

Marquette Law

Summer/Fall 2002

Marquette University Law Alumni Magazine



Remembering
Howard Eisenberg
1946-2002

Marquette Law

- 3 interim dean appointed
- 4 remembering howard
- 8 alumni association
- 10 sports law alumni association
- 14 advisory board
- 16 teacher and student
- 19 annuity gift
- 20 woolsack recognition
- 21 distinguished alumnus
- 22 moot court winners
- 24 campaign update

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Howard Eisenberg, dean of the Marquette University Law School, passed away on Tuesday, June 4 at St. Luke's Medical Center. He suffered a mild heart attack on May 23. He was readmitted to the hospital Monday, June 3. He was 55. After his passing, Robert A. Wild, S.J., appointed Janine Geske as the interim dean of Marquette University Law School.

carrying forward the mission

When Father Wild asked me to serve as the interim dean of the Law School, I was honored to have the opportunity to follow in the footsteps of Dean Howard Eisenberg. Howard was a remarkable man and certainly the greatest advocate that the Marquette University Law School could have asked for. He was also a mentor and a dear friend. I share his passion for the Law School, public service and those who are disadvantaged or in need. I, too, share his enthusiasm for promoting Marquette's distinct Jesuit identity and mission. Like Howard, I will continue to work at improving the national prominence of the Law School while strengthening the School's relationships with its alumni. My goal is to continue Howard's legacy during the time that I will serve as interim dean.

I am excited to see that many of you are doing your part to continue Howard's legacy as well. One of my first tasks as interim dean was to create a committee, chaired by Professor Joseph Kearney, that would organize the numerous memorials that have been suggested to honor Howard. On behalf of Howard's family and the Law School, I thank all of you who have proposed and supported

these generous tributes.

Our School

I am happy to report that the law school is doing well. We have received approximately 1,300 applications—a 32% increase over last year's applications—and we are expecting an incoming class of around 180 full-time and 40 part-time students. As a result of the increase, the average LSAT median has gone up two points from last year to 156 (top 70th percentile). The average grade point average remains a strong 3.39.

Our Students

We have put several initiatives into place over the last two years to attract highly qualified students, particularly minority students and those who live outside of Wisconsin. While we need to continue to work very hard at creating a more diverse student body, the Law School has taken several steps in the right direction. We have developed a feeder school relationship with Florida A&M University, known for its significant minority student population. In addition, we have developed a diversity task force within our alumni association board to address this issue.

Initiatives to aggressively solicit out-of-state

continued on page 8

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—Janine Geske
*Interim Dean and
Distinguished
Professor of Law*

remembering Howard

What follows on the next four pages are excerpts from remembrances and eulogies offered to honor Howard Eisenberg, who served as dean of the law school from 1995 until his passing this June. They offer a glimpse of a man whose faith, unrelenting belief in the human spirit and strength of character will make all whose lives he touched better for knowing him.

Nancy C. Rogers, administrative assistant to the dean, presented the following for Law School Dean Howard B. Eisenberg on Thursday, June 6, 2002, at Temple Menorah.

Howard hired me as his administrative assistant in July of 1996, a year after he became dean at Marquette Law School.

When I arrived in the main office of the Law School for my interview, I was announced to Howard and he came out to greet me. As we walked to his office, he told me I had failed my first test, but come in and we would talk. Needless to say, my heart took a dip and I wondered how I could have blown the interview before it even began. The test was that his door to the hall was open but that I had walked right by it. This was my introduction to his open door policy and his sense of humor.

As in any new job, I felt overwhelmed with the depth and breath of the work and the boss. After about a month I went to him and said that I felt like I wandered into a new land where I didn't know the languages -- the academic, Marquette's and the legal -- and that I didn't have a road map. He smiled that quirky smile and said not to worry, that we would make the map together. And so we did.

I enjoyed catching him unexpectedly with small practical jokes...On one occasion when he was on a fund-raising trip in Florida with Father Wild, he e-mailed me to send him the evening transcription by overnight mail so that he could proof it, then return it to me so that it would be ready upon his return for his signature and mailing.

I read the e-mail and thought to myself, "Howard, relax. You are in Florida and should have some time to sit in the sun and read a good book." With the blessing of Associate Dean Shirley Wiegand, who helped with the shopping, I did send him an overnight early morning delivery that included a racy novel, a bottle of suntan lotion, and a small bottle of booze as well as a T-shirt. I did not include the transcription. I e-mailed him that the package would be at the front desk by 8:30 a.m. in plenty of time to attend to and be ready for the next appointment with Father Wild.

The next morning, I had an e-mail message from a UPS inspector informing me that the package I had sent to Howard Eisenberg had the appearance of a bomb and had to be destroyed. Furthermore, it was

against federal law to ship booze overnight, so I could be expecting a call from the FBI, probably a prison term of three to five years and a \$400 charge to the UPS account. At this point my heart was racing and I thought how foolish I had been and why didn't I just do my work and leave all else alone.

The last paragraph of this e-mail said that they didn't know who this Howard Eisenberg was, but he must be a big slob as the muscle shirt was a size 3X. It was signed I.M. Stern, UPS Inspector, but really Howard B. Eisenberg, dean and professor of law.

This was the kind of humor we shared and what made working with him unique. We never talked about these events. I would just find a shiny red apple on my desk or a candy bar on my keyboard. His way of letting me know that he too enjoyed this exchange.

Much has been written and said about Howard's commitment to pro bono legal work.

Let me share some things that you might not know about Howard and this work. He answered every single letter he received from a prisoner -- even when he couldn't provide representation. In many cases the correspondence was on-going, providing some legal advice, sending a published opinion, words of encouragement, or offering a prayer for a sick relative...Letters of hope to the hopeless.

Most of these letters are from men and women in Wisconsin prisons but other states are represented as well. They fill a four-drawer file cabinet and are fondly referred to as his pen pals.*

He did the typing of each and every letter and envelope, purchased the stamps and all the office supplies for this work. He personally covered the cost of all collect calls from prisoners. He never blurred the lines between this pro bono work and Marquette University. I admired this integrity. It spoke volumes to me of who he was.

