize that. And I think you ought to send me up for tenure  
29 as a part time employee, and if they turn me down, they turn me down. Right?"  
30

31 JK So what happened?



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- 1
- 2 MM They didn't turn me down. They approved me for tenure as a part-time faculty
- 3 member. So, 10-15 years later, when the women's movement had really come
- 4 into prominence, and there was much ado about the university not being
- 5 friendly to women, and one of the leaders of the women's group called me and
- 6 wanted me to sign a petition to the university objecting to the fact that the
- 7 university wouldn't grant tenure to a part-time employee. I said, "I can't sign
- 8 that." "Well, why can't you?" she said, "I suppose you're afraid of the
- 9 administration." I said, "No, it just wouldn't be honest, because I received
- 10 tenure as a part-time employee."
- 11
- 12 JK So then, when did you end up moving to full time status?
- 13
- 14 MM I never did.
- 15
- 16 JK You never did?
- 17
- 18 MM I retired as an emeritus professor part time.
- 19
- 20 MM Now you understand, I probably worked more than part time, but
- 21
- 22 JK Well, actually that's the debate that goes on in law firms as well, is whether
- 23 women who opt to go part time.
- 24
- 25 MM Really work more. Yes.
- 26
- 27 JK Really end up working more than what they're getting paid for.
- 28
- 29 MM Yes, I think that's probably true.
- 30
- 31 JK But

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1  
2 MM But I never really minded.  
3  
4 JK But if it works for the individual involved, who are the rest of us to complain  
5 about. It's their life and  
6  
7 MM That's probably true.  
8  
9 JK So what are some of the things that you've accomplished in your career as a  
10 law professor that are highlights for you?  
11  
12 MM You know, I did all sorts of things.  
13  
14 JK I know. You've told me, besides the ones that you – are there others besides  
15 the things you've told me. I know, for example, that you're active with the  
16 International Family Law Society.  
17  
18 MM Yes. Well, going back to the 1960's, one of the things that came out of my  
19 relationship with the people on the children's project was that I got appointed to  
20 the Board of Public Welfare, which in those days was the board that controlled  
21 all the prisons and all the children's institutions and all that today is Health and  
22 Human Services. So I was appointed to that board. That was a wonderful  
23 experience for me. Again, I had to find somebody who would stay the day with  
24 my children, and so on, but it tended to work out. As I say, my mother was  
25 here, and this helped a lot. I was appointed to the Federal Advisory Board of  
26 the federal women's prisons, which was an interesting experience. The prison  
27 was in West Virginia, I think. I'm trying to think of the name of it. It's  
28 escaping me now, but I'm sure you've heard of it. Because that's where what's  
29 her name went – the gal who lied about having gotten the tip on the stock  
30  
31 JK Oh, Martha Stewart.

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- 1
- 2 MM Martha Stewart. Martha Stewart went to Alderson, West Virginia. A very  
3 interesting experience. And as a result of that, I remember I had the warden  
4 from Alderson come and speak at the law school. She was a very interesting  
5 woman. There was period which I did quite a bit of, do gooding on state  
6 committees and things like that.
- 7
- 8 JK Social justice things.
- 9
- 10 MM Yes, those kinds of things. In that period, my colleagues who were interested in  
11 criminal law and I was interested in the juvenile stuff, got money from the Ford  
12 Foundation to begin the summer internships which have now ended up being  
13 the Remington Center, you maybe heard.
- 14
- 15 JK Yeah, the Remington Center has developed a project innocence and has done  
16 some of the
- 17
- 18 MM Oh, it's become a big thing now. But back in the 1960's, was the beginning of  
19 these things. I can remember we had this money for summer internships for  
20 students and one gal applied, and of course my colleagues assigned her to me.  
21 And that person was Moria Krueger, who is now a judge here in Dane County.  
22 I sent her out, to a judge out in Washington, D.C. who later edited a case book  
23 on juvenile law and so on, but she went out and clerked for him for the summer.  
24 She always tells the story that she took the job not because she was interested in  
25 the juvenile justice system but because she wanted to go to Washington, D.C.  
26 She thought it would be interesting. And I remember saying to her afterwards,  
27 "Well, you know, that's as good a reason as any, Moria." So she did that, came  
28 back and got involved with the defenders office as a juvenile defender. We got  
29 money from Ford also to start some of the defender work which has now been  
30 picked up by the government. Back in those days, if you didn't have any  
31 money, you were out, you know. I also served for many years on a parole

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1 board.

