



MARQUETTE
UNIVERSITY

LAW SCHOOL

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Dear Future Marquette Lawyer,

It is my privilege to welcome you to a new academic year. Permit me to share some law school news with you. I will ask you, in the process, to reflect on a broader point or two concerning what we are about here.

New Law Class. Those of you returning this fall are joined by a group of new students. Most of these, of course, are first-year students, 177 of whom are here full-time and 45 part-time. They are an impressive group, with a median LSAT score of 157 and a median undergraduate GPA of 3.46. We believe the latter figure to be an all-time high here at the Law School (and we reject any suggestion that the increase can be attributed to undergraduate grade inflation). In addition, I ask the returning students especially to welcome the handful of transfer students among you, whom we are most pleased to have join us.

The faculty and staff of the Law School welcome all of you; you should do the same with one another. The new students, whether first years or transfers, have experiences and backgrounds that will enrich our Marquette Law School community. And our continuing students have much information (and maybe even a little wisdom) to offer new entrants. I hope that each of you—whether a new or returning student—will reach out to work, assist, and even grow in the law with your new colleagues.

New Faculty. In correspondence during last academic year, I described for those of you then with us our new full-time faculty. Chad M. Oldfather, Associate Professor of Law, was with us last year as a visitor and thus requires little introduction, but we are delighted that he accepted our offer to stay with us. Professor Oldfather's broad teaching and scholarly interests include many aspects of civil and criminal litigation. He is a graduate of the University of Virginia School of Law, and his professional work in the academy has been informed by his past experiences practicing at Faegre & Benson and the Office of the State Public Defender in Minnesota. Alexander Tsisis will be with us this year (and next) as Visiting Assistant Professor of Law. Professor Tsisis has substantial experience in both teaching and scholarship and will assist Professor Irene Calboli this year as advisor to the *Marquette Intellectual Property Law Review*. We look forward as well to the second half of the year, when E. Michael McCann will conclude his remarkable thirty-eight years of service as District Attorney of Milwaukee County and join us as Boden Teaching Fellow.

We expect as well to be hiring several new faculty members this year (to begin next fall), in part to replace faculty members who have left us for other opportunities and perhaps also to further expand the faculty. While this is a faculty and administration-driven process, we have sought in recent years appropriately to involve students in the matter. I can attest (as

could last year's SBA President, who was with us even when the faculty deliberated) that we take student interests and comments very seriously in the hiring process. This has already begun with my informing the Faculty Appointments Committee that one of the positions that we seek to fill this year must be earmarked for a new intellectual property law professor. My view on this matter was well informed by a number of relevant observations that I received from alumni and current students.

Implementation of the Strategic Plan. When I speak at commencement to our graduates, I emphasize to them that the law is both a learned and a helping profession. The learning required for law is visible on a daily basis in the curricular offerings available to you: For anyone making even a reasonably serious effort to grapple with the substance of law school, the countless pages of reading (and rereading, I hope) communicate that there is much accumulated information and wisdom (as well as some unwisdom, and, yes, that is a word) for a student to absorb. The importance of law as a helping profession can sometimes get lost in law school, but we increasingly seek to make available specific opportunities for students to be actually engaged in the practical work of helping people with problems.

We have made a major step forward in this respect by creating a new position at the Law School: our new Assistant Dean for Public Service, Daniel A. Idzikowski, is in a sense returning home—he is a Marquette lawyer, Class of 1990. Since graduation, Dean Idzikowski has served as a member of the Jesuit Volunteer Corps, worked as a legal services lawyer, and, most recently, been the Executive Director of Catholic Charities for the Diocese of La Crosse. In these and other respects, he is unusually well positioned to help the Law School to expand and enhance its outreach to the community. There has been considerable progress in this regard in recent years, much of it led by our dedicated and inspiring alumni (the example of the Marquette Volunteer Legal Clinic comes particularly to mind). Dean Idzikowski's role will include ensuring that the Law School nurtures and supports these outreach efforts and that pro bono service opportunities for students are widely available. We hope you take to heart and habit the practice of law as both a learned and helping profession.

The other new administrative position, Director of Recruitment, will be held by Stephanie L. Nikolay, formerly of the University's undergraduate admissions office (but familiar as well with the Law School). Ms. Nikolay will work with Sean Reilly, Assistant Dean for Admissions, to help the Law School attract an entering class of students with the intellect, character, and diversity to suggest that they will make lasting contributions to the community. I am aware of no other law school that has operated with a smaller admissions staff than Marquette University Law School—until now, Dean Reilly and an incomparable administrative assistant, Barbara J. Kurtz. This expansion of the resources available for this most critical of areas is a significant event for the Law School. If you are interested in helping the school in its recruitment efforts, please let Stephanie Nikolay know.

It is appropriate to note that this expansion of the Law School's personnel resources has been carefully considered and undertaken pursuant to a strategic plan approved by the Provost of the University. All of us at the Law School are impressed by the University's commitment over the past decade to ensure that the Law School has available to it funds that have been generated by law students' tuition. We are grateful as well for the support of hundreds of alumni and friends, who have enabled us to support programs and personnel that the tuition base cannot sustain. It is our firm desire (indeed, it is our financial plan) that Marquette law students get more than they pay for, and that is what our budget reflects.

