



August 26, 2012

Dear Future Marquette Lawyer,

I hope that the new academic year has begun well for you. It is a privilege for us at the Law School to have you here for your legal education. Marquette Law School has much to recommend it, but nothing is more important than the students who comprise the heart—the purpose, even—of our community. All of us at the Law School believe that we not only teach but learn, and we are grateful for your confidence in us. Against that backdrop, then, let me provide you an update concerning the Law School.

1. New Students. We welcomed 226 new first-year students this past week—203 in the full-time program and 23 in the part-time class. These numbers are generally in line with our historical numbers of the last decade or so, although the mix between the two groups has shifted somewhat. This derives from our continuing to insist upon the same entrance standards for both full-time and part-time students, even as the pool of thus-qualified part-time applicants has shrunk somewhat more than any decline in the past two years among full-time applicants. This insistence is, of course, important: we mean *one thing*—even if we also mean many things—when we say “Marquette lawyer.”

We also welcomed nine students who have transferred into the Law School—this group, too, being selected no less rigorously than entering first-years. Add to all this the two visiting students, three exchange students from Europe, and, most especially, the more than 400 of you who are back for another year, and you have the Marquette Law School of today—and the Marquette lawyers of tomorrow.

There are other ways of describing the new first-year class. Examples include that the average age in the full-time class is 24 and in the part-time class 28; some 18.1 percent of the class are minorities; and approximately 53 percent were Wisconsin residents upon applying to the Law School. As has long been the case, the University of Wisconsin—Madison boasts the most graduates, with 36 alumni in the 1L class, followed by Marquette University with 24, but the class nonetheless includes individuals from 34 states and 101 colleges or universities, from Massachusetts to Hawaii to China. Even more-meaningful descriptions are possible, as those who read the application essays can attest that we cannot describe in a statistical way so many of the positive skills and qualifications that our new students bring to us and will carry with them—along with their Marquette law education—into the larger world.

In short, once again, we can say with confidence that our new students have the intellect, values, and diversity that will enrich the Law School and enable them to contribute to their communities for years to come.

2. New Faculty and Staff. There are a few other new folks whom I would like to introduce. Jake Carpenter joins our faculty as an assistant professor of legal writing. Professor Carpenter is an experienced faculty member, having taught for the past six years

at DePaul Law School. We look forward to his being with us for years to come. Our other new faculty are here on a visiting basis but will enrich our school and its curriculum no less during the next year or two. Dennis Corgill is a visiting associate professor of law: he has taught at a number of law schools, including most recently Santa Clara and St. Thomas, and he will help Professors Bruce Boyden and Kali Murray ensure during Prof. Irene Calboli's leave in Singapore that our vibrant intellectual property program maintains its steam. Irene Ten Cate, formerly of Amsterdam but more recently of practice in New York City (Skadden Arps) and study and teaching at Columbia Law School, joins us as a visiting assistant professor: her fields are arbitration and litigation. And Anna Kloeden, who hails from Queensland, Australia, and just completed her Ph.D. at Oxford (where she was a Rhodes Scholar), is a lecturer with expertise in international and Chinese law.

To move beyond the faculty: Sophia Prange has joined the Eckstein Law Library after a number of years at the Wauwatosa Public Library; she succeeds Yolanda Lucas, who after 25 years with us has been given an exciting opportunity with Marquette University's Educational Opportunity Program. Finally, and most temporarily, Lindsay Weber is filling in at the Admissions Office while Rasha Kluge is on maternity leave.

Please welcome all of these folks.

3. Courses, Programs, Conferences, Lectures, etc. There is so much that happens at the Law School that it is not possible today—even if it ever was—to detail it in a four-page letter. That is most especially so in our most important sphere: the courses that we offer. Happily, we give you other sources of information on this front each semester, although part of my own tradition is to take this annual opportunity shamelessly to plug my Advanced Civil Procedure course (it is not too early for upper-level students to mark your second-semester calendars for Mondays/Wednesdays at 9 a.m.). I should note that a meaningful part—albeit far from a majority—of this curriculum is possible because of our impressive part-time faculty. Their service to the Law School and in support of the legal profession is invaluable, and as dean I consider myself to be in these colleagues' debt.

Because you *must* take courses, let me focus instead on some of your discretionary activities. There are many of these, and they can be helpful adjuncts in your effort (as I hope) to realize, now and in future years, Marquette University's mission of Excellence, Faith, Leadership, and Service. One impressive set of programs that we offer—for more than half a decade now—is the “On the Issues with Mike Gousha” series. As just about anyone who has lived in this region knows, Mike is a distinguished broadcast journalist—indeed, he is regarded as the “best ever” here, to use the words of the *Milwaukee Journal Sentinel*. While we share Mike with the airwaves through his Sunday show hosted on WISN-TV (and broadcast around the state), his full-time position since 2007 has been with Marquette Law School.

And what a success this has been in the contributions not only to the Law School but to the university and larger communities, especially since our move to Eckstein Hall in 2010. In this calendar year alone, the list of “On the Issues” guests might begin with U.S. Supreme Court Justice Elena Kagan, U.S. Navy Vice Admiral James Houck, and two Pulitzer Prize-winners: Yale Professor John Lewis Gaddis, biographer of the late George F. Kennan, and *Washington Post* associate editor David Maraniss, biographer of Presidents Obama and Clinton and (for a no less impressive matter in these parts) of Vince Lombardi. The list could continue with Wisconsin Congressman Ron Kind, Congresswoman Tammy Baldwin, and former Governor Tommy Thompson, all of whom have been here this year.

