

When Rome Asks, You Head to Omaha

It isn't just his teaching that has made Gregory J. O'Meara a major part of life at Marquette Law School. His outgoing personality and his warm involvement with students and colleagues have meant that O'Meara is a big contributor to the life of the Law School more generally. O'Meara is like both a professor and a Father.

In fact, O'Meara is both a professor and a Father, and that is what lies behind his upcoming move to Omaha, Neb., to become rector of the Creighton University Jesuit community. Dean Joseph D. Kearney called O'Meara's departure "a substantial loss for our community." But, as O'Meara put it, "When Rome asks you, you say, 'Yes.'"

O'Meara, who grew up in West Bend, Wis., became a lawyer first, serving from 1985 to 1992 as an assistant district attorney for Milwaukee County. In 1992, he undertook study to become a Jesuit. "I thought I'd just get this out of my system," O'Meara said. "I ended up staying."

O'Meara was a visiting assistant professor at Marquette Law School from 1997 to 1999. He returned

in 2002, later earning tenure. He has received the James D. Ghiardi Award for Teaching Excellence three times.

In addition to serving the 43 Jesuits in the Creighton community, O'Meara will teach criminal law at Creighton University School of Law.

When you grow up in an Irish-Catholic family, he jokes, you can become a lawyer, a bartender, or a priest. He is accomplished in two out of three of those occupations. Has he ever been a bartender? Only at family gatherings and charity events, he answers. But don't look for him to explore that career. He's got big things to do in the other two roles. ■



Dedication to Principle, Family, Church, and Marquette Shaped Judge John Coffey



Many people thought first of words such as *conservative* and *tough* when they thought of Judge John (Jack) Coffey. Based on his record in nearly six decades as a judge at many levels, they were right. But that doesn't come close to explaining Coffey's record and personality

"Jack was loving, devoted, and inspiring, always putting his family and faith first," his family

said in announcing his death at 90 in November 2012. He had "an innate sense of justice and fairness."

Coffey graduated from Marquette Law School in 1948 and became a trial judge in Milwaukee in 1954, when he was 32. He was elected to the Wisconsin Supreme Court in 1978. In 1982, President Ronald Reagan named Coffey

to the U.S. Court of Appeals for the Seventh Circuit. He served on the court until January 2012, shortly after his wife, Marion, died.

Having graduated from Marquette University and Marquette Law School, Coffey was a passionate supporter of both. He also was deeply committed to his Catholic faith and attended Mass on a daily basis.

Coffey reveled in his reputation for conservatism. But he was not stuck in the past, noted Dean Joseph D. Kearney. "For example, Judge Coffey was one of the first alumni who encouraged me in the building project that led to Eckstein Hall," Kearney said. "He had attended school in Sensenbrenner Hall, but his interest always was the future of the Law School."

"I really think that he had an internal sense of fairness and justice," Michael Bettinger, who served as Coffey's law clerk from 1983 to 1985, told the *Milwaukee Journal Sentinel* after Coffey's death. "I think that Jesuit education provided a footing for all of that." ■

Veterans Want New Society to Help People in Law School and Beyond

There's a sense of camaraderie among military veterans. They don't have to have known each other in the service or even have served in the same places or time period. But there's a shared sense, as David Herring put it, that "they've given a lot and sacrificed a lot," that they were willing to put themselves in harm's way in service to their country. "That camaraderie will always be there," said Herring.

This affinity has begun to show itself tangibly and constructively among Marquette Law School students. Veterans had some sense of connection among themselves in the past, but the launch in the fall 2012 semester of the Student Veterans Society has brought the veterans together in a more cohesive way. And members are already finding the society beneficial.

For example, Eugenia Lee served in the Navy for six years and is now a 1L. The organization of veterans has been a help to her in getting off to a good start in law school, she said. The society means that she has people to network with and more-experienced students to turn to with questions. That can go for both questions all students might have and questions veterans might have specifically, such as those concerning the benefits and services they have earned. "There's a certain ability to connect with people who had similar experiences," Lee observed.

