

Why Marquette Law?

by William J. Mulligan and Nathan A. Fishbach

At its annual meeting on April 27, 2004, the Eastern District of Wisconsin Bar Association (EDWBA) presented its Special Service Award to Marquette Law School. The first item below is the commendation accompanying the award, in the form of an article by William J. Mulligan, President of the EDWBA and a partner at Davis & Kuelthau, S.C., and Nathan A. Fishbach, Past President of the EDWBA and Chair of its Awards Committee and a partner at Whyte Hirschboeck Dudek S.C. This is reprinted with permission from the Wisconsin Law Journal.

Following the article are Mr. Fishbach's remarks in presenting the award to Dean Joseph D. Kearney, who accepted on behalf of the Law School, and Dean Kearney's remarks.

Why is the Eastern District of Wisconsin Bar Association bestowing its Special Service Award on an institution rather than a human being, the traditional honoree? Isn't this a bit strange?

On its face, it might seem to be unusual. However, it is also unusual for a law school to have such close ties with the legal community in which it resides and of which it is an integral part. Certainly, this is not an instance where there is a defined demarcation between town and gown.

A review of some statistics provides context. Six of the current federal district judges and magistrate judges in the Eastern District of Wisconsin are Marquette Law School graduates. Two graduates are serving on the Court of Appeals for the Seventh Circuit. Moreover, ten of the lawyers in the United States Attorney's Office grad-

uated from the Law School. Indeed, one wonders how many of these attorneys, who now spend their days in federal court, started their litigation careers arguing in third-year mock trials at Marquette.

But Marquette's impact is felt far beyond these data. Over the years, the Marquette Law faculty has played an active role in some of the district's most significant activities. For over a decade, Professor Jay Grenig has served as a reporter for the Federal Rules Committee and held a similar role on the Civil Justice Reform Act Task Force, both of which promulgated the procedures for this district's courtrooms. Law School Deans Robert Boden, Frank DeGuire, Howard Eisenberg, and Joseph Kearney have chaired or co-chaired the merit commissions that evaluated nominees for federal judgeships for Wisconsin's United States Senators, as has Marquette Professor Peter Rofes. Marquette faculty, such as Christine Wiseman, have served as special masters in discovery disputes in federal court. Ralph Anzivino has played an integral role in drafting a Model Chapter 13 Bankruptcy Plan for the district.

In fact, Marquette is such a part of the Milwaukee legal community that one of its professors, Daniel Blinka, now serves as the President of the Milwaukee Bar Association and is probably one of the first members of a law school faculty in the nation to lead a metropolitan bar association.

Marquette Law students have also played a role in the federal courts. Through Thomas Hammer's efforts, Marquette students have had the great privilege of working in the chambers of the district's federal judges, which has provided the students with incredible learning opportunities.



William J. Mulligan, L'60, and Nathan A. Fishbach present Dean Kearney with a framed copy of the article concerning the service award to the Law School

Throughout the years, Marquette Law has instilled in its students the importance of providing pro bono legal services for the poor. It is impossible to count how many Marquette alumni accept appointments to represent the indigent in court, advise the needy at no or a reduced fee, or practice in public interest law firms. Importantly, last November, at its first banquet, the Equal Justice Fund named an award for pro bono service after Dean Eisenberg.

And Marquette Law has been instrumental in the founding of this group—the EDWBA. The Law School, under the leadership of Deans Eisenberg, Janine Geske, and Kearney, has provided and continues to provide strong support to the Association. The EDWBA is particularly grateful for Marquette’s generous contribution to the Eastern District Historical Project, the EDWBA’s signature undertaking, which is creating and preserving archives of our district’s past.

Marquette Law School is not just an institution or entity. Rather, it is living and dynamic—and through its faculty and students (past and present) has demonstrated an ongoing and dedicated commitment to the Eastern District of Wisconsin’s legal community.

And for that, we are quite grateful.

Remarks of Nathan A. Fishbach, Past President, Eastern District of Wisconsin Bar Association, in Presenting the 2004 Special Service Award

April 27, 2004

Shortly after it was announced that Marquette University Law School would be the recipient of the Eastern District of Wisconsin Bar Association’s 2004 Special Service Award, EDWBA President Bill Mulligan and I wrote an article, entitled “Why Marquette Law?” for the *Wisconsin Law Journal*. In that article, we attempted to discuss the accomplishments and contributions of

Marquette Law School to the life of this district.