2

3 JK A parole board?

4

5 MM It was called the Special Review Board to parole people who had been  
6 sentenced under a special law for sex offenders. They were sentenced to the  
7 maximum of what the statute would allow. The judge made no decision back in  
8 those days. So I served on that parole board for that for many years. The  
9 legislature eventually abolished that law. They've got a different law now.

10

11 JK I know. I get a lot of appeals from those people.

12

13 MM Yeah, okay, okay.

14

15 JK So now on your vitae, it says that you were the Associate Dean for couple of  
16 years in the early 1970's.

17

18 MM Oh, yes.

19

20 JK How did you, my hunch is there were not very many women in law school  
21 administration much of anywhere around.

22

23 MM No, there weren't. That's right. And I can remember as Associate Dean, the  
24 Dean decided that I should be the person at graduation who would lead the law  
25 students up to get their diplomas. You were called a marshal, and you wore a  
26 cap and gown, but it was red trimmed with white. So the Dean decided that I  
27 should lead the law students this year, and I've got a picture from the  
28 newspaper, the Capitol Times, which shows me – what I did. I hunted up the 5  
29 or 6 women in the class and had them follow behind me, right as we went  
30 across the stage.

31

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1 But when the word went up to the secretary of the faculty, he said, "Oh, I don't  
2 think we can use her, the caps and gowns will be too big and they'll be too  
3 long," and there were all sorts of reasons, and the Dean said, "You solve that,  
4 that's not my problem. This is our Associate Dean and she's got to do this." So  
5 I get a call from the secretary of the faculty's office, from one of the women  
6 who said that the professor who was secretary of the faculty wanted to know  
7 what my chest measurement was, and I said, "My what?" And then I said, "Oh,  
8 he means my bust measurement," and she said, "Yes, but he's embarrassed to  
9 ask." I remember we assembled in a room out at Camp Randall, where  
10 graduation was held out in the open, on a hot day, and we assembled in some  
11 room where the football team would assemble. It had red carpeting and all  
12 sorts of things, and this secretary of the faculty said to me, "You know, Margo,  
13 you are probably the only woman who's ever been allowed in here." But  
14 anyhow, he was very much disturbed by the fact that I was the Associate Dean.

15  
16 JK Well, maybe he's come a long ways since then. We can only hope.

17  
18 MM Yeah, I hope so. I think he probably just retired before things changed. But  
19 one of the things being associate dean in those days was that those were the  
20 Viet Nam days,

21  
22 JK Okay.

23  
24 MM And I used to dread going to my office. I agreed with the Dean that if I took  
25 the position as Associate Dean, I would not get there before 9:00 because I had  
26 to take my children to school. By this time they were all in school. And I  
27 would leave promptly at 3 because I had to pick them up at 3:15. And I used to  
28 dread to get to the law school in the morning because I was regarded as much  
29 more sympathetic than the other members of the staff. The students would be  
30 lined up to talk to me. Because these young men were deeply troubled by the  
31 fact that they were in school and people were being maimed over in Viet Nam.

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1 This current mess might not ever have come off if they had to draft people to go  
2 over there to be blown up, you know.  
3  
4 JK So now  
5  
6 MM It was a terrible time.  
7  
8 JK You were on the faculty during the Viet Nam war, during the Viet Nam protests  
9 that occurred on Bascom Hill and that pretty much shut down a lot of the  
10 university for a while. Tell me what that was like.  
11  
12 MM Well, I'll tell you one particular experience. They called the National Guard in.  
13 And particularly for buildings on the hill like the law school, we were guarded.  
14 I had to show my card to get in. And they had guns. I remember saying to one  
15 of my colleagues who was much into the ROTC stuff – “Well, those are  
16 awfully young men. I would assume those guns aren't loaded,” and he said,  
17 “Are you kidding?” And then immediately after that, that terrible fiasco.  
18  
19 JK At Kent State.  
20  
21 MM At Kent State happened, yes. But before they kind of shut us down and had us  
22 guarded by the National Guard, we had riots on the hill, and the police used tear  
23 gas. Sometimes we had to stop classes because the tear gas got so bad. As a  
24 matter of policy, the law school decided we should go on. We should keep  
25 going as well as we could. So I can remember one day I was teaching in one of  
26 those rooms, where the instructor faces the students with the entry behind.  
27  
28 JK A door on each side of the instructor behind  
29  
30 MM Yes, and the instructor's back is to the door. All of sudden the door on my right  
31 opened and this kid came tearing in and he ran across the front of the room in