For those of you here from the legal community who said you wish there was something you could do, there is. Carry on Howard's pro bono work. There is an immediate need for attention to several cases and a four-drawer file cabinet of people who would like to know that they will not be forgotten.

In the words of Robert Lewis Stevenson, "A man is a success who looked for the best in others and gave the best he had." This was Howard Eisenberg. •

he looked for the best in others

*Howard's pen pals still need to be tended to. If you would like to receive an appointment, please contact Nancy Rogers at 414.288.5958.

The Eisenberg family and Marquette University have established **The Howard and Phyllis Eisenberg Fund** at the Law School to provide stipends for students participating in pro bono legal work. The fund will also contribute to "loan forgiveness" for those students who pursue a career in public interest law upon graduation. Donations to the fund can be made by calling (414) 288-7090.

Howard Eisenberg joined Marquette as Law School dean in July 1995 after an extensive legal career. After receiving his law degree, Eisenberg clerked for Wisconsin Supreme Court Justice Horace Wilkie from 1972 until 1978, when he became chief State Public Defender in Wisconsin and wrote the current State Public Defender statute.

"Howard will be forever remembered on campus as a mentor to law students, a prophetic voice for justice, a generous colleague and a tremendous leader of our Law School," Marquette University President Robert Wild, S.J., said. "He was also a very good friend to many of us, and his counsel, his humor and his human touch will be dearly missed. Quite simply, he was both a superb legal professional and a splendid human being."

A native of Chicago, Eisenberg was born Dec. 9, 1946. He earned a bachelor's degree from Northwestern University, where he graduated Phi Beta Kappa, and he earned a law degree from the University of Wisconsin.

In 1978, Eisenberg was named executive director of the National Aid and Defender Association in Washington D.C. He served as professor and director of clinical education at the Southern Illinois University School of Law in Carbondale, Ill., from 1983 to 1991. Eisenberg joined the University of Arkansas at Little Rock in 1991 and served as dean and professor of law until he joined Marquette.

Eisenberg was a member of the District of Columbia, Illinois and Wisconsin Bars. He argued more than 300 appellate cases before state and federal courts, including two cases before the U.S. Supreme Court. His extensive writing and teaching experience included the areas of criminal law, professional responsibility and appellate advocacy. He also taught dozens of continuing legal education programs about criminal procedure, legal ethics, elder law and civil rights.

Within the legal community, Eisenberg was a member of the Wisconsin Board of Bar Examiners from 1996 to 2001 and served as chair of the board during 2001. He was immediate past chair of the Appellate Practice Section of the State Bar of Wisconsin and served as chair of the Seventh Circuit Rules Advisory Committee since 1998. He was also a fellow of the American Academy of Appellate Lawyers, the Wisconsin Law Foundation and the American Bar Foundation.

This year, Eisenberg was appointed chair of a special commission to advise the Archbishop of Milwaukee on issues relating to sexual abuse by priests in the Catholic Church. The Governor of Wisconsin had also appointed him to co-chair a special committee to recommend changes to the Wisconsin corrupt practices act.

Among Eisenberg's many honors are the Outstanding Achievement Award from the governor of Illinois in 1989 for his work in combating elder abuse and the first Walter J. Cummings Award in 1992 as the outstanding court appointed attorney in the Seventh Federal Judicial Circuit. He received the award a second time in 2002. Eisenberg also received several awards recognizing his commitment to pro bono legal services.

"Howard did not leave to others the responsibility to have a positive impact on our community," Father Wild said. "He was available always to help others, especially the poor and underserved who benefited from his extensive pro bono work. I can think of no better role model for students at a Jesuit university. Howard had a habit of responding quickly and affirmatively whenever his expertise was sought—as it was so often by state and local agencies and leaders."

Eisenberg is survived by his wife, Phyllis; a daughter, Leah; two sons, Nathan and Adam; his parents; and other family members.

to know howard was to know a true hero

Janine P. Geske, distinguished professor of law, presented the following eulogy for Law School Dean Howard B. Eisenberg on Thursday, June 6, 2002, at Temple Menorah.

We are here today to honor Howard B. Eisenberg: loving husband to Phyllis, devoted father to Nathan, Adam and Leah, loyal son to Margie and Herman, superb dean of the Marquette University Law School, dedicated professor of law, community and bar leader, champion for justice for the underprivileged and disadvantaged, appellate attorney extraordinaire, friend and ally of the poor, students, faculty, administrators, staff, lawyers, clients, rabbis, priests, political leaders and the entire human community.

How do I begin to talk about “our” Howard? I have to say “our” because he belonged to the hundreds of

Law School reading room named for Eisenberg

The Grimmelman Courtroom in the Law School has been renamed in memory of Law School Dean Howard Eisenberg. The courtroom, in which Howard is pictured on the front cover, was recently converted into a reading and study room and in August was dedicated and named the Howard B. Eisenberg Memorial Hall. The tribute is made possible through the generosity of local attorney Robert Habush, who donated \$500,000 for the renovation of the former courtroom. The reading and study room initially was going to be named Habush Hall.

“I felt that something had to be done as a tribute to his immense contribution not only to Marquette Law School, but also to the legal community and the community at large,” Habush said of Eisenberg. “He was a metaphor for equal justice for all, and few people have had such a lasting impact on lawyers young and old. Accordingly, I came to the conclusion that the room which he loved so much should bear his name as a permanent memorial to his greatness.”

people here today and to the thousands of other people whose lives he touched in his much too short 55 years on this earth. If you knew Howard Eisenberg, you are a better person now than before you met him. He called each one of us to a higher level of service, integrity and excellence. To know Howard was to know a true hero.

