



January 21, 2022

Dear Future Marquette Lawyer:

Greetings as we begin the semester. I hope that your learning has continued even since exams ended last month. For those of you who volunteered to go to Fort McCoy during break, assisting Afghan refugees in applying for asylum, or participated in other Marquette Law School pro bono activities, this no doubt has been the case. Whether we are in session or not, using these years to develop a *habit* of learning is most important. In this, I urge upon you no more than I have sought for myself.

I have learned so much since graduating from law school all those years ago. Some of it came rather directly, if not always easily, from my experiences as a law clerk in Oregon and Washington, D.C., and as a young lawyer in Chicago. Some of *that* I ought to have learned much earlier. There was no reason, for example, that it should have taken a co-clerk, my first year out, to point out my apparent lack of interest in one of the most important habits in legal writing: using topic sentences. I took the lesson.

Other things that I learned, looking back, were equally basic. My litigation practice in the early 1990s largely involved federal agencies and courts. A few years in, I was much struck by conversations with a colleague who had left the same firm and taken up cases involving personal injuries in the local state court. Only in these exchanges with my friend did I begin to gain a substantial appreciation for the *fundamental* importance of state courts in our society—their central purpose (on the civil side) in ensuring a venue for people who have suffered injury. For elaboration on all of this, you may find me in Advanced Civil Procedure, but suffice it to say here that, though not a personal-injury lawyer myself, I learned a good deal about a basic aspect of the justice system.

My education continued, eight years after law school, when I came to Milwaukee to *teach*. We may leave aside the considerable amount of *law* that I have had to learn in the past 25 years (rounding up by one semester). From my colleague, Andrea K. Schneider, I certainly learned a great deal about alternative forms of dispute resolution. Beyond that, though, her affinity for students and interest in their formation much impressed me. This is on my mind because, as some of you may have heard, Professor Schneider is taking a position next fall at Yeshiva University's Cardozo School of Law in New York City, as director of its Kukin Program for Conflict Resolution. I will be forever grateful to Professor Schneider for her service here and her friendship during the past 25 years (rounding down by one semester).

On the positive side of the ledger (of available resources), we announced shortly before Christmas that the Law School will establish the Andrew Center for Restorative Justice. The purpose, succinctly stated in personal terms, is to ensure that we can continue, into the distant future, the work of the Hon. Janine P. Geske, L'75, former Justice of the Wisconsin Supreme Court and long-serving Distinguished Professor of Law here. In fact, Professor Geske will take a leave of absence from her service as a

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trustee of Marquette University and resume her work on the faculty, now also serving as the inaugural director of the Andrew Center and helping lead our search for a long-term director. Restorative justice focuses on helping victims and communities to heal when they have suffered the direct or ripple effect of crime or harmful actions. The Andrew Center will especially help us advance the mission of Marquette University.

This center is fully supported by a \$5 million gift from Louie and Sue Andrew—1966 graduates of Marquette University in law and the school of speech, respectively. All of us came together during the deanship (1995–2002) of Howard B. Eisenberg, from whom we learned much. And we all have sought to contribute since. For example, Louie was a member of the steering committee for the Eckstein Hall building project. I am so grateful to Louie and Sue for their confidence in Marquette Law School.

So why do I present these particular recollections or reflections to you? Some of it involves a law school update—such as the impending “farewell” to Professor Schneider, the “welcome back” to Professor Geske, and a “thank you” to them and to the Andrews. Primarily, though, I offer these as examples of one way in which I learn things. It is true that I have not discussed the primary way—*reading*. Yet no one who has taken a law school course is likely to need a tutorial on the importance of reading.

By contrast, in this COVID-19 era (a reluctant phrasing), it does seem to me worthwhile to emphasize how much we all learn from other people. For me, it has been variously a co-clerk, a fellow young lawyer in Chicago, faculty colleagues, a former dean, and alumni of the Law School and University. And I have not even noted here a number of the greatest teachers in my life. For you, it often will be professors in your courses, but it also will be classmates, colleagues in the profession, and many others.

And there is my basic point. Whether or not you are *known* by it (as the old phrase goes), certainly you *learn* from the company that you keep. My advice: Seek people out, look for opportunities to expand your circle, and reap the benefits. This is not simply for “networking,” as is said almost too often, but for the things that you will learn from others. This learning, of and from others, is valuable in its own right, even as it also provides the foundation of our law school *community*. Behind the current masks in Eckstein Hall you must trust there to be warm and friendly faces. People are available from whom you will learn much—and who will learn from you.

Where will it take you? We cannot be sure. In closing last semester’s letter, I put my money on Jake from State Farm. Far from regretting that, I will double down. For here, perhaps not coincidentally if somewhat more controversially, I have Aaron Rodgers on my mind: The future is a beautiful mystery. You cannot control or even be sure of it. What can you do? You can do your best every day, in the things assigned to you and the opportunities that you seize for yourself. I am tempted to hedge my bets on the pop culture or sports allusions, by repeating again a phrase from the Latin poet Horace, but no doubt you read it in my column in the most recent *Marquette Lawyer* magazine. So I will close simply by extending all my good wishes as we begin again.

Sincerely,



Joseph D. Kearney
Dean and Professor of Law