



MARQUETTE
UNIVERSITY

LAW SCHOOL

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Dear Future Marquette Lawyer,

Welcome to a new semester and a new year. It is right first to recall last year, even if only very briefly, for 2007 will stand out in the annals of Marquette University Law School. It was historic. Indeed, without doubt, it ranks among our three or four greatest years ever. As I mentioned in my letter last semester, much of this phenomenon flows from the unprecedented support that the Law School has received in recent years from this great University.

That our recent achievements are unprecedented is especially striking in light of our rich tradition—after all, 2008 is our centennial year as part of Marquette University. Please be assured, though, that our focus is aggressively on the future. This means, most immediately, you and your education. So permit me to commend some matters to your attention.

1. New Faculty. You may recall my introducing this past fall three new faculty members and promising a fourth. On the latter matter, Keith Sharfman has joined us on a full-time basis as Professor of Law. Professor Sharfman has left a tenured position at Rutgers University for this opportunity. He is a graduate of the University of Chicago Law School and a former law clerk to the Honorable Frank Easterbrook, Chief Judge of the United States Court of Appeals for the Seventh Circuit. Professor Sharfman is a student of the law, focusing his scholarship and teaching on bankruptcy, business valuation, and other similar commercial matters. His appointment reflects our effort to enhance what (with a litigator's impoverished vocabulary on these matters) I tend to call our corporate/transactional curriculum. Other recent results of this increased emphasis can be found in the persons of Professors Julian Kossow and Nadelle Grossman.

We expect to add three new faculty next year as well, all of them “lateral” appointments of individuals currently teaching at other law schools and attracted to Marquette by our great traditions and bright promise. Because these appointments must be confirmed by the Provost and the President, I have to wait a bit before providing you more information about these outstanding individuals. I do wish now, however, to thank in particular Kate Peckham, president of the Student Bar Association, for ensuring that students met these prospective faculty members last semester. Such contact proved influential both for our faculty in evaluating the candidates and for the candidates in assessing the Law School.

2. Public Policy Efforts. Much of my advocacy for the Law School these days concerns our role in the community. I am not hesitant to say that we wish to be an

intellectual commons for the discussion in this region of law and public policy. Since joining us one year ago this month, Mike Gousha, our Distinguished Fellow in Law and Public Policy, has shown us an important way in which to do this. Mr. Gousha's "On the Issues" series alone is a wonderful contribution to this community. This semester's guests in the series include Edward Flynn, the new Milwaukee police chief, who was with us last week in one of his first public conversations; Ed Zore, the president of Milwaukee's world-class company Northwestern Mutual and a leader in regional development; and Judge Michael Gableman, who will face Justice Louis Butler in an election this spring for the Wisconsin Supreme Court (Justice Butler visited with us last semester and I am optimistic that Mike Gousha will also be able to attract both candidates here for a debate in March).

While there will be numerous other guests (details can be found on our website), my interest here is not in cataloguing all of them. It rather is, primarily, to note for you some of the possibilities available at the Law School, even apart from the curriculum, for you to engage with respect to important issues and policymakers. The fact that we attract lawyers and other interested citizens from downtown (and elsewhere) for the "On the Issues" series is some evidence of the role in the community that we are assuming.

There are numerous other public policy events at the Law School as well. I am especially pleased with our upcoming Hallows Lecture, one of our signature events, on Monday, March 10. The Honorable Diarmuid F. O'Scannlain, Judge of the United States Court of Appeals for the Ninth Circuit, will speak on "Lawmaking and Interpretation: The Role of an Article III Judge in the Constitutional Framework." While my own anticipation derives in part from the fact that Judge O'Scannlain gave me my first job out of law school (and has supported my career since), his invitation was suggested by other faculty and a student, Daniel Suhr, and should be of considerable interest to all. Indeed, given Judge O'Scannlain's brief description of it to me (this, too, will be available on our website), I am confident that he will continue the trend of Hallows Lectures that are interesting and provocative (a standard most assuredly met by Judge Diane S. Sykes in 2006 and Judge Carolyn Dineen King in 2007). Many other visitors, brought in by the administration, faculty, or student groups at the Law School, are available to enrich your development as lawyers and leaders; I believe that our bundled electronic announcements on Monday and Wednesday mornings provide good information concerning the specifics.

While we would not undertake or support these activities if we did not think them an important matter for a law school, we leave to you seizing these opportunities. The time commitment required of you to take the opportunities is negligible (at least as measured, I hope, against your law school reading), but the benefits immense. I strongly encourage you to embrace what is for you this entirely self-driven aspect of your education.

3. Public Service Efforts. The Law School within the past several years has evolved in another impressive way which is also important to this community. Specifically, we are becoming an unquestioned leader in the effort to ensure that affordable civil legal services are available in this region. The ways are too numerous comprehensively to list (and it is always perilous to specify a few and not others), but they are varied, indeed.