What we now know is that Howard was on temporary loan to all of us from God. He showed us all how to truly live a faith-filled life in a complicated and often troubled world. Howard, in his now famous speech entitled “What’s a Nice Jewish Boy Like Me Doing in a Place Like This?” (referring to Marquette University Law School), wrote:

Bringing God into our daily lives and our daily work does require that His message change how we conduct ourselves, every day, in every situation. How do we interact with our colleagues, with our staff, with our opponents? What language do we use? Do we go out of our way to do pro bono work, to help the needy, to listen to those who have problems? Living a spiritual life must become “business as usual” for each of us, Jew or Gentile, Christian or Muslim. We each bring to our work our experience and our religious faith and that is of critical importance, but our faith and religious value system must transcend work as lawyers, as teachers, as judges and extend to all persons of good will. If we succeed in doing this, we will have advanced God’s Will and our individual faith. Our clients, our colleagues, our students and society will be better served. We will be better and more effective attorneys and altogether better human beings.

Foremost, Howard taught us how to speak the truth. In that same speech he talked about the need for people to have the courage to speak the truth. He said, *Some things are considered ‘politically correct’ which are morally wrong or intellectually foolish. Neither Abraham, Moses, Jesus Christ nor St. Ignatius were politically correct. None of those men were apologists for the status quo. It is necessary—essential—to take moral stands and stick to them in the face of those who favor political convenience, relative truth or a least common denominator code of ethics.*

No one in this room can doubt that Howard lived up to his words. He was a preacher who always told it like it was. We always knew where Howard stood and what he believed.

Howard cared as much about the lives of his clients as he did their legal issues. In looking through his files, I found this letter I want to share with you. Howard answered a letter from a client in the Supermax Correctional Institution in November of last year. His letter reads:

You have spent your life trying to understand things. With great respect, it hasn’t really gotten you very far. It is not possible to understand everything and sometimes the frustration and anger we feel, trying to understand everything, can cause enormous damage. If I dwelled on everything, and everyone I didn’t understand, I would be paralyzed -- unable to function.

You are in the harshest prison in the state, and that sucks. You know that and I know that. It is easy for me to say move on, but, in reality, you are in for a life of misery if you dwell on things you don’t understand. You can’t undo your crimes nor change how many people in the free society think about convicted felons. You can’t change how some correctional officers think and act. You can’t control anyone but yourself. Unless you get control of those things you can control, you are going to live a short and even more unhappy life.

I am a lawyer, not a philosopher or a priest, but I have spent my adult life representing convicted felons, from serial killers to spies to prostitutes. Those who spent their time in prison looking backwards were miserable and usually ended up dead or back in prison shortly after they were released. Those who looked forward did better while confined and had a better life on the street when released.

Thank you for remembering me in your prayers, I can use all the help I can get.

*Very truly yours,
Howard B. Eisenberg*

...Although we all loved the many things that Howard accomplished, we also worried about his long hours and workload. So many of us tried to tell Howard to slow down, not work so hard, not take on so many pro bono cases or so many community service projects. He always nodded and then responded that much work needed to be done. In speeches to law students Howard always told them to “Do well and do good.” I believe that Howard was driven by a spiritual force greater than any of us, who told him to do lots of good on this earth. We knew that he believed with a passion in the importance of all of his work. He never could turn away an opportunity to do more good for someone else.

...Howard will be remembered for many wonderful things. He has changed all of us because of the integrity and commitment with which he led his professional and private life. We will miss his practical jokes and humor, his love of family and friends, his devotion to a loving God, and his ability to accomplish so much in so little time. We will miss his leadership, his mentoring, and his commitment to justice. Most importantly we will simply just miss Howard, our friend.

When I have talked to people in the last two days, they describe Howard as their hero, a giant of a man, or a man with a heart and soul so large that his generosity and kindness had no end. We loved and respected Howard for his honesty and his integrity. We all grieve today because he shared that heart with all of us. We cannot believe that that generous, kind, good heart could have stopped so suddenly. But we now have an obligation to keep his heart beating in all of us. I will tell you what Howard would have told you, “Stop talking about me! Do well and do good.”

...a giant of a man

Howard Eisenberg
was my hero....not
because we shared
everything. Howard
was Jewish, a
Democrat, and,
perhaps most
importantly, a Chicago
Cubs fan. I am
Catholic, a Republican,
and, certainly most
importantly, a Chicago
White Sox fan.
No, Howard was my
hero because I admired
him for the way he lived
his life. Though he
possessed a terrific
sense of humor, he
approached his
responsibilities—many
of them assumed
voluntarily and at great
cost—with a seriousness
of purpose.
—Joseph D. Kearney,
Associate Professor of Law

carrying forward the mission

continued from page 3

prospects include providing travel stipends for highly qualified potential students who wish to visit the Law School; obtaining the assistance of currently enrolled students to recruit in Atlanta, Boston, Chicago, New York, Washington, D.C. and Los Angeles; and an on-line application for admission.

Scholarships, however, remain the single most important resource available to recruit students. This academic year, the Law School will award \$2 million in scholarships, which is an extraordinary accomplishment over the \$450,000 it offered five years ago.

Our success on this front is largely due to the many generous donations of our alumni and friends. The Law School has raised more than \$2 million to close out the fiscal year—over five times the amount raised six years ago—because of your tremendous support. I hope that we can continue to build upon this support, as it is essential for the continued success of the Law School.

Our Future

As interim dean, one of my most important priorities is continue to identify and publicize the special nature of Marquette University Law School. We have a wonderfully talented and accomplished faculty. I want to support them in their scholarship, their teaching and their community service. In this time of crisis in leadership in all our institutions, our mission must be to train and nurture men and women law students to be ethical and moral leaders in our communities. We are successful at meeting that objective because the very special nature of this law school and its graduates.

One of Howard's major accomplishments was to obtain an agreement with Marquette that gave the Law School substantial financial independence from the



Janine Geske
Interim Dean and
Distinguished Professor of Law

"Key responsibilities of the dean position are vision, external relations, fund raising and being a champion of faculty and students. Janine Geske fits the task as interim. She has proven herself in the Wisconsin Supreme Court and as the individual called upon for leadership by Milwaukee County. Her acceptance of this challenge demonstrates her belief in you and her commitment to Marquette. It is a decision to serve. Fr. Wild and I thank her for her courage and generosity."

