

Fall 2006 Boden Lecture — “Law, Politics, and Slippery Slopes”



Slippery-slope arguments—we’ve all made some, and we’ve all pooh-poohed others, in contexts as varied as free speech, privacy, euthanasia, gun control, regulation of smoking, and various hot-button social issues. So explained **Eugene Volokh**, Gary T. Schwartz Professor at UCLA Law School, in Marquette Law School’s annual Boden Lecture this past fall. Professor Volokh discussed how we can make such arguments more effectively and how we can evaluate them. The lecture was delivered at the Pfister Hotel in Milwaukee on October 16, 2006, to 150 students, faculty, alumni, and members of the Milwaukee legal community. Professor Volokh, a former law clerk to Justice Sandra Day O’Connor and Judge Alex Kozinski, is a prominent commentator on the law and public policy, reaching both popular and academic audiences, particularly through his “Volokh Conspiracy” blog (www.volokh.com). The annual lecture remembers the late Robert F. Boden, L’52, who served as Dean of Marquette University Law School from 1965 to 1984.

Remembering a Marquette lawyer

The Law School this past fall mourned the loss of Professor Emeritus **Charles W. Mentkowski**, L’48, who passed away on September 22, 2006. Mentkowski had returned to the Law School in 1968, joining the faculty following two decades of practice in Milwaukee. He served as Associate Dean for 20 years, working with both late Dean Robert F. Boden and former Dean Frank C. DeGuire, and remained a full-time member of the faculty until 1996. Throughout this time Mentkowski remained active in the community, perhaps most notably as Chair of the Milwaukee Police and Fire Commission in the 1970s. Mentkowski was actively involved in the Law School up until his death.



In delivering the eulogy at a funeral Mass celebrated at Gesu Church by Rev. Gregory J. O’Meara, S.J., a member of the Law School’s faculty, Dean Joseph D. Kearney recalled Mentkowski’s remarkable number of undertakings, then saying this: “I should like to be able to connect all of these various activities—those of a student, husband, parent, coach, scoutmaster, teacher, administrator, public servant, and mentor—and weave them together to demonstrate a sort of seamless web. If I spoke long, it would be a highly imperfect exposition. But nonetheless I can make the connection in only a few words: Chuck Mentkowski was a Marquette lawyer.”

The Fall 2006 issue of the *Marquette Sports Law Review* contains a number of memorials to Dean Mentkowski, who served on the Board of Advisors of the Law School’s National Sports Law Institute, including as Chair from 1989 to 2000.

Expanding the faculty



The Law School welcomed this year to the full-time faculty Professor **Chad M. Oldfather**. Oldfather is a graduate of Harvard College and the University of Virginia School of Law. He has experience both in practice (in his native Minnesota) and in teaching. Oldfather's primary area of scholarly interest is judging and the judicial process. In 2004, the American Academy of Appellate Lawyers awarded him its Howard B. Eisenberg Prize, which the Academy bestows for the best article on the appellate process in the previous year. Oldfather's article, "Appellate Courts, Historical Facts, and the Civil-Criminal Distinction," appeared in the *Vanderbilt Law Review*. Oldfather's teaching at the Law School includes sections of the courses in civil procedure and evidence.

New positions in recruitment and public service

As part of implementing its strategic plan, as developed by both the faculty and administration of the school, the Law School created two new administrative positions, beginning this past academic year. **Daniel A. Idzikowski**, L'90, joined the Law School as Assistant Dean for Public Service. Idzikowski has extensive experience since law school, including as a member of the Jesuit Volunteer Corps, a lawyer in the legal services area, and most recently (indeed, for the eight years prior to joining Marquette) as the Executive Director of Catholic Charities in the Diocese of La Crosse. As Assistant Dean for Public Service, Idzikowski helps lead the Law School in such varied areas as community outreach, volunteer service, and public service law. He can be contacted at (414) 288-8060 or daniel.idzikowski@marquette.edu.

The other position doubles the size of the professional staff of the Law School's Admissions Office. **Stephanie L. Nikolay** has joined the Law School as Director of Recruitment. She will work with Assistant Dean for Admissions Sean Reilly. Nikolay spent the previous 16 years with the Office of Undergraduate Admissions at Marquette University, most recently as Senior Assistant Dean. She can be reached at (414) 288-8062 or stephanie.nikolay@marquette.edu.

"These new positions are the culmination of one aspect of our strategic planning, but they are far more about the future of the Law School," said Dean Joseph D. Kearney. "The Law School needs to attract talented students and then to help those students transform themselves into Marquette lawyers, which means more than simply technical prowess with the law. To have an Assistant Dean for Public Service and a Director of Recruitment will be of immense help, especially given the two individuals whom we attracted to those positions."



A look back at fall 2006 conferences

The Law School this past fall hosted four significant conferences, variously reflecting regional, national, and international interests of the school's faculty. The first was an early October conference entitled **"Is the Wisconsin Constitution Obsolete?"** The conference focused on core constitutional issues—most notably, the allocation of political power, economic development, the structure of local government, education, and taxation—and inquired whether Wisconsin's basic document facilitates or restrains advances by the state. The Wisconsin Alliance of Cities and the University of Wisconsin–Madison La Follette School of Public Affairs were cosponsors. Leading national scholars joined with distinguished Wisconsin scholars to present papers that are being published in a symposium issue of the *Marquette Law Review*. In addition, former Wisconsin Governors Patrick J. Lucey, Lee Sherman Dreyfus (by video), and Anthony S. Earl and former Wisconsin Lieutenant Governor Margaret A. Farrow participated in a sold-out dinner program as part of the conference. Professor Michael K. McChrystal led the Law School's effort.



The Law School's National Sports Law Institute hosted a conference on **"Individual Performer Sports: Current Legal and Business Issues"** on October 5, 2006. Conference panels focused on a number of issues, including such varied topics as public law constraints on internal governance, transsexualism and athletic competition, doping, contracts, and sports marketing, as these arise in the sports of golf, tennis, track and field, triathlon, and poker. Speakers included Libba Galloway, the LPGA's Executive Vice President and Chief Legal Officer, and Gary Johansen, the USOC's Associate General Counsel. Foley & Lardner, LLP, Greenberg & Hoeschen, LLC, and the Sports & Entertainment Law Section of the State Bar of Wisconsin cosponsored the conference.

Later in October, Marquette hosted the first **"Colloquium on Current Scholarship in Labor and Employment Law,"** which organizers hope to make an annual event. The colloquium was a first-ever national effort to bring together labor and employment law scholars from around the country to present their scholarship, get feedback from their colleagues, and meet others teaching and researching in the field. Fifty attendees presented in a day and a half of concurrent sessions, and the other attendees included local attorneys, Marquette law students, government officials, and additional professors from around the country. Marquette Law School professors presenting were Phoebe Williams and Scott Moss; the organizers of the conference were Professor Moss and two professors at other law schools, Paul Secunda of the University of Mississippi and Joseph Slater of the University of Toledo.

The Law School's fourth conference last fall attracted more than 300 people, some of them from across the world. On November 13, 2006, Marquette Law School's Restorative Justice Initiative, led by Professor Janine P. Geske, L'75, convened a gathering entitled **"International Restorative Justice Conference: Healing After Political Violence."**

Many Marquette Law School events are available at <http://law.marquette.edu/jw/webcasts>.



At the conference, an Israeli woman whose son was killed by a Palestinian sniper and a Palestinian man whose brother was killed talked about how they work together toward peace in an organization of grieving families on both sides of the conflict. Linda Biehl, whose daughter, Amy Biehl, was killed in South Africa while working against apartheid, appeared with one of Amy's killers who now works for the Amy Biehl Foundation in Cape Town. Through videoconferencing from Ireland, Patrick Magee, an IRA activist who was responsible for leading a 1984 attack against members of the British government, resulting in the death of five people, sat next to Jo Berry, the daughter of one of the men killed, as they discussed how they have met and talked and forged a healing relationship. Cosponsors for the conference included a number of Marquette University organizations; the AMC Foundation; the Jewish Community Foundation; the Islamic Society of Milwaukee; the Milwaukee Irish Cultural Society; Gass, Weber, Mullins, LLC; Gimbel, Reilly, Guerin & Brown; and Leib & Katt LLC, as well as many generous individual donors.

Student Bar Association update

So what does the Student Bar Association do? A great deal, reports **Mandy Gardner**, president of the Marquette Law School Student Bar Association.

New programming initiatives this past year included informal monthly student–faculty coffee and bagel breakfast get-togethers as well as a regularly scheduled series of speakers addressing current law-related issues. Along with the Federalist Society, the SBA hosted a discussion on U.S. immigration policy, which featured Professor Ed Fallone of the Law School and Professor Margaret Stock of the United States Military Academy at West Point.

The SBA continues to organize the annual fall Malpractice Ball—a formal dance bringing together the students of Marquette's Law School and School of Dentistry and the Medical College of Wisconsin—as well as Casino Night in February and Spring Follies.

Great programming—both social and academic—that's what the Student Bar Association does. •