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1 between me and the class, out the other door, and I remember looking at the  
2 class and going, what gives, you know? I just got started again when the door  
3 on my right opened again and a police officer waving one of those billy club  
4 things came running through, looked around, and out the other door he went.

5  
6 JK Sounds almost like a psychological experiment.

7  
8 MM Yeah, right, right. So it was a tense time. I can remember the woman who  
9 helped me at home saying to me, "Are you sure you should go down there? If  
10 something happened to you, what would these four children do?" you know.  
11 But I didn't regard it as unsafe. I regarded it as sort of unruly.

12  
13 JK Inconvenient.

14  
15 MM Well, I didn't go where the crowds were. I didn't see that that was any of my  
16 interest. I thought they didn't need any more crowds than they had.

17  
18 JK So now what sort of things, ultimately, did your colleagues do that recognized  
19 your accomplishments at the university? Were there other awards, other faculty  
20 awards, your resume says you are the Voss-Bascom Professor Emeritus.

21  
22 MM Yes.

23  
24 JK I don't know what that means.

25  
26 MM Well, that's a named professorship, and you have to be chosen for it, and it has  
27 to be approved by the Chancellor and by the Regents and what it meant was  
28 that you got an extra stipend each year which you could spend on research  
29 assistants or travel to various kinds of professional organizations, things like  
30 that.

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- 1 JK And so how was that selected?  
2
- 3 MM Cumbersomely, as the university always does these kinds of things. You're  
4 chosen by a committee. In those days the Chancellor asked for couple names  
5 and then he would choose. And I can remember my friend and colleague,  
6 Stewart Macaulay was on this committee – I don't know if you knew Stewart.  
7
- 8 JK I remember him.  
9
- 10 MM Okay, Stewart said that when they went up with the names, he said, "I knew  
11 right off the bat that the person that the Chancellor, Irv Shain, would choose  
12 was you because his face really lighted up when he saw your name." The  
13 Chancellor knew me because I had chaired the University Committee. Now the  
14 University Committee is the Executive Committee of the faculty senate.  
15
- 16 JK Okay.  
17
- 18 MM It's supposedly a very powerful and important committee, and he knew me  
19 from that. He knew that I was probably inclined to not agree with him on  
20 various things, but I was reasonable to deal with. Also, at one point, the women  
21 involved in the women's movement on campus and who were complaining  
22 rightly about lots of things had come to him and wanted him to appoint a  
23 committee to investigate the status of women on the staff and faculty at the  
24 university. As a matter of fact, the Regents had said they wanted one on each  
25 one of the campuses, so there was going to be one on our campus. The  
26 Chancellor had a petition from a group of women who wanted him to appoint a  
27 woman from the school of education by the name of Jane Ayer, and  
28
- 29 JK Is that really her name?  
30
- 31 MM Yes, Jane Ayer (not Eyre) was really her name. Very nice person. He called



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1 me, the Chancellor did, and he said they want me to appoint her. I said, "Irv,  
2 she's a perfectly reasonable person. They're all perfectly reasonable people.  
3 They've just got a complaint." "Well," he said, "they're giving me a lot of  
4 guff. So I'm going to appoint her, but I'm going to make you and her, the co-  
5 chairs, okay?" So I said, "Gee, I've done my duty by being chair of the  
6 University Committee," but anyhow, I took that on, and, it was a great success.  
7 You know, instead of assuming that the faculty was not on my side, I assumed  
8 they were. And that made all the difference in the world in getting information  
9 and in presenting the stuff, right? They were on my side because I assume they  
10 were. You know how life is, right? So, anyhow, Stewart said when the named  
11 professorship came up, the Chancellor clearly favored me. That was one way  
12 of rewarding me, I guess. I mean, I hadn't done anything that I wouldn't have  
13 done otherwise, you know. But, so, that was part of my career at the university.  
14 I also got an award for my contributions to women in higher education from the  
15 UW System. I think it's on my cv.