—*Madeline Wake, Ph.D.*
Academic Provost

rest of the University. Because of Howard's hard work and that agreement the Law School has been able to double the amount of faculty positions, bring salaries to competitive levels, renovate areas of the physical plant, and offer competitive scholarship packages to potential students. That progress must continue.

Our Alumni

We also need to continue to enhance our relationships with our alumni. We, at the law school are very proud of our graduates. We want to stay connected with them because they are our friends and because their support is our lifeblood. I look forward to meeting and working with our alumni, in partnership with our faculty and students, to strive to make Marquette Law School an even better place to

Marquette Law Alumni Association Board

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During the coming year it will be my privilege to serve as president of your Marquette University Law School Alumni Association. Like most of you, I came to know our departed Dean Howard Eisenberg following my years at Marquette as a result of his tireless outreach to alumni. While serving on the board over the past five years, I witnessed how Dean Eisenberg demonstrated a commitment to the Law School as steadfast as that of any alumni or student. This energy continues through the dedicated work of the entire Law School community, guided through transition by Interim Dean Janine Geske. However, we also need your help to keep the Law School strong and growing. I hope that you will choose to remain connected to the Law School in one or more of any number of ways.

You might consider serving as a board member of the Law School's Alumni Association, which includes alumni in Wisconsin and in other parts of the nation. Board members support positive alumni relations and further the mission of Marquette Law School by:

- acting as official representatives of Law alumni;
- providing select continuing education programs for alumni;
- developing and supporting social activities for alumni and students;
- assisting with student recruitment;
- advising students on their legal careers;
- mentoring students in their studies; and
- supporting pro bono projects.

You may be interested in organizing events scheduled for your class as part of the Reunion Program. The program is currently recruiting committee members who graduated in years ending with a "3" or an "8" for events in 2003. We hope that you all will attend reunion events when it is time for your class to join together.

Recent events have caused many of us to reflect on the ideals, such as fairness, truthfulness, justice and helping others, that encouraged us to select law as a profession. As you strive for those ideals, keep in mind the individuals who are still seeking to make their contributions to society through the law. The Admissions Office always welcomes your assistance in encouraging a diverse group of prospective students to attend Marquette Law School. In addition, you can support the school financially with an annual fund gift. Finally, we hope you will seek to hire Marquette Law students as interns.

The talent and commitment of our alumni are critical in helping to shape the future of the Law School. We will work to keep you informed of events and opportunities at the Law School through the magazine, Web site and mailings. We hope that you will contact the Law School today and ask how you can participate this year and in the future.

Sincerely,

Elizabeth Estes

President
Marquette University
Law Alumni Association

continuing the legacy



Alumni Association officers: Immediate Past President, Julie J. Darnieder; Vice President/President Elect Mark L. Thomsen; National Board Representative Eugene O. Duffy; and President Elizabeth Estes, invite and encourage your participation in and suggestions for events, activities and services sponsored by the association for Marquette University Law School alumni.

Alumni are important members of the Marquette Law family, and we welcome your continuing interest. We invite you to learn what's new by exploring the law school's website at www.mu.edu/law. We also welcome your participation in special programs and events mentioned in the letter from the alumni association president, as well as many others throughout the magazine.

As we move forward, the Law School is benefiting from strong academic and clinical programs, an excellent faculty, and a broader range of students than ever before. We encourage you to take advantage of our expanded resources.

Marquette Law students are exceedingly well prepared for challenging work, and we urge you to call our Office of Career Planning (OCP) to post openings for clerkships or career positions. If you are interested in a career change, the OCP will be happy to provide assistance.

The cornerstone of The Career Planning Center is individualized counseling. Our priority is to know and serve students and graduates as individuals. No two students or graduates are exactly alike. Each presents unique needs, motivations, values, goals, practice and geographic preferences, and credentials.

if you build it, they will come

National Sports Law Institute Alumni Board

Chair

Paul Anderson, Associate Director, National Sports Law Institute & Adjunct Assistant Professor Marquette University Law School, Milwaukee, WI (L'95)

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Marquette's Sports Law Program continues to enjoy success and attracts growing numbers of students who are interested in the popular specialization of sports law. Several years ago, the Sports Law Alumni Association and Alumni Board were established.

The Association

All law school alumni who receive the Sports Law Certificate or are interested in the Sports Law Program are invited to become members of the Sports Law Association. There is no fee and members become part of a growing network of former alums who are interested in sports law. This was done, according to Paul Anderson, JD, associate director of the National Sports Law Institute and Chair of the Alumni Board, "to formally recognize the growing number of alumni who support the Sports Law Program." The Program has experienced tremendous growth, now offering a Sports Law Certificate, 10 courses and 10 internships. The Association, in turn, is a vehicle for alumni to support Marquette Law School generally and the Sports Law Program specifically. Alumni interested in becoming involved with the Association can contact Paul Anderson at 414.288.5816 or paul.anderson@mu.edu. Members do not have to have gone through the Program.

The Board

The Board, according to Paul, "gives an active voice to the Association." The Board is comprised of three committees: *the management committee*, which is in charge of all Board and Association matters including mem-

bership; *the scholarship committee*, which supports the Annual Alumni Scholarship fund; and *the awards committee*, which presents the Sports Law Alumni of the Year Award, to an individual who demonstrates the following qualities; dedication to the Sports Law Program while a student, contributions to the Alumni Board or Association, contributions to the field of sports law in general, and support of the Institute and Sports Law Program after his/her time as a law student.

The first such award was bestowed this year to **William S. Miller (L'96)** who is Executive Vice President/Professional Sports, The Leib Group, LLC, Mequon, WI. Bill is a founding Alumni Board member, serving on its Management Committee. He also is Chair of the Sports & Entertainment Law Section of the State Bar of Wisconsin.

The Program

The Sports Law Program provides the nation's most comprehensive offering of sports law courses and student internships with sports organizations as well as opportunities to become a member of the *Marquette Sports Law Review* and the Sports Law Moot Court team. Our broad, well-rounded curriculum is designed to provide Marquette law students with both a theoretical and a practical education concerning legal regulation of the amateur and professional sports industries, thereby enhancing their attractiveness to sports industry employers.