In writing this article, we discovered how difficult, indeed daunting, it was to summarize Marquette's contributions in 600-some words. It is no less difficult to do so during a three-minute presentation.

Perhaps I can best summarize Marquette Law's contribution to this district with the following observation:

For the almost quarter of a century of which I can speak with first-hand knowledge, as a litigator in the district (and, incidentally, as a non-Marquette alumnus), I cannot think of a single significant project in the courts of the Eastern District of Wisconsin in which Marquette Law School did not play a significant leadership role.

Here are two quick illustrations, particularly relevant today because they bear upon the life of the EDWBA.

Approximately three years ago, a small group—perhaps seven or eight of us—convened in Judge

Stadtmueller's chambers for the initial organizational meeting of an association that later became known as the EDWBA. The EDWBA did not even have a name yet! Dean Howard Eisenberg, of blessed memory, was one of

the attendees. During the meeting, there was a substantial amount of discussion—maybe even friendly argument—regarding the group's mission and purpose. There was a debate over whether there was a need for such a group. We even asked: "Would there be anything for such a group to do?" Dean Eisenberg did not say very much, just observing and taking it all in. Finally, toward the end of the meeting, Dean Eisenberg said

the following words: "It is still up in the air as to the form that this group will take. However, I can tell you that this is a good idea. Count Marquette in. Marquette will do whatever you need or want at any time. Period."

Fast forward almost three years later. The EDWBA is

**Remarks of Dean Joseph D. Kearney
in Accepting EDWBA Award on Behalf of the Law School**

Thank you, Nathan. Permit me first to congratulate the winners of other awards today. They include two of our alumni, Greg Conway of Green Bay and Judge Tom Curran—who I see is joined by his son, Bill Curran, himself an alum, and by others from Mauston. I shall have to avoid being too narrow in my geographical claims for Marquette.

This is a meaningful award for us. Marquette Law School is Milwaukee's law school. This is true as both a fact and an aspiration (even if it is not the extent of our aspirations). We have sought not only to provide legal education but to serve the city and the state in other ways as well. Thus, even in recent decades as we have sought to act more broadly, we have tried to maintain our historic stronghold.

Today's award is some evidence that our effort has been successful. So on behalf of my faculty colleagues, several of whom are here with me today—Dan Blinka, Irene Calboli, Janine Geske, Jay Grenig, and Tom Hammer—and our students and alumni, thank you. All of us associated with Marquette Law School will try to continue to merit the award.

up and running. We have over 300 members. Indeed, it is in the midst of developing its signature undertaking, the Eastern District Historical Project. This Project is archiving the district's history so that future generations can relive the work of its judges, attorneys, and litigants.

During the quarterly EDWBA Board meeting, our district's librarian, Mary Jones, and an archivist whom we retained, provided a report on the Project's progress. They provided great news. The Project's initial work was on target. They distributed a wonderful booklet, showing how the archives were organized, and discussed some of the little-known events and documents that were being discovered through this Project.

Unfortunately, they also had bad news. Apparently, the Project had just burned through its initial developmental seed grant from the State Bar. The EDWBA needed additional funding to finish the Project's first stage. The Board was not quite sure how to deal with this problem. The matter was left unresolved.

A few weeks later, an EDWBA Executive Committee meeting was held. One of the participants inquired as to the Project, stating, "What are we ever going to do about funding?" And Bill Mulligan, our President, casually replied that Marquette Law Dean Joseph Kearney, who serves on the EDWBA Board and who had attended the prior Board meeting where the discussion took place, made a generous donation to the Project so that we could continue.

The point of these stories is not to illustrate the importance of the work of the EDWBA, but rather to highlight the acts of leadership of Marquette Law School in contributing to the life of this district.

The events have a common thread. On both occasions, Marquette Law School acted quickly, quietly, and without hesitation to meet important needs.

And what is even more interesting is that these two illustrations are not isolated events. Rather, similar acts occur on an ongoing basis each and every day, where Marquette Law School contributes to the life of our community quickly, quietly, and without hesitation.

In fact, these two stories illustrate how Marquette Law School does more than simply contribute to the legal community here. Rather, Marquette embraces it.

Marquette sets an example—a benchmark—for all of us in demonstrating how we must fulfill our own obligations of service to our community. Quite simply,

Marquette is a very special place.

All of us who are fortunate to practice in this district are appreciative of the integral role that Marquette Law School plays here.

And for that reason, the Eastern District of Wisconsin Bar Association believes that the Marquette University Law School is truly deserving of its 2004 Special Service Award. •