16  
17 JK There are so many, it's a little hard to find all of them, sometimes, but

18  
19 MM Not that many.

20  
21 JK What advice would you give to young women now who are looking to go into  
22 law school and

23  
24 MM Oh, it's a different world. It's an entirely different world.

25  
26 JK I agree.

27  
28 MM Now I may be Pollyannaish about it but I think that my colleagues, the young  
29 women on our faculty, are as accepted as if they were men. Maybe I'm wrong  
30 on this. Maybe when you're in law school nowadays the men are more  
31 competitive, are less willing to give a little for you because they see you as

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1 being a real competitor, you know. Maybe they were so nice to me when I was  
2 young because they didn't really regard me as competition. And maybe I just  
3 didn't see it. Right? I can remember when women were beginning to come  
4 into the university faculty, and one of the women who was a faculty member in  
5 another department called me and said to me, "Margo, how do you do it? I see  
6 you having lunch with your colleagues." Now this was quite a while ago.  
7 Nowadays nobody would think anything of it at all. "I see you having lunch  
8 with your colleagues. Sometimes you will be with a group of them, sometimes  
9 you'll be all alone. I see you with Frank Remington, Stewart Macaulay," and  
10 she said, "How do you do it?" "Well," I said, "Frank Remington's office is  
11 next to mine, so I'm more apt to have lunch with him than anybody else," and I  
12 said, "I look in his office and I say, Frank, would you like to have lunch?" She  
13 said that the men seemed to be afraid to go with her places for fear that their  
14 wives would think that there was something more than a professional  
15 relationship. Now maybe I just wasn't that good looking or something, I don't  
16 know. But nobody ever paid any attention to me having lunch with my  
17 colleagues.

18  
19 JK Would you advise young women to go into the academic aspect of law?

20  
21 MM Oh, yes, I think that I have women colleagues who are very, very good. Yes.  
22 And women are making names for themselves as lawyers, as well as law  
23 professors, as scholars. Yes. Much more so than I ever did.

24  
25 JK All right. Well, I'm curious, did any of your children follow in your  
26

27 MM No. There's not a lawyer among them. They had different talents, and none of  
28 them was that interested.

29  
30 JK The combination of you and Joe, a very prominent lawyer in the Madison area  
31 and the state, and the combination of two prominent parents in essentially the

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1 same field, different aspects, but basically the same field.

2  
3 MM

4 Yes, but it's hard to know about these things. The oldest one, you know, has a  
5 candy business, which he sort of inherited from Joes' brother. He was always  
6 interested in being a cook. When he was a little boy, I can remember him  
7 coming home and crying because at school they'd asked them what they  
8 wanted to be, and the boys all wanted to be a fireman or a lawyer or a doctor or  
9 something, and they asked Joby – he said he wanted to be a cook. He said the  
10 kids all laughed at him, and I said, "Well, you point out to them, my son, that  
11 almost all of the leading chefs of the world are men, right?" I've always  
12 wondered why that should be.

13 JK

14 Not any more.

15 MM

16 Well, and even now, an awful lot of them are men, you know.

17 JK

18 That's true, that's true.

19 MM

20 It's unusual to have a woman. My second child, who is a very successful  
21 ballet teacher in southern California where she lives, was interested in ballet.  
22 She went to the North Carolina School of the Arts. I remember one of the  
23 young people at the law school who hadn't made it as a singer and so he  
24 decided he'd be a lawyer, said to me when I told him that she had applied and  
25 was going down there. "You have to audition to get into that school," he said  
26 to me, "Oh," he said, "she'll never make it. You have to be very, very good."  
27 So I was very proud of my daughter when she made it in. He said, "It's harder  
28 to get into the N.C. School of the Arts than to get into Harvard." The two  
29 younger kids were interested in art. We have a lot of art around and they grew  
30 up with it, they grew up going to museums, grew up knowing one of the famous  
31 photographers who is a friend of ours, and who just had a show at the Museum  
of Modern Art.

