

lawyer, teacher, scholar

by Christine Wilczynski-Vogel

How is it that a Yale Law School graduate could view joining the Marquette law faculty as coming home? Professor Judith Gorske McMullen smiles when asked that question. McMullen's parents, Bob and Toni Gorske, are both graduates of Marquette University, and Bob Gorske is a distinguished alumnus of Marquette Law School. "I grew up surrounded by Marquette lovers," McMullen says.

So why didn't McMullen attend Marquette? "By the time I was looking at college and law school, it had finally dawned on me how brilliant my father is and how accomplished he was in his career," she says. (The statement can be corroborated: Among his many achievements, Bob Gorske was ranked first in his class at Marquette Law School, received an LLM from the University of Michigan Law School, and was appointed General Counsel of Wisconsin Electric Power Company, Wisconsin Natural Gas Company, Wisconsin Michigan Power Company, and Badger Auto Service Company when he was only 35 years old.) McMullen continues: "I felt I had to go someplace where no one knew me and prove myself, so people would not think I only got ahead because of my dad."

It is safe to say that McMullen has proved herself. She graduated from the University of Notre Dame with high honors and a degree in philosophy and went on to Yale Law School. After graduating from Yale, she practiced law at the Chicago office of Sidley & Austin (now Sidley Austin Brown & Wood LLP) for two and a half years, and then taught legal writing at DePaul Law School for two years. She heard about the Marquette position from a colleague at DePaul, and leaped at the chance to return home. "After nearly 17 years on the faculty, I am still thrilled to be here," McMullen says.

Although many on the Marquette faculty were coaxed from full-time law practice, and still keep their hands in practice, McMullen has always viewed herself primarily as a teacher and a scholar. "I went to Yale with the goal of becoming a law professor," she says, "and even the areas of practice that attracted me (estate planning, mental health law, and family law) are ones where the lawyer spends a lot of time teaching and counseling the client about the law and the client's options under it." In her courses, McMullen tries to present a blend of basic legal doctrine and policy analysis, and in classes such as Trusts & Estates and Family Law, the Wisconsin Statutes are used as a starting point. "I emphasize to my students that the Wisconsin practicing bar is very active, not only in representing clients but in shaping law and policy affecting families. Students need to reflect on the big picture and see the policy ramifications of different rules. I keep reminding them that the cases are about real people, and I press them to analyze how the law or the lawyers could have worked for a more just result." McMullen adds, "I'm very idealistic: at the end of the day, I believe that law is about justice, and that lawyers should help people achieve a just outcome."

Originally, she taught almost exclusively in the estate planning area, but when a need arose in the

family law area, McMullen volunteered. Aside from the fact that she had worked on some divorces while volunteering with Chicago Volunteer Legal Services, she saw estate planning and family law as related, and she was attracted by the idea of doing scholarship in family law. “Both family law and estate planning deal with family relationships, and both address issues concerning the proper allocation of resources among family members,” she says.

When McMullen began teaching Family Law in 1988, the Marquette Law School curriculum included only two courses in that area. She immediately realized that the curriculum needed expansion. “So many of our students go on to be distinguished family lawyers that there was clearly a need for more relevant courses,” she says. McMullen surveyed the family law curriculum at other law schools, talked to students and local practitioners, and began to propose new courses. Largely through McMullen’s efforts, the family law curriculum now includes three open-enrollment courses, several seminars, and a guardian ad litem workshop. Another open enrollment course, focusing on alternative dispute resolution in family law, has been adopted by the faculty, and soon will be offered for the first time.

Today, McMullen teaches Family Law and also Parent, Child, and State, a course that examines government regulation of the family. She also teaches seminars on various family law topics. Her most popular, a seminar on child abuse, requires students to do in-depth research and



Judith McMullen
Professor of Law

writing about the law, social science, and social policy of child maltreatment and child protection.

That a seminar on so dire a topic as child abuse is popular is a reflection of McMullen’s enthusiasm and dedication to her students. “I think seminars are the zenith of teaching,” she says eagerly. “I get the chance to work with students individually, to help them hone their research, analytic, and writing skills.” The fact that child abuse is such an emotionally charged

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subject helps the learning process, according to McMullen. “Students may come to the first class reticent about expressing their opinions, but I tell them that it won’t last,” she laughs. “Sure enough, after that first round of readings, students drop their inhibitions. Nothing is off-limits for the discussion: they talk about research they have done, people they have known, experiences they have had in clinics or in previous professions, even their own children and families. If someone doesn’t want to articulate an unpopular position, I’ll play devil’s advocate, but I hardly ever have to because the students get so passionate!” It is hard to imagine McMullen, who is somewhat soft-spoken, stirring up such vehement discussions among her students. “Well, I’m not judgmental, and I love to listen,” she explains. “You’d be amazed how much student response you get in those circumstances. Plus, my students often have a lot of life experience: as teachers, parents, social workers, or law enforcement officers. They all learn from each other, and I learn from them.”

In addition to her teaching, McMullen values scholarship. “I am interested in children and families: in how the law regulates them,

and in how the law should regulate them,” she says. McMullen has written about estate planning for disabled children, policies in child abuse and neglect cases, home schooling laws, and various issues encountered in divorce, such as maintenance, custody, and child support. Her most recent article, due to be published this spring by the *Loyola University-Chicago Law Journal*, examines judicial expectations of parental control over children in contested visitation cases and in truancy cases, and analyzes whether an expectation of control makes sense, given what is known about child and adolescent development.

When asked what she likes best about her job, McMullen pauses. “I guess my favorite part is my students,” she says. “They are bright, interesting, and idealistic. I especially love to work with them on papers, because I get to know them better. And I am flattered that many students will ask my advice, not just about class but about their own wills, divorces, and custody issues. It’s a privilege to help.” McMullen grins: “Actually, with all that advice and counseling, I do keep practicing law, after all.” •