Sports law students learn about many specialized areas of law with general application outside the sports industry (eg- antitrust, labor, intellectual proper-

ty, federal disability discrimination laws, etc.) and develop contract negotiation, business planning, and transactional skills. They also learn how several related areas of law combine to govern a complex industry and how courts resolve competing policy concerns when different bodies of law intersect. Virtually all of the knowledge and skills developed by students in sports law courses and internships is readily transferable and useful in serving clients in other industries.

The Institute

Founded in 1989, the National Sports Law Institute (NSLI) is affiliated with Marquette's sports law program. Its mission is to be the leading national educational and research institute for the study of legal, ethical, and business issues affecting amateur and professional sports from both an academic and practical perspective. It provides educational opportunities for law students as well as current and future leaders in the sports industry.

The NSLI provides a national forum for discussion and consideration of American and international sports issues and encourages input by persons and organizations with a wide range of viewpoints. The NSLI seeks to promote a legal environment in which sports at all levels of competition will flourish. In an effort to achieve these goals, the NSLI sponsors high quality national conferences and symposia and disseminates knowledge through publication of thoughtful scholarship in the *Marquette Sports Law Review*. It also serves as a resource for the media and public.

As a part of Marquette University, a Catholic Jesuit university, the NSLI is committed to searching for truth, dis-

covering and sharing knowledge, fostering professional excellence, developing leaders, and serving those in the sports industry. Although the NSLI will not espouse any particular ideological viewpoint, it will seek to promote ethical and moral practices within the sports industry as a means of furthering Marquette University's mission.

Annual Alumni Scholarship

Created in the spring of 2001, the Scholarship is an expression of alumni support for the NSLI, Marquette's Sports Law Program, and particularly the *Marquette Sports Law Review*. The Scholarship is awarded annually to the Editors of the *Marquette Sports Law Review*.

All graduates of Marquette's Sports Law Program are invited to join the Sports Law Alumni Association. This organization's activities are directed by the members of the Alumni Board who raise funds for the Alumni Scholarship Fund, participate in career panels that provide guidance and advice to sports law students, and support the NSLI and Marquette's Sports Law program. For more information on the Program, Institute and Association check the Sports Law Program's website at www.mu.edu/law/sports/index.html.



Paul M. Anderson is the Associate Director of the National Sports Law Institute of Marquette University Law School where he is an Adjunct Assistant Professor. He is a 1995 graduate of Marquette University Law School where he received the first Joseph E. O'Neill scholarship for sports ethics and the founder and Chairman of the NSLI's Alumni Board. A former Editor-in-Chief of the *Marquette Sports Law Journal*, Professor Anderson is currently the Supervisor of the *Marquette Sports Law Review*, and the Editor of the *Journal of Legal Aspects of Sport*. He is the author of numerous articles and several books including *Major League Leases: An Overview Of Major League Facility Leases And How They Are Negotiated (2001)* (with William Miller). Professor Anderson teaches "Topics in Advanced Legal Research - Sports Law," co-teaches the "Selected Topics in Sports Law - Seminar," and has co-taught the "Sport, Law and Society" Seminar and taught "Regulation of Amateur Athletics."

Paul Anderson, JD
Associate Director
Sports Law Institute

advisory board

Executive Committee of the Law Advisory Board

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Vice Chair

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Louis J. Andrew, Jr.
Andrew Law Offices, S.C.
Fond du Lac, WI

Marquette University Law School has the support of many, many generous, influential, wonderful people. Among them are a special group known as the Advisory Board, comprised of more than 30 people

who are appointed by the dean for a three-year term.

The Advisory Board

"The Advisory Board's major role is fundraising and developing strategies necessary to raise a significant amount

of funds to assist in running the law school," said Louis (Louie) Andrew, Chair of the Advisory Board.

Louie became involved with the Board through his association with the late Howard Eisenberg who served as Dean of the Law School from 1995 until this June when he passed away. "Together we came up with the idea of having an advisory board," said Louie. "We had an excellent working relationship. Howard's enthusiasm was contagious and I found it personally gratifying to be on the Board."

In addition to supporting the Law School financially, the Board serves as ambassadors of the Law School with the goal of continuing to matriculate quality students to Marquette, as well as assisting with the placement of Marquette students into the work force.

The Executive Committee

Within the Advisory Board, an executive committee of up to 10 members exists. Each committee member serves for a one-year term at the pleasure of the Dean. This committee, also appointed by the Dean, performs functions and acts on behalf of the Board between Board meetings (which convenes three times a year). Louie is also the Chair of this committee as well as Chair of the Advisory Board.

The Executive Committee, just like the Advisory Board, is charged with promoting the Law School in the legal and civic communities, assisting the Dean in solving challenges and supporting public functions and activities of the Law School.

With a busy, successful practice of his own which takes him to all corners of the world, Louie always seems to find time to support the Law School,

out of affection for the school, as well as a sense of responsibility. "Not only did I receive an excellent education at Marquette, but I also was on a full scholarship the last two years that I attended law school," explained Louie. "Without that scholarship, I would not have been able to attend. Therefore, I think it is pay back time—and not only with financial resources, but also with my time. That is what I have done in the past, and plan to continue to do."

It is dedication such as this and from his fellow Board and committee members that honors the course set by Dean Eisenberg and follows the tradition of excellence for which Marquette University and the Law School have long been known. It is also, in part, what makes Marquette special.

The Law School

"Marquette doesn't simply or only teach law," explained Louie. "What makes Marquette a remarkable law school is that it is a Catholic law school in an urban setting following the teachings of Ignatius Loyola to educate the whole person." That is no small task. "What really distinguishes us is that Marquette teaches values and has values of its own," said Louie. "You don't just learn a trade here, you receive a values-based education which ultimately translates into better citizens and better leaders for our state and our country."