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JK Not too bad.

MM Yeah.

JK Are there any other things that you can think of that you'd like to be sure we try to include in this oral history that we haven't talked about?

MM Well, I've got some notes here about the various stages of my life because I went through the law school file on me. Going back in the 1960's, I did a lot of public service. I served on the Wisconsin Board of Public Welfare from 1964-67. It was the policy making body for the state correctional, mental health, child welfare programs. I did a lot with legislation for child welfare programs because of my expertise with child welfare. I served on all sorts of committees working on legislation. In my law school file, I found a letter from an official at Lutheran Social Services to the Dean telling him what a great job I had done and how essential I had been to their progress and getting the kind of legislation through that they thought was useful to children, and so on.

JK Oh, oh.

MM In the 1970's I was active with the State Bar. I chaired the family law section. Then at one point, I started putting out a publication for the family law section that included reviews of appellate court cases.

JK You still do.

MM I did that for 30 years I want you to know.

JK Wow.

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1 MM And I just resigned last summer. The family law section gave me a very  
2 handsome Suzanne Caporael print from Tandem Press as a gift for having done  
3 this. In the 1970's I was asked by the Chief Justice of the Supreme Court to  
4 serve on the Board of Attorneys Competence.  
5  
6 JK The Bar Examiners.  
7  
8 MM The Bar Examiners, now.  
9  
10 JK What has become the Bar Examiners?  
11  
12 MM So in those days we set up the whole system for continuing legal education.  
13 We didn't have continuing legal education  
14  
15 JK Right.  
16  
17 MM in Wisconsin until then. So that was one of the things I spent a lot of  
18 intellectual energy on, I'll tell you.  
19  
20 JK I can imagine.  
21  
22 MM Yes. And as a result of that experience, I ended up being asked to serve on the  
23 Board of Trustees of the National Conference of Bar Examiners as the first  
24 woman member.  
25  
26 JK Uh huh.  
27  
28 MM That is the organization that develops the tests for the Bar Exams.  
29  
30 JK The multi-state.  
31

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1 MM The multi-state, yes, everybody but graduates of Wisconsin Law Schools has to  
2 take a Bar exam to get into the bar, you know.  
3  
4 JK Are we now the only state without a Bar exam?  
5  
6 MM Yes.  
7  
8 JK Even Mississippi has  
9  
10 MM Even Mississippi has  
11  
12 JK Has developed a bar exam  
13  
14 MM Even Mississippi, even West Virginia and everybody else requires a bar exam,  
15 except for Wisconsin. Do you know that the headquarters of the National  
16 Conference of Bar Examiners is in Madison?  
17  
18 JK Yes.  
19  
20 MM Which I think is very interesting since we're the only state that doesn't require  
21 a bar exam!  
22  
23 JK But that would have to do with the Executive Director and where she lives.  
24  
25 MM Where she lives, right. I got to know Erica Moeser when I was on the state  
26 board, and I was a big promoter of hers to take over this job at the National  
27 Conference when I became the chair of the National Conference about 1990.  
28  
29 When I was with the National Conference, one of the things that I started was  
30 an essay exam, so they make up a multi-state essay exam that about a quarter of  
31 the states use now. You know, the bar exam often is kind of a sad little thing. I

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1 remember when I went on the Wisconsin Board of Professional Competence,  
2 the first thing I did was grade the bar exams so I would know where I was at,  
3 and so on. We divided up the questions, and the question I took was a  
4 jurisdiction question. In those days in Wisconsin, each member of the Board of  
5 Bar Examiners made up a question and the answer for the exam and nobody  
6 reviewed this at all, Joan. Imagine if you were relying on this.

7  
8 JK And he was wrong?