Physical Changes. You may be aware that much of my own energy is directed toward working with others in the University (and beyond) to fashion a long-term solution to the Law School's insistent need for more and better physical space. I can report that we are making rapid and substantial progress in this regard, even as I acknowledge that much of the work associated with any building program remains ahead of us. More immediately, we have been required, in order to accommodate our program (consider the new positions in public service and admissions, even just this year), to construct new offices and otherwise to change some parts of the building. In particular, we have remodeled the Boden Courtroom and added offices behind it and also added offices on the lowest level of the library.

These changes in the building will benefit you as students—after all (and merely for example), a primary role of the new Assistant Dean for Public Service will be to connect interested Marquette law students with the community and, as stated, to help you develop as future Marquette lawyers serving in a helping profession. At the same time, I recognize that this is not the most comfortable place for students (just as it is not for those who work in the building). We have sought in a number of ways in recent years to ameliorate the situation. This includes making such decisions as allowing food and drink in the library, adding a coffee shop in the student lounge, ensuring that law students have access to the classrooms when classes are not in session, and providing comfortable seating in available places in the building. I regret that we have not been able to do a number of other things that we have considered: for example, wiring Room 210 (that is, making electrical outlets available there) would cost several hundred thousand dollars, which in the current circumstances I cannot justify. I wish that you did not have to work through these matters. And that is why we are working so diligently to solve comprehensively our facilities problems.

This discussion of the physical building and classrooms seems an appropriate place, even at the risk of sounding as a scold, for me to add a word concerning the use of the internet in the classroom. The building provides wireless internet because in some courses this can be an essential pedagogical tool in the classroom and because outside the classroom it can be an invaluable tool in your learning and in your life. You must know, however, that it is not only inappropriate to use the internet during class for personal use: it is also deeply discourteous to your fellow students, whom you will distract. While any faculty member has the option of not permitting the use of laptops in his or her classroom and while I would like to believe that the problem here is not as pervasive as it is in some institutions, I hope that this admonishment from the dean will be sufficient to dampen any such disrespectful behavior.

The Law School as Civic Institution. Marquette Law School is a great civic institution, not only in producing lawyers for the community, but also in providing a forum for civil, intelligent, and vigorous discussion and debate concerning matters of law and public policy. We saw an example of this last year in the memorable Hallows Lecture delivered by the Honorable Diane S. Sykes, L'84, concerning her estimation of the recent jurisprudence of the Wisconsin Supreme Court. We saw it as well in the past year or two in the Law School's conference concerning school desegregation in Milwaukee and in programs on the Patriot Act, health care fraud, international concerns for the protection of intellectual property, drug abuse in sports, and restorative justice, among a multitude of others.

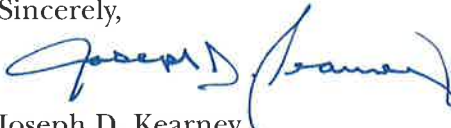
Looking to the coming year, we will have other instances as well. A few examples will suffice: UCLA Professor Eugene Volokh (widely known as the founder of the Volokh Conspiracy, www.volokh.com) will deliver our annual Boden Lecture. This will occur in the

Imperial Ballroom at the Pfister Hotel on Monday, October 16, at 4:30 p.m., and I hope that you will be in attendance. The Law School will host a conference in the Alumni Memorial Union, on Friday, October 6, entitled "Is the Wisconsin Constitution Obsolete?" There will be many prominent speakers at this conference, whose co-hosts with the Law School are the Wisconsin Alliance of Cities and the La Follette School of Public Affairs of the University of Wisconsin-Madison. On the same day in October, the National Sports Law Institute will host a conference on current legal issues in individual-performer sports. In November, our Restorative Justice Initiative (whose director, Professor Janine P. Geske, formerly of the Wisconsin Supreme Court, you may have recently seen on Dateline NBC) will host a conference on International Restorative Justice, with participants from the Middle East, South Africa, and Northern Ireland.

My point is not just to invite you to attend any of these or other conferences, but also to note the role that such gatherings play in serving the mission of the University and its law school to create and disseminate knowledge. Students as members of this community play an important role in this aspect of the Law School. Any student organization can invite a speaker to campus (you may consult our speakers' policy on the webpage for student organizations for further information). I am aware of a number of such plans by student organizations for this coming year, and I hope that you will help to ensure that the Law School is a forum (indeed, *the* forum in the region) for civil, intelligent, and vigorous debate about public policy matters.

It seems important to me that you consider your role in the Law School's mission as a premier civic institution. We seek here to build the civil society. Primarily, we do this by helping students to equip themselves with the knowledge, values, and skills that an individual needs to provide competent legal advice and representation.* But an attention to questions of public policy and to their proper resolution is important as well. In the hubbub of daily life in law school, and in the context for many students of a genuine need to find part-time employment in order to pay some of the bills while in school, it is possible to lose sight of this. I urge you, as future leaders of the civil society—that is, as future Marquette lawyers—to keep one eye on this even while you are in school and accordingly to direct some of your discretionary activities in such a way that you are prepared for civic leadership.

Sincerely,


Joseph D. Kearney
Dean and Professor of Law

* Some of you will note my usual formulation, which places the onus on you as students: the fire for legal education must come from within. *You should burn to have it.* We as teachers can highlight and clarify — and in a few instances perhaps light a spark. But it is *your* education. In this regard, for example, it is your responsibility to ensure that your upper-level curricular choices, beyond the required curriculum, together with your approach to the courses, leave you, at the end of the day, with the knowledge, values, and skills required to be lawyers. This topic of upper-level curricular choices is a matter on which I may be heard at greater length later, and perhaps in a different venue.