



January 28, 2014

Dear Marquette Law Student,

I hope that the inaptly named spring semester has opened well for you. I write with a short update about developments and activities at the Law School, as I have done semiannually over the years. Enough else is in transition at Marquette University that this does not seem the time to abandon this beginning-of-semester custom, for my sake at any rate, even if we must stretch a bit the meaning of “beginning.”

While the most visible transition since the beginning of last semester has been in the presidency of the University, with Rev. Robert A. Wild, S.J., having resumed the duties of president after retiring in 2011, things change at the Law School as well. Professor Phoebe Weaver Williams has elected to retire from active faculty service at the end of this academic year, and Professor Janine P. Geske also is retiring this year. The latter retirement means that we expect to fold the Restorative Justice Initiative into the Law School’s alternative dispute resolution program and no longer maintain a separate community program. Such is often the case with retirements of faculty, whose work the Law School has supported during their tenure, and you may be sure that we will support and develop other ways of advancing our mission as part of a Catholic, Jesuit university.

For me, the losses are both professional and personal. Both Professors Williams and Geske are Marquette lawyers. They also have been magnificent friends and faculty colleagues. I recall making a presentation to the faculty in 2002 as part of my candidacy to be dean of the Law School, when Professor Geske had agreed to serve for one year as interim dean, after the death of Dean Howard B. Eisenberg. I told my faculty colleagues in that presentation that even in my only five-plus years on the faculty I had learned something from each of them, and the particular thought that held me at that moment was something I had learned from Professor Williams.

I mention this not only because it pleases me to reminisce but because there is a lesson in this for you. It really is possible to learn something from your peers—just about every one of them; indeed, if you make a small effort, it is easy. Our recognition of this informed our design of Eckstein Hall. It is inspiring to see so many of you here at times and on days when you do not have class (even if that means that we all have to arrive a little earlier to get a parking space). Whether it is legal doctrine (law school’s central focus) that you are discussing with your fellow students or other matters, there is not just social but educational value in much of the interaction.

This semester we seek as usual to bring to Eckstein Hall *others*, besides Marquette students and faculty, from whom you—we—can learn various things. Our distinguished lectures are always a particular highlight, and I hope that you will join us on Tuesday, March 4, at 4:30 p.m., when Judge Paul J. Watford of the U.S. Court of Appeals for the Ninth Circuit will deliver this year’s E. Harold Hallows Lecture, titled

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“*Screws v. United States* and the Birth of Federal Civil Rights Enforcement.” The description will give you a flavor:


Robert Hall’s story might never have been told. The beating and killing of an African-American man by white police officers, however brutal, was nothing new in 1940s rural Georgia. But the social and political shifts brought about by World War II propelled Hall’s case to the United States Supreme Court, and the ruling that followed dramatically altered the relationship between the states and the federal government. In *Screws v. United States* (1945), a deeply fractured Court held, for the first time, that the federal government could prosecute police officers who abused the authority conferred on them by state law. This lecture will explore the history and legacy of this remarkable case, from its largely forgotten role as a harbinger of social change in the South to its impact on modern civil rights litigation.

Another of our four distinguished lectures—the Helen Wilson Nies Lecture in Intellectual Property—will be delivered by Judge Kathleen M. O’Malley of the U.S. Court of Appeals for the Federal Circuit on Wednesday, April 16, at 12:15 p.m. Judge O’Malley will speak on “The Propriety of Giving Deference to District Court Judges.” Please join us for this also. These various lectures, which typically gather students, faculty, lawyers, and community members, well merit an hour of your time: your presence will support the Law School and directly further your own education.

Another flagship program for bringing visitors to Eckstein Hall—to you—is our “On the Issues with Mike Gousha” series. These programs frequently revolve around current events and thus are primarily scheduled as the semester goes along. Guests or topics include not only several Marquette Law School Poll releases (we are back in an election year, ready or not) but, in the next couple of weeks, also such different folks as former Milwaukee Mayor John Norquist, nationally known for his writing and work on American cities, on February 5 and Bridget Brennan, special narcotics prosecutor for the City of New York, on February 13. I hope that you will attend these events as well.

As befits the weather, I have focused in this letter on events happening inside Eckstein Hall, even though many of you will engage with the Law School this semester in the larger community (e.g., by participating at one of our four Marquette Volunteer Legal Clinic sites), and I have made no attempt to catalogue all of our events (consider in this regard the annual Public Interest Law Society auction on February 21, the Jenkins Honors Moot Court Finals on April 2, and the Alumni Awards reception on April 24). Perhaps, then, I should note one coming improvement *to* the building: A donor has enabled the Law School to buy two ping-pong tables, which upon delivery we will put up for your use in the multipurpose room adjacent to the fitness center. Whether ordinarily we would accept such a gift, I cannot say, but the matter was easy: For I am that donor, and I look forward to playing a few of you in ping pong. As might have been said two weeks ago, at the very beginning of the semester: Game on.

Sincerely,



Joseph D. Kearney

*Dean and Professor of Law*