Professor Jay E. Grenig, himself a veteran, played a central role in launching the organization. He is its advisor

and a booster for the virtues of the students who are involved and the value of having the new organization.

Nick Grode, 3L, who served in the Army, is president of the society. He said that the effort has snowballed as the year has gone on. There are 25 to 30 law students who are members, and a couple dozen others who follow the group's Facebook page. Veterans who are students elsewhere within Marquette University are seeking advice from the organization on how to form similar groups.

Social programs are the ground level of the organization, Grode said. But the society wants to offer more than that. Early activities have included such things as a presentation by people involved in the newly launched "veterans court" program in Milwaukee County and a push to get members involved in veterans-oriented services in the general community. Grode said that members want the society to offer law students a pipeline to lawyers who are veterans, both in Milwaukee and beyond.

Herring, a 2L who served throughout the world during 10 years in the Army, is vice president of the society. Among his other activities, he is a student coordinator of the Marquette Volunteer Legal Clinic site in West Allis, Wis., which serves veterans and their families.

"There's a strong understanding that this group needs to give back to the broader community," he said. ■



The Law School students leading the Student Veterans Society include (left to right): David Herring, vice president; Brendan Byrne, treasurer; Nick Grode, president; and Eugenia Lee, 1L representative.

"There's a certain ability to connect with people who had similar experiences," Lee said.

Heard in Eckstein Hall

The 2012–2013 academic year brought many people to Marquette Law School who spoke to us and the broader region with wisdom, wit, and insight. Don't take our word for it. Get a sense for yourselves from this selection of observations made at lectures, conferences, and public policy programs.

"Grit, curiosity, self-control, conscientiousness, optimism. . . . What I think is clearly true is that they are underemphasized in our education system, and I think in a lot of our homes as well. I think we would benefit from putting more emphasis on it, certainly studying more this series of strengths and finding out more about how they lead to success."

— Paul Tough, November 29, 2012. The author of the best-seller, *How Children Succeed: Grit, Curiosity, and the Hidden Power of Character*, was speaking "On the Issues with Mike Gousha."

"If you can basically, without limit, put conditions on the states that, if you want this bucket of federal funds, you must agree to the following conditions, then there is no practical limit on federalism at all. The Court, by saying there is a step that Congress can go that is too far, has breathed some life into federalism and the spending power."

— Paul Clement, March 4, 2013. The former Solicitor General of the United States and lead attorney for 26 states in Supreme Court arguments in challenging the Affordable Care Act delivered the annual Hallows Lecture and here was speaking to the Medicare portion of the Supreme Court's 2012 Affordable Care Act decision.

From "The Death Penalty versus Life Without Parole," this year's Restorative Justice Initiative Conference, February 21 and 22, 2013, which included panel discussions involving family members of murder victims:

"Forgiveness was about me not letting the perpetrator mess up the rest of my life. . . . I'm far more resilient than I ever thought I was."

— Patti Drew (pictured at right), whose father was murdered in Minnesota

"Closure? There's no such thing. It's a media thing, not a victim thing."

— Paula Kurland, on the impact of the execution of the man who murdered her daughter in Texas





“When you do the right thing, the next right thing will happen.”

— Father Richard Frechette, C.P., February 5, 2013. The 2012 winner of the \$1,000,000 Opus Prize leads efforts that have provided shelter and education to thousands of children in Haiti. He was at Marquette University for Mission Week and spoke here “On the Issues with Mike Gousha.”

“The ‘war on drugs’ made a great bumper sticker, but it’s a totally inadequate answer to what is really a very complex problem. ‘Legalization’ is just as easy a bumper sticker with no more particular answer to our drug problems than ‘war on drugs.’ But right here in the middle we have a lot of things that work. For instance, in the last decade, we’ve learned more about drug prevention programs than we’ve known in a long time, and we know that drug prevention programs can work and they can be very cost-effective.”

— Gil Kerlikowske, March 6, 2013. Kerlikowske, director of the White House Office of National Drug Control Policy (aka the “drug control