What really distinguishes us is that Marquette teaches values and has values of its own. You don't just learn a trade here, you receive a values-based education which ultimately translates into better citizens and better leaders for our state and our country.



Joseph D. Kearney
Associate Professor of Law

Joseph D. Kearney says that, when he joined the Law School faculty in the fall of 1997, he had three essential goals: to establish himself as a teacher, to undertake research of interest both to academics and to the bar, and to involve himself in the public policy of the State of Wisconsin. “I reasoned that if I did those things,” he relates, “the rest—such as promotion and tenure—would follow in course.” Looking back at the end of five years, Professor Kearney says that he believes he has accomplished each of these goals.

He regards the teaching as always of primary importance. It has been helpful, Professor Kearney says, to teach in areas where he had considerable experience as a

both teacher and student of law

by Christine Wilczynski-Vogel

lawyer, such as civil procedure, administrative law, and appellate advocacy. “I was coming off six years of practice at Sidley & Austin in Chicago, in addition to clerking for a year each at the Ninth Circuit and the United States Supreme Court. But knowing something and effectively teaching it do not always go hand in hand.” Whatever Professor Kearney is doing in the classroom seems to be working, as he was the co-winner this year (along with Professor Blinka) of the Ghiardi Award given by the students for outstanding teaching.

This past semester, Professor Kearney had the unusual experience of teaching a course with his wife, Anne Berleman Kearney, who is a lawyer in Milwaukee (they have two young sons, Michael and Stephen). “It was a pretrial practice course, which Anne and I had each taught separately before. I told the students the first day that we had decided team-teaching was cheaper than counseling,” he said with a smile. “More seriously, I have found teaching to be a remarkably rewarding experience. It is very clear to me that if we demand excellence of our students, most of them will do all that they can to give it to us.”

The bulk of the remainder of Professor Kearney’s time is spent in doing research. He is an avid student

of the law and received tenure last year. He says that he tries to engage in research that is simultaneously scholarly and likely to be of interest to the bench and bar. An example would be an empirical piece that he wrote with a colleague at Northwestern University entitled “The Influence of Amicus Curiae Briefs on the Supreme Court,” which appeared in 2000 in the *University of Pennsylvania Law Review*. It attempted to measure, by looking at every case decided by the United States Supreme Court for a 50-year period, whether amicus briefs have an effect on the United States Supreme Court. “While it is impossible to reduce a large study to a single sentence or two,” Professor Kearney says, “essentially we discovered that high-quality amicus briefs appear to have an impact, but such things as the number of briefs on one side as opposed to the other do not have an apparent effect. While that may seem to lawyers to be an unremarkable discovery—that quality matters rather than quantity—it is very much opposed to what political scientists writing in the area have largely maintained.”

More recently, Professor Kearney and Dean Eisenberg authored a lengthy study in the *Marquette Law Review* that examined the role that the print media play in covering judicial elec-

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demand excellence
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to give it to us.

continued on page 18

continued from page 17

tions. He describes the article as follows: “We took all eleven contested elections in Wisconsin in 1999—both the Abrahamson-Rose race and the ten contested circuit court elections around the state—and surveyed the newspaper coverage, keeping one question always in mind: would a voter who wished to make a reasonably informed choice at the ballot box in a judicial election have an adequate means for doing so based on the information in the newspapers?” Pressed for an answer to the question, Professor Kearney says that he will be happy to send a copy of the article to anyone interested in it. While the case studies came from Wisconsin, Professor Kearney believes that the findings will be of interest to policy-makers across the nation in the area of judicial selection.

Finally, Professor Kearney says that he finds the time to engage in bar work (he was a member and reporter of the State Bar’s first Multidisciplinary Practice Committee) and occasionally in what he terms “actual lawyering”—although he is quick to note that he never holds himself out in the latter context as a Marquette faculty member. “My philosophy of teaching and research would not permit me to cease doing litigation altogether,” he tells us, “for my skills (to say nothing of my war stories) would atrophy.” Much of the litigation is done on a pro bono basis. For example, Professor Kearney, a graduate of St. Ignatius High School in Chicago, has represented Marquette University High School (which is not affiliated with Marquette University) in a number of contested matters over the past several years. “Last year I had a case in the Wisconsin Supreme Court for another client and a matter for Marquette High before the Milwaukee Board of Zoning Appeals. I told my students that it was the BOZA matter, and not the Supreme

Court case, that sealed my credentials as a real Wisconsin lawyer.”

In another case, Professor Kearney and Dean Eisenberg represented the interests of an octogenarian survivor of the Holocaust before the Seventh Circuit. “This individual was suing the Federal Republic of Germany, and the Foreign Sovereign Immunities Act essentially made the case hopeless. But the Seventh Circuit asked the Dean to file a brief on the individual’s behalf, and I joined him for the project. We considered it a moral victory that our brief gave Germany sufficient pause that, at the eleventh hour, it persuaded the United States Department of Justice to file an amicus brief on its side, citing an agreement that the United States and Germany had made on these matters.”

Professor Kearney helped last year to write the winning brief in the United States Supreme Court on behalf of the Coeur d’Alene Indian Tribe in a dispute with the State of Idaho over title to some of the lands underneath Lake Coeur d’Alene. “This was only the second time that the Court held for an Indian tribe in a dispute with a state as to whether Congress had granted submerged lands to the tribe before statehood,” Professor Kearney notes.