9  
10 MM And he was wrong, the question revolved around an issue that had been decided  
11 by the United States Supreme Court maybe in the early 1950's. Anyhow, the  
12 answer was all wrong. Of course the students coming out of the law school had  
13 the right answer. So that really made me think about these state bar exams,  
14 right? So when I was with the National Conference, they had begun something  
15 called the multi-state bar exam which is a multiple choice exam. And I  
16 promoted the development of a multi-state essay exam. Wisconsin still  
17 develops its own. But they do it in a much more sophisticated way than they  
18 did when I was there. And you know, Wisconsin gives the bar exam to more  
19 people than a good number of the states. These are people coming into  
20 Wisconsin who've gone to law school in Minnesota, Illinois, Harvard, Yale,  
21 and so on.

22  
23 JK I just have a question from your perspective as a faculty member, the argument  
24 that is always made for not requiring a bar exam of Wisconsin graduates is that  
25 both of the law schools, Marquette and Madison, spend so much time educating  
26 their graduates about the details of Wisconsin law that it's really unnecessary.  
27 That's the argument that's made. Do you think that still has any validity? I'll  
28 assume that it used to have.

29  
30 MM I don't know that it ever did. Now, I taught family law. I taught family law  
31 using as my base the Wisconsin law because my theory is that as law develops,

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1 it develops in the context of the state where the case is decided. To give a  
2 recent example, Wisconsin had a statutory requirement that there be a  
3 presumption of an equal division of property in a divorce.  
4

5 JK Right.

6  
7 MM Now, that was quite different from states which did not have that presumption.  
8 So, it made a difference in how your case was handled.  
9

10 JK Sure.

11  
12 MM And so then we would look at what happened in another state without that kind  
13 of thing. In that sense, it makes sense to concentrate to a point on a given  
14 jurisdiction.  
15

16 JK That's just sort of a little aside, there. It didn't really have that much to do, I  
17 was just curious.  
18

19 MM Well, I think you're right, and I just betcha that that's true at Marquette just as  
20 well as here. I don't think my colleagues pay any attention to whether  
21

22 JK It wouldn't surprise me.  
23

24 MM Or not they're going to take a Bar Exam. Again, to the extent that this is where  
25 we live, this is where we know what's happening, and so if you're teaching, if  
26 you're teaching constitutional law, it may not  
27

28 JK Right.  
29

30 MM make that much difference, but if you're teaching land use stuff, sure it makes  
31 sense to look at what's happening locally, you know, and I'm sure they do.



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1  
2 JK So what other, are there any other things that we, that I've neglected to ask you  
3 about?  
4  
5 MM Oh, well, yes, let me think.  
6  
7 JK I want to be sure we get all of these.  
8  
9 MM At one point, you and I are both fellows of the American Academy of  
10 Matrimonial Lawyers.  
11  
12 JK That's true.  
13  
14 MM Well, I want you to know that I was the first woman to be a Fellow in the  
15 Wisconsin Chapter, and the person who asked me was Bob Cook, do you  
16 remember Bob Cook?  
17  
18 JK I worked with Bob Cook.  
19  
20 MM Okay. And Bob said, "Well, we need to have a woman, and you're about the  
21 only one we could agree on, Margo, will you join us?" And so I did, you know,  
22 and I never was very active. In the beginning it was kinda just fine because  
23 most of them were my age and my friends, and now it's a lot of people I don't  
24 really know very well.  
25  
26 But when Len Loeb was president of the national group of the American  
27 Academy, he wanted to start a journal and asked me to do it. I started that  
28 journal for them, and I've got again got lots of tributes to me in the file. I've  
29 got a leather covered copy of the first edition.  
30  
31 JK And actually the journal that the American Academy started and does is really a

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1 very high quality law review caliber kind of a journal it seems to me, compared  
2 to all the other various publications.  
3  
4 MM That other organizations get out. Yes, I made the effort to make it into  
5 something more intellectually helpful than some of the others. It did not have  
6 pictures of meetings, etc.  
7  
8 JK No pictures.  
9  
10 MM They get out  
11  
12 JK No cartoons.  
13  
14 MM The AAML also gets out this other publication with everyone's pictures in and  
15 so on.  
16  
17 JK Well, newsletters serve a purpose too.  
18  
19 MM Yes, a newsletter.  
20  
21 JK This is a serious journal.  
22  
23 MM This was intended, as I say, there's stuff in my file on that, and  
24  
25 JK Now weren't you also a reporter for the American Law Institute.  
26  
27 MM Yes, I suggested that project.  
28  
29 JK On the law of family dissolution.  
30  
31 MM That's right. I suggested that name. I was elected to the American Law

