



December 17, 2003

Re: *Marquette University Law School Update—Fall Semester 2003*

Dear Friend,

Since becoming dean this past summer, I have had the pleasure of meeting some of you at various “Meet the Dean” events. I hope to meet still others of you in the months ahead. In the meantime, with my first semester as dean behind me, I would like to bring you up to date on some of the things occurring within the walls of Sensenbrenner Hall. I anticipate writing to you along these lines perhaps twice a year or so.

Our Students. The primary news from the school is our unusually robust first-year class. We are joined this year by 210 students entering their first year of law study as full-time students and by 46 individuals entering as part-time students. On the full-time side, this number of students is more than the number of 160 for which we were aiming and which has been more or less our recent average. But over-subscription is almost entirely a happy problem, particularly given that I can report as well that the qualifications of the entering students have gone up again. Our first-year class has a median LSAT of 156 and an average undergraduate GPA of 3.36. The students hail from twenty-four different states, although Wisconsin continues to maintain a majority, and 101 different undergraduate institutions.

Why do we have so many entering students? The short answer is that we have recently experienced a significant upturn in applications. This past year, we received 1,588 applications—which is a 29 percent increase from the previous year and a remarkable 62 percent increase from the year before that. The reasons for the increase are not entirely clear. It cannot primarily be the Marquette University basketball team, as much as we have enjoyed its success, for these applications were pretty much all in hand by the time that the men’s team made it to the Final Four. More likely it is a combination of the economy and a perception that Marquette Law School is on the ascendancy.

Our Education. In light of the size of the first-year class, we have redirected faculty resources and created three sections of the basic first-year classes, rather than two as has been our norm in recent years. This division into three sections has been prompted by the fact that our largest room now seats 99 people—a rather different situation from much of the past, when as I understand it we had a room large enough to hold the entire first-year class. The additional section has had the happy effect in a number of courses of giving our first-year students somewhat smaller sections than in the past. In all events, this redirection of resources in light of the size of our first-year class underscores one of my priorities as dean: there is nothing more important than the teaching mission of the Law School.

Indeed, the importance that we place upon teaching is seen in another development at the Law School within the past couple of years. This is the addition of substantial new resources and faculty to our legal writing program. We wanted our legal writing faculty to be able to work extensively with students on a one-on-one basis to develop the students' writing skills, for it is through such personal interaction that students truly learn to write. Thus, over the past several years we hired four additional full-time faculty, attracting—it is not too much to say—some truly excellent lawyers from Milwaukee to teach in the program. Professors Jill Hayford, a Harvard graduate and formerly of the Reinhart law firm, Alison Julien, a former law clerk who then practiced in Brookfield, and Jessica Price and Marti Wronski, both formerly of Foley & Lardner, have joined Professor Katie McManus as full-time faculty teaching legal writing. While this may not be a high-visibility initiative in the eyes of the practicing bar or even current students (who have known no other approach), it is without question an important example of the way in which we are constantly trying to sharpen our focus and refine our teaching mission.

New Faculty. This year we are joined by a number of outstanding faculty. Patricia Cervenka, Professor of Law and Director of the Law Library, is one. Professor Cervenka is an experienced law library director, having served most recently in this capacity at St. Louis University, another Jesuit institution. Christine Hurt joins us as well: Professor Hurt, a graduate of the University of Texas School of Law and most recently a faculty member at the University of Houston, previously practiced in Houston, primarily for Baker Botts. We expect that Professor Hurt will help us enhance our curriculum in the important areas of corporate and transactional law. Irene Calboli also joins the full-time faculty this year. Professor Calboli, who was with us last year as a visitor, has degrees in law from Bologna University, *summa cum laude*, and from the University of London, where she also served as a Visiting Scholar. Her focus on international intellectual property law will complement the intellectual property interests of Professor Eric Goldman, who joined our faculty last year. The faculty's decisions to add Professors Goldman and Calboli to the Law School reflect an institutional commitment to replenish and maintain our stronghold in intellectual property law. More broadly, we are in the process now of hiring additional faculty who will begin with us next fall. I expect that in the spring I will be able to share with you the results of this important undertaking.

Teaching Outside the Classroom. A good deal of the teaching at the Law School occurs outside the context of formal coursework. This has always been important at Marquette because we recognize that it is not enough to train our students in the law; we must also seek, to the extent we can, to inculcate certain values. It is especially important now because we must ensure that we continue the important work, along these lines, of my friend and predecessor as dean, Howard B. Eisenberg.

So how does the Law School do this? One thing that we do is to lend our name and other support to the Marquette University Legal Clinic. This is a project of the Association for Women in Law and has been led since its inception a few years ago by a number of our alumni and students. The project is somewhat different from a traditional live-client clinic. It rather is a walk-in service that is open once a week (Tuesdays, from 4:00 to 7:00 p.m.) at the

House of Peace on the near north side of Milwaukee. The clinic operates by pairing up experienced attorneys with Marquette law students. These pairs then advise those who come to the clinic with legal questions. In many instances the pairs of attorneys and students answer basic questions, and in other instances they make referrals to a network of volunteer lawyers. This strikes me as the surest way in which to teach students the ethic of pro bono work—to put before them, and to involve them in, the example of attorneys who do it. We are proud to be associated with the effort and are gratified that a significant number of our students volunteer at the Marquette University Legal Clinic.