Professor Kearney was asked whether he had any particular message that he would like to give to Marquette alumni. “Please tell them that the faculty is constantly working very hard to improve the Law School. Even those of us who were educated elsewhere and who are not originally from Wisconsin become as deeply invested in the Law School as our Marquette colleagues. And we never lose sight of the fact that, along with being part of a Jesuit institution, our teaching and our involvement in the public policy of Wisconsin are our historic strongholds and must be preserved.” •

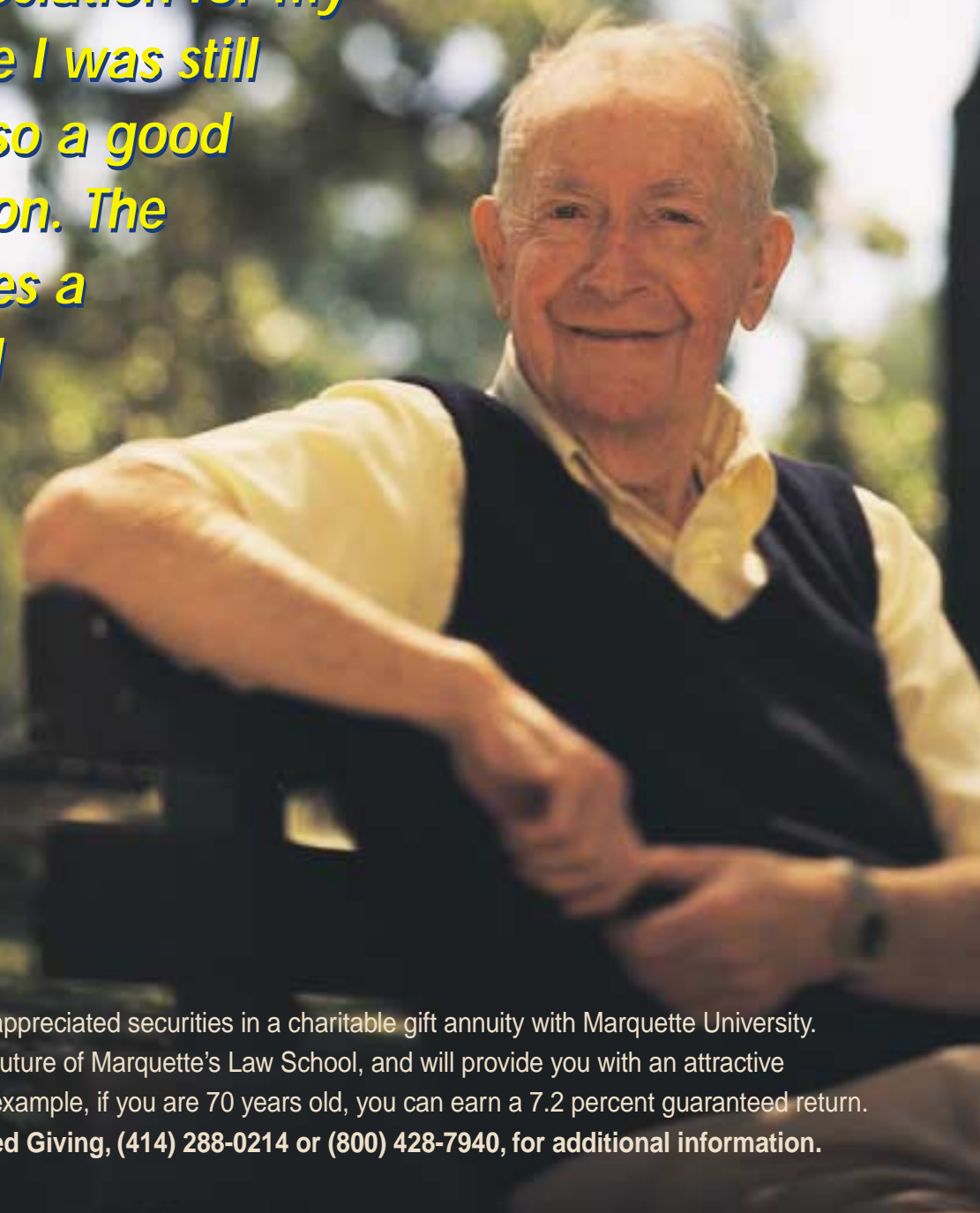
We (the faculty) never lose sight of the fact that, along with being part of a Jesuit institution, our teaching and our involvement in the public policy of Wisconsin are our historic strongholds and must be preserved.

PASS IT ON

My recent gift to the Law School in the form of an annuity allowed me to show my appreciation for my education while I was still alive. It was also a good business decision. The annuity provides a substantial and steady income for me for the rest of my life.

—James Goodman, L ’41
Milwaukee, WI

Consider investing your cash or appreciated securities in a charitable gift annuity with Marquette University. Your gift annuity will support the future of Marquette’s Law School, and will provide you with an attractive income stream for your life. For example, if you are 70 years old, you can earn a 7.2 percent guaranteed return. Please call the Office of Planned Giving, (414) 288-0214 or (800) 428-7940, for additional information.



All of the individuals listed on the Honor Roll have donated \$2,000 or more to the Law School from July 1, 2001 through June 30, 2002. This is an annual giving society.

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Recent Grad Giving Society

Alumni in this society graduated within the last nine years. Each has contributed at least \$100 for each year since his/her graduation. Once alumni have reached their 10-year reunion, an annual contribution of \$2,000 is required to be recognized as a member of the Woolsack Society.

Mary Katherine D'Amore Donnelly, '93
Paul William Griepentrog, '96
Roberta Heckes, '99
R. L. McNeely, '94
Heather Anne McPherson, '01
Mathew Thomas Scodellaro, '01
Charles John Stransberry, Jr., '01
Scott Brandan Taylor, '92
Pamela Craig Vining, '95

Every effort has been made to present an accurate and complete list. If you find an error or omission, please contact Jason Kraiss at (414) 288-5285 or jason.kraiss@marquette.edu.

The Woolsack Society is the premier recognition society for Marquette Law School's most generous donors. It recognizes those donors whose annual gifts of \$2,000 and more provide the Law School with money to live by. While endowment funding—money to grow by—is critical to the future of the School, Woolsack support provides the Dean with funds to meet its greatest current needs.

Everything done at the Law School is intended to enhance the education and experience offered to students. Every improvement made, every faculty member attracted and every dollar received supports the men and women who come to our school expecting great things of us and great things of themselves.

Through the generosity of our donors, Marquette University Law School is able to sustain this level of excellence in faith leadership and service.

We thank you for your generosity.

thank you

James Janz was honored by the University and Law School this spring as the 2002 Alumnus of the Year for his distinguished professional achievement and leadership and service to Marquette and the larger community.

He is the chief operating officer, administration and finance, for Zilber Ltd. and the Towne Group of Companies, diversified real estate development and asset management companies with corporate offices in Milwaukee and regional operating offices in Arizona, California, Florida, Hawaii, Nevada and Texas. Jim has served as an executive officer and director of various operating affiliates of the Towne Group, including Elaine Powers Figure Salons, Job Lot-Pushcart, Unicare Food Services, Unicare Health Facilities, Union Prescription Centers and Wisconsin Toy and Novelty. He has served as director of several commercial banking concerns and currently serves on the Associated Bank Directors' Advisory Board and on the boards of Universal Mortgage Corp.

and the Joseph and Vera Zilber Family Foundation. He is a long-time supporter of Marquette with special interest in the Law School, the School of Education and athletics through membership in the Minuteman Club, Tip-Off Club, the Blue and Gold Directors Club, the Law School Advisory Board and Marquette University's 1881 Society.

Interim Dean and Distinguished Professor of Law Janine Geske said, "We honor Jim Janz as the Law Alumnus of the Year because he personifies the best in our graduates—a lawyer who has demonstrated excellence in his career while generously and humbly sharing his time and talents with the community at large as well as with Marquette University. We are very pleased to be able to recognize this great man for his many accomplishments and for his dedication to the mission of this institution."



James Janz, L '64
Distinguished Alumnus in Law

moot court

Marquette team wins Fourteenth Annual Ruby R. Vale Interschool Corporate Moot Court Competition

From March 14-17, 2002, the Widener University School of Law Moot Court Honor Society hosted the 14th Annual Ruby R. Vale Interschool Corporate Moot Court Competition on its Wilmington, Delaware campus. The 2002 competition was comprised of teams from 17 different law schools.

All teams participated in three preliminary rounds; the highest combined brief and oral argument scores determined the eight teams to advance to the quarter final round.

The winner of the 2002 Ruby R. Vale Interschool Corporate Moot Court Competition was Marquette University Law School, comprised of Chris Avery, Tara Plewe, and Andrew Strnad.

Faculty advisor and associate professor of law Edward Fallone said that everyone stands to gain by participating in Moot Court competitions. "Competing, and especially winning or seeing their classmates succeed, demonstrates to Marquette students that they can practice law at level with grads from Ivy League schools. It gives them confidence and shows them that if they work hard and prepare, they can become as capable a lawyer as anyone out there," he said.

Winning a competition of this caliber also reflects well on the Law School, demonstrating the quality of a Marquette law education and earning national recognition for the accomplishment of our students. Congratulations to the students and Professor Fallone on earning this esteemed national award.

Call for nominees

Do you know of a classmate or a colleague who fits the criteria for a Law Alumnus Award? **Nominations are now being accepted for the 2003 Alumnus of the Year, Lifetime Achievement Award and Recent Alumnus Award.**

Award Criteria

The criteria for the **Alumnus of the Year Award** are distinguished professional achievement and leadership and service to Marquette or the larger community.

The **Lifetime Achievement Award** recognizes an alumnus/na of the Law School whose career has been exemplary.

The **Recent Alumnus Award** honors a graduate of the Law School who has graduated within the past 15 years for outstanding professional or personal achievement.

Nomination deadline for all awards is January 1, 2003

Past Law Alumni of the Year

| | |
|-----------------------------|--------------------------------|
| 1971 Prof. James D. Ghiardi | 1991 Hon. Terence T. Evans |
| 1972 Charles L. Goldberg | 1992 John A. Fiorenza |
| 1973 Hon. Andrew W. Parnell | 1993 Hon. Janine P. Geske |
| 1978 Frank C. DeGuire | 1995 Hon. George A. Burns, Jr. |
| 1979 Frederick A. Muth, Jr. | 1996 Jeffrey A. Kaufman |
| 1980 Hon. John L. Coffey | 1997 Hon. Patrick T. Sheedy |
| 1982 Victor A. Miller | 1998 Deborah T. Beck |
| 1983 John A. Kluwin | 1999 Hon. Russell A. Eisenberg |
| 1986 Hon. Victor J. Manian | 2000 Frank J. Daily |
| 1987 Joseph J. Zilber | 2001 Michael M. Berzowski |
| 1990 William R. Drew | 2002 James F. Janz |

Nominator's Name (Please print): _____

Name of candidate being nominated: _____

Day Phone: _____

Year of Law School Graduation: _____

Day Fax: _____

Please mail your nomination by January 1, 2003 to:

Please consider the following candidate for the:

_____ Law School Alumnus of the Year Award

_____ Law School Lifetime Achievement Award

_____ Law School Recent Alumnus Award

Marquette University Law School Awards Program
P.O. Box 1881
Milwaukee, WI 53201-1881

If you prefer to e-mail, please include the above information in a letter to christine.wv@marquette.edu.

campaign update

"It's my turn." That was Joe Niebler's instant response to why he and his wife, Mary, recently contributed \$100,000 to the Law School to establish the Joseph C. Niebler Sr. and Mary Ellen Niebler Scholarship. "The people who came before me provided me with financial assistance in the form of scholarship during law school," explained Joe. "And now it's my turn to be part of the continuum."

Devoted advocates of private education (as evidenced in the fact that all five of their children have degrees from Marquette and that his children represent a fifth generation of Nieblers who earned MU undergrad degrees), the Nieblers established this scholarship in hopes that someone would be provided a chance, just as he was.

His reasons for their generosity are manyfold. "Mary and I felt that we have been blessed and this is one way we can show our gratitude and pay back a little of our good fortune." He also explained that they feel strongly that we are all merely stewards of our possessions and that we all have an obligation to give, to share whatever we are blessed with—be it money, or time or talent. It also is their way, he said, of helping to ensure that the tradition of excellence is maintained. "Marquette is one of the most important institutions to our city and state," he said, "It gives us conscience, character and a tremendous amount of talent. We would not be the same community without Marquette University."

Joe Niebler, Sr., L '68
Niebler & Muren, S.C.
Brookfield, WI



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