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1 Institute after my friend Shirley Abrahamson put my name in. They were  
2 looking for women, I think. Shirley said to me, you know, Margo, we spent so  
3 much time getting things in spite of the fact that we were women, and now they  
4 want us to do things because we are women. So I went to my first meeting and  
5 Geoff Hazard, who was the executive director, made this little speech about  
6 how important the American Law Institute was, and what it should be doing,  
7 and he was looking for new topics for them to address. So I sent him a letter  
8 saying that one of the problems with the American Law Institute was that it  
9 dealt with wealth and might and it didn't deal with the things that touched most  
10 people, like family law. I suggested that family law, which was in a state of  
11 disarray, needed somebody to sit and think about it. As a result, the ALI came  
12 up with a project on The Principles of Family Dissolution. I didn't think  
13 divorce was a proper term because there were lots of families that were  
14 dissolving, but had never been formal ones, and so on.

15  
16 JK And you were the reporter for that.

17  
18 MM I was the original reporter, yes. That project turned out to be more  
19 controversial than I had thought. Several influential ALI members wanted to  
20 repeat the coverage of the Uniform Marriage and Divorce Act – and to tackle  
21 the issue of same sex marriage. I thought that was a mistake because I figured  
22 that same sex marriage would be very controversial and we would probably get  
23 bogged down in it. On the other hand, I thought the problems of family  
24 dissolution – and here I included both couples who were formally married and  
25 those who cohabitated without marriage – were pressing and affected far, far  
26 more people than the limited number of same sex couples who wished to marry.  
27 So I drafted a Memorandum for a Project on Family Dissolution and that was  
28 what the ALI Council approved.

29  
30 I was much interested in reforming family law before the ALI project. One of  
31 the things that I had been interested in teaching family law was the issue of

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1 child support. I can remember puzzling and talking to lawyers about what were  
2 the standards that were used, because the statute said a reasonable amount. So I  
3 got some money from somewhere, and went down to Dane County, which is a  
4 very much studied county by the way, and went through the records of a  
5 hundred cases or so, taking down information on cases in which there were  
6 children, and what their resources were and then the people over at the Institute  
7 for Research on Poverty crunched the numbers on all this, and (interruption to  
8 change tape)

9  
10 JK Margo, you were telling me about the research on child support and you'd  
11 gotten to the analysis that was done by the Institute for Research on Poverty  
12 about the predictor.

13  
14 MM Yes. The statisticians at IRP said that my study showed that the best predictors  
15 of the amount of child support set by the court were the number of children in  
16 the family and the income of the father. The Institute for Research on Poverty,  
17 particularly a scholar by the name of Irv Garfinkle, had been promoting this as  
18 a way of setting child support and they asked me to join the project. I worked  
19 with them for years, drafting the legislation that set this stuff up and doing  
20 research on what the results were.

21  
22 JK What is the relationship between the research that you did in Wisconsin and the  
23 federal mandate that later showed up.

24  
25 MM Wisconsin was the model for the federal mandate.

26  
27 JK The federal guidelines requiring percentages in child support were a result of  
28 the study that began here.

29  
30 MM And this little study that I did here just confirmed what they were thinking at  
31 the Institute for Research on Poverty. Then because of my involvement with

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1 the child support stuff, I ended up working with the Institute for Research on  
2 Poverty in the '80s and '90s and I still do things with them. So it was been a  
3 great great source of intellectual challenge and fulfillment for me.  
4

5 JK And more to the point it has been a contribution that has had a direct impact on  
6 the lives of lots and lots and lots of people.  
7

8 MM Yes, yes. It has revolutionized child support because although it started out  
9 being required only in the cases with children who were on federal aid,  
10 everybody uses it now. You have to treat everybody equally.  
11