Another way for our students to learn is to be able to observe and interact with distinguished members of the bench and practicing bar. This occurs every day through the efforts of our dedicated adjunct faculty. We also have had a number of successful programs this semester to broaden students' exposure to the legal profession. First on the list would be the visit to campus in early November by Chief Justice Shirley S. Abrahamson as the Law School's Hallows Lecturer. The lecture is named, of course, after the late Chief Justice E. Harold Hallows, who not only practiced law in Milwaukee prior to serving on the Wisconsin Supreme Court but also (and equally importantly, from our perspective) taught at Marquette Law School for 28 years. Over the years the Hallows Lecture has enabled us to bring to campus such individuals as Justice Antonin Scalia of the United States Supreme Court and former Chief Justice Nathan S. Heffernan. There can be no doubt that our students benefited considerably this semester from the opportunity to observe, hear, and ask questions of Chief Justice Abrahamson. It was gratifying as well to see large groups of students attend lunchtime talks given by Justice Diane S. Sykes, L'84, of the Wisconsin Supreme Court and by Judge Lynn Adelman of the federal district court here in Milwaukee. These latter two visits were entirely arranged by our students, who continue to be very much a part of making the Law School a dynamic place.

Other Undertakings. The decades-old tradition of involvement by Marquette Law School faculty in the legal community continues. Professor Michael K. McChrystal, L'75, provides one example: he is serving by appointment of the Wisconsin Supreme Court as the reporter for the Court's advisory committee concerning Ethics 2000, which is the ABA's sweeping set of proposed changes to the rules of professional conduct. Professor Daniel D. Blinka this year is President of the Milwaukee Bar Association—some considerable evidence that, even as we gain a measure of greater regional and even national prominence, Marquette Law School is preserving its historic stronghold of involvement in the bar and public policy of the State of Wisconsin. Distinguished Professor Janine Geske, L'75, who led us so ably as interim dean, is delighted to be back at work on the full-time faculty, seeking among other things to expand her efforts at "restorative justice"—a program that brings together crime offenders and interested victims and a matter on which I expect to be able to give you more details in the future.

More quietly than in some other undertakings but significantly nonetheless, Marquette Law School faculty continue our developing tradition of contributing to society's collective storehouse of knowledge—and expanding the school's academic reputation—through scholarship. I need only to cite as an example Professor Michael O'Hear's

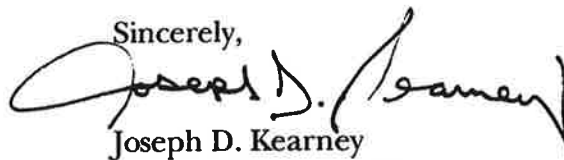
forthcoming article in the *Vanderbilt Law Review*, which addresses the appropriate division of authority between the federal and local governments in the long-running "war on drugs."

Some undertakings are institutional as well as individual. This past September, the Law School's National Sports Law Institute, under the leadership of Professor Matt Mitten, held a conference entitled "International Sports Law and Business in the 21st Century." The result of two years of planning, the conference attracted more than 100 speakers and attendees from all over the world. At just my table at dinner, I found myself conversing with individuals from Russia, Colombia, and England. The international reach of the sports law program was also visible in this year's Boden Visiting Professor, Hayden Opie of the University of Melbourne, who is an internationally known scholar in sports law.

We are planning for the future as well. There is no doubt that, both in comparison to our competitors and as an absolute matter, the Law School is in need of improved physical space. Our dedication this past summer of a second "smart classroom," described in the recent issue of our *Marquette Law* alumni magazine, is a step in the right direction. But we need to do more, and I have therefore charged a group of faculty led by Professor McChrystal to undertake a comprehensive review of our existing facilities and our evolving needs as an institution. This, too, is a matter on which I will attempt to provide continued updates.

I encourage you to visit the Law School's new website: <http://law.marquette.edu>. The website has much information about the school. We would be interested as well in hearing from you concerning suggested improvements to the site. In today's world, our virtual home on the Internet is important, and our new webmaster, Dax Phillips <dax.phillips@marquette.edu>, will eagerly take your suggestions. Even beyond this, I hope that you will feel free to contact me <joseph.kearney@marquette.edu> or anyone else with respect to suggestions or concerns that you have for the Law School.

This brings me directly (and finally) to the small matter of the Law School's having a new dean—only its ninth in the past 95 years. This is my seventh year at the Law School, which I have come to love as my own, but I have adopted a policy of waiting until I am through a full academic year as dean before I make any sweeping claims of enjoyment or success in my new position. The job is challenging but exciting, not least because of the high expectations and support of alumni and other friends for our work at Marquette Law School. I look forward to working with you and on your behalf.

Sincerely,

Joseph D. Kearney
Dean and Professor of Law