This is true even in terms of who associated with the Law School is providing the leadership. Thus, to defy the peril of specification, let me note the sources of some of our efforts. They include our faculty, such as in the case of the supervised field placements and internships under the direction of Professor Tom Hammer at Catholic Charities,

Centro Legal, Legal Aid, and numerous other places; many of you have participated in these curricular programs. The projects include alumni of the Law School and other lawyers (e.g., the Marquette Volunteer Legal Clinic, whose steering committee is not exclusively Marquette lawyers). They include efforts led by many of you, our students, such as the summer fellowship program organized by our Public Interest Law Society and supported by monies raised at the annual auction (mark your calendars for Friday evening, February 22) and frequently matched from dean's discretionary funds donated by alumni and friends of the Law School (you will surely take care once alumni yourselves to support the Law School and to check the box entitled "dean's greatest priorities"). All of these examples of leadership—by faculty, by alumni and other lawyers, and by students—could be multiplied with other current instances.

The Law School and the larger community are committed to initiatives such as these. You will recall, for example, that just over a year and a half ago we added Dan Idzikowski, L'90, as the school's first Assistant Dean for Public Service. Dean Idzikowski has been involved in many of these activities: to take only one example, he currently is working with the board of the Marquette Volunteer Legal Clinic and a Milwaukee law firm to explore opening a branch of the MVLC on the South Side of Milwaukee (to complement the efforts on the North Side at the House of Peace); we hope to announce that soon. Dean Idzikowski has been especially vigorous in seeking external funding for some of these initiatives, including support from local foundations that will enable the Law School in the near-future to hire a Pro Bono Coordinator. With support as well from the University, Professor Janine Geske also has ensured that the Law School is deeply integrated in participating in substantial grant-funded activity that is designed to improve the quality of life in Milwaukee. I refer particularly to the school's leadership through Professor Geske in the federally funded Safe Streets Initiative, which seeks creatively to reduce gang violence in Milwaukee's second and fifth police districts (this will be featured in the next *Marquette Lawyer*).

In short, we are seeking to be among the economic, social, and cultural drivers in this region, and our potential is being recognized and supported by others.

4. Status of the Building Project and the Future of the Law School. The foregoing captures important aspects of Marquette University Law School today. What of the Law School tomorrow? Of course, it is frequently impossible to state with any reasonable degree of certainty what the future will bring. A lawyer especially must know this; for example, I eschew any predictions concerning a case currently pending in federal court challenging the constitutionality of Wisconsin's diploma privilege for bar admission (you may be sure that we are closely tracking the case and will provide appropriate updates). But it is rather clear that within the next few years a new law school building will rise several hundred yards south of today's law school, thanks primarily to the generosity (the word is an understatement) of Kay and Ray Eckstein, L'49.

The precise opening date for Eckstein Hall is elusive. Since the announcement of the \$51 million gift in May 2007, we have had other fundraising success. This includes not only the magnificent \$30 million commitment by Joseph J. Zilber, L'41, five-sixths of which is for student scholarships, but also a number of other commitments to the building, including several by alumni at the one-million-dollar level. At the same time, the building undertaking is significant (it is projected at \$85 million), and the project will require another \$20 million.

Here is my best sense: I remain optimistic that the President and the Board of Trustees will approve the project, and that we will break ground, in the first half of this year, although I am now inclined to think that the building is more likely to open in 2010 than in 2009. Here, as usual, I address you as professional colleagues and have shared with you all material information that is currently available; the reality is that there is uncertainty about a completion date in particular. You may be sure that no one is more intensely interested than I in the timely accomplishment of this project. I hope that we will be able to build support, as we advance out of the leadership phase of the campaign, to move substantially beyond the 50 or so key supporters, led by the Ecksteins, whose gifts or commitments by early December of this year had brought the Law School to the \$65 million mark. Even if we are able to break ground within the next several months, it will remain the case that the sooner we can secure sufficient funds to support the project, the sooner it will be finished.

How can you help advance the Law School? Simply stated, the most important thing that you can do is to fashion yourselves into outstanding lawyers, first through your work while students at Marquette University and thereafter through your continued efforts and investment in yourselves and in the larger society. At this juncture this should mostly be through matters associated with your classes. If you are preparing diligently for class, if you are rereading the material with an even more critical eye after class, if you are otherwise developing the essential attributes of industry, humility, and curiosity, you are off to a good start. But as important as your learning legal doctrine is, so too are your (a) gaining familiarity and proficiency with the legal discourse (a felicitous phrase that I learned from Professor David Papke) through such ventures as your writing and moot court undertakings and (b) absorbing important parts of the legal culture (a purpose to which to a large extent the public policy and public service initiatives discussed above relate).

If you do these things, you will have the opportunity to bring much in future years to Marquette Law School. It may not be—at least for most of you, let us say—economic gifts along the lines of the Eckstein and Zilber contributions. But whatever form it takes, including especially your service to your clients in advancing the profession, it will reflect on the Law School of today, from which you will graduate, and if done well will help advance the Law School tomorrow. For you and we and our forbears and successors are in important senses inextricably linked at the Law School. The loyalty engendered in Ray Eckstein and Joe Zilber at the Marquette Law School of the 1940's, which has manifested itself a collective 124 years after their days as students, is only the most dramatic reflection of this.

As T.S. Eliot once wrote, "Time present and time past / Are both perhaps present in time future / And time future contained in time past." There are few entities where this statement is truer at the moment than Marquette Law School. I ask today only this: that you do your own part this semester that this may long continue to be a true statement here.

Sincerely,



Joseph D. Kearney
Dean and Professor of Law