12 JK That was the Institute for Research on Poverty.  
13

14 MM In the 1970's, I was asked to join something called the International Society of  
15 Family Law. I was interested but unable to go to the first meeting which was  
16 held in Berlin. I had four kids in school and so on, but I think the next time  
17 they met was in Montreal and we packed up all the kids and went. Anyhow, I  
18 got involved with the International Society of Family Law and in the late  
19 1980's and throughout the 1990's and up until recently, I have been very active.  
20 I have been on their executive council, served two terms as vice president for  
21 North America, helped organize a half dozen conferences, and have made all  
22 sorts of very interesting friends.  
23

24 JK Oh, I would imagine.  
25

26 MM Oh, and I have gone to all sorts of interesting places. We've met on  
27 Copenhagen, Moscow, Modena, Italy, Durban, South Africa, Vienna, Opatia,  
28 Croatia, and Brussels. A year ago, because one of the people I had met through  
29 the International Society of Family Law was a professor at a law school in  
30 Gerona, Spain, I gave a paper at a meeting in Gerona. Gerona, by the way, has  
31 a gorgeous law school. It's a beautiful international school building. Strictly

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1 modern, white building. Beautiful. Their library has all sorts of journals in  
2 English from the United States.

3  
4 JK Do you get the feeling that the basic principles of family law are becoming  
5 more similar internationally? Or do we still have some of the huge  
6 dichotomies, the French code is different in just about everything.

7  
8 MM Well, I have had people to our law school to speak on this. The Europeans are  
9 very much interested in having a family law for Europe. A European union  
10 family law. And they've had a commission working on this. As a matter of  
11 fact, sitting on my desk down at the law school are reports discussing the  
12 modernization, as they call it, of European family law. Last year the  
13 International Society of Family Law had a conference in, of all places, Salt  
14 Lake City. It was the Twelfth World Conference of this International Society  
15 of Family Law. I was struck by the difference between the people from Italy  
16 and what they thought about family law and the people from Scandinavia. The  
17 Scandinavians are

18  
19 JK More tolerant of non-traditional things.

20  
21 MM much more tolerant of non-traditional families. They recognize marriage  
22 contracts of same sex couples and some provide for marriage for people of the  
23 same sex. The Italians would have a fit about something like that. So I don't  
24 know what will happen in Europe but certainly everybody is talking about the  
25 same kinds of things. At this conference there were people from all over the  
26 world talking about same sex marriage. There were people from all over the  
27 world talking about the adoption by same sex couples. But there were also  
28 people talking about very traditional things. So the world is changing but very  
29 very slowly as I'm sure you would guess, right?

30  
31 Well the only other thing I was going to mention was that one of the interesting

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1 things I've done a number of times, is to file Amicus briefs in some interesting  
2 cases before the Wisconsin Supreme Court. In the early days of the change in  
3 property division, at divorce, I filed, I think it was at the request of NOW, an  
4 Amicus brief in a case in which a woman who married a guy and put him  
5 through medical school and then he decided he wanted out. She had an  
6 expectation that they were going to be well off financially, and the issue was  
7 whether she could share in his future income.

8  
9 JK Right.

10  
11 MM Also, I filed an amicus brief in a juvenile case where the issue was whether it  
12 was constitutional to deprive a juvenile of a jury trial. Wisconsin did that in  
13 that last revision.

14  
15 JK I know.

16  
17 MM And Justice Crooks, who is unopposed for the Supreme Court this time, had  
18 appeared before the Legislative Committee testifying to the fact that this was a  
19 perfectly constitutional thing to do. The issue before the Court was the  
20 constitutionality. We asked that he recuse himself since he made up his mind.

21  
22 JK And he didn't recuse himself?

23  
24 MM He did not recuse himself and we lost 4-3!

25  
26 JK Sometimes those things happen.

27  
28 MM Yes. I'm sure it's happened to you too my dear. More so than to me.

29  
30 JK So, if you had it to do all over again?

31

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1 MM I think I'd do the same things maybe. I don't know.

2

3 JK Okay. Well then. I think this probably uses enough of the tapes and the  
4 process will be that it will get transcribed, it will get sent to you so that you can

5

6 MM Be embarrassed by it.

7

8 JK No. So that you can edit.

9

10

11

12

13

14

15

16

17

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