And even this is scarcely to exhaust the catalogue: We are announcing other events throughout the fall, and I hope that as students you feel welcome—perhaps even obligated—to attend some of them. The obligation is to yourself and your education, not to us: a lawyer is almost inherently a public citizen, and your awareness of the world around you will enable you more intelligently to serve, if not any single particular client in the years to come (though perhaps this), certainly your community more generally. In short, you will leave us better-educated for having taken advantage of some of these opportunities—and we hope that you will come back for more.

An especially exciting development in the public policy initiative during the past year has been the Marquette Law School Poll. It is not too much to say that, under the leadership of Visiting Professor Charles Franklin and with the collaboration of various others (from Provost John Pauly to Mike Gousha and Alan Borsuk, fellows in law and public policy, to Professors Michael McChrystal, Phoebe Williams, and Michael O’Hear), the Marquette Law School Poll has become the gold standard for polling in Wisconsin. We have no partisan agenda of any sort, and our extraordinary transparency in terms of disclosing results has given us unusual credibility, all of which has built on Marquette University Law School’s longtime reputation for integrity.

To be sure, we have benefited from another factor, which can never be discounted in this world: specifically, a bit of luck. But there is a lesson in all this for you (there are so many lessons available at the Law School): luck seems sufficiently correlated in this world with hard work and integrity that a conclusion of some *causation* appears inescapable.

Please join us at not only the “On the Issues” events, including those involving the poll, but also our impressive series of distinguished lectures. This year once again we have gathered a remarkable group of scholars and leaders. To begin, Franklin Zimring, University of California–Berkeley’s William G. Simon Professor of Law and Wolfen Distinguished Scholar and one of the nation’s leading students of criminal law, will deliver the annual Barrock Lecture on Thursday, October 4, at 4:30 p.m. This will also serve as the keynote address for the following day’s conference marking the eightieth anniversary of the nation’s first national crime commission: legal and other scholars from across the country, gathered at Marquette Law School by Professors Dan Blinks and Michael O’Hear, will reflect on the subsequent federalization of law enforcement, which has been—to understate the point—rather different from the formative experiences of the United States.

The annual Boden Lecture will be no less impressive: on Thursday, October 18, at 4:30 p.m., it will feature Eric Foner, the DeWitt Clinton Professor of History at Columbia University and, for some four decades now (since the publication in 1970 of *Free Soil, Free Labor, Free Men: The Ideology of the Republican Party Before the Civil War*), one of this nation’s foremost historians. His lecture is entitled “The Origins of Birthright Citizenship” and will trace the Fourteenth Amendment and Reconstruction Era controversies that retain such political salience today. We have associated this lecture with Marquette University’s Freedom Project, a campus-wide effort led by the Department of History to mark the sesquicentennial of the Civil War.

Professors Zimring and Foner well merit an hour of your time, as also will be the case this spring with our Hallows Lecture (delivered by the Hon. Paul Clement, former Solicitor General of the United States and the nation’s leading Supreme Court practitioner) and the Nies Lecture in Intellectual Property (featuring Professor Arti Rai of Duke Law School). I warmly encourage you to join us.

4. Scholarly Commons. While our focus at Marquette Law School is relentlessly and positively on the future, we are the happy heirs of those who have gone before us. Sometimes the debt is somewhat specific: for example, even in my tenth year as dean, I remain grateful to the late Howard B. Eisenberg, my predecessor as dean and one of my mentors. In other instances, it is more diffuse: the *Marquette Law Review*, for example, owes its heritage in important part to the dean, faculty, and students who elected to establish a student-edited law journal in 1916, long before most other schools had done so. In all events, thanks to the leadership of our law librarians (Director and Professor Patricia Cervenka, together with Elana Olson, Megan O'Brien, and Julie Norton), much of this legacy now is more widely available. This is on account of the Marquette Law Scholarly Commons, an online project containing all past issues of our various law journals and much of the faculty scholarship since the school's founding (and numerous other items). The matter is detailed in an August 8, 2012 faculty blog post by Elana Olson, and I invite you to roam around in these commons: like me, you will learn things. I appreciate that it is hard to compete with YouTube (I am now up to the last decade in terms of my technology awareness, even if Twitter still largely eludes me). The reference to technology reminds me of the importance of good *habits* (the primary driver of any success), but I will eschew that particular lecture here.

5. Eckstein Hall Financing Completed. Please permit me to conclude with a point that may seem a detail: there is a larger lesson in it. By way of context, the thoroughly implausible project that became Ray and Eckstein Hall required more resources even than the Ecksteins' historic \$51 million gift. Indeed, we raised another \$51 million dollars variously to support the building, scholarships, and the public policy initiative. Although we thus raised more than \$100 million, we remained \$11 million short on the building front (an \$85 million project). How to account for the remaining difference has occupied the attention over the past year of, among others, the provost and vice-president for finance—and thus necessarily me as dean. I am pleased to report that the matter is entirely concluded. The details are somewhat tedious for this sort of letter (they involve drawing on the Law School's accumulated equity, in the University's parlance, and an already agreed-upon and implemented internal tax on the Law School's ordinary revenue), but they reflect an important point.

It is this: The resolution of this matter has reflected both the Law School's recognition that it was our responsibility to account to the larger University for the costs of the Eckstein Hall project *and* the appreciation of the University's leadership that past obligations to the Law School must be honored, all in order that we may collectively work to advance the University's mission. While some other universities are embroiled in nasty funding controversies with their law schools, cooperation and collaboration have been the order of the day for as long as I have been part of the faculty—and, importantly, no less under the direction of Father Scott R. Pilarz, S.J., as president than during the time of his predecessor, Father Robert A. Wild, S.J.

Thus, on behalf of Father Pilarz, my faculty and other colleagues, and your forbears who are Marquette lawyers, let me say this: "You Are Marquette." Let's have a great year.

Sincerely,



Joseph D. Kearney
Dean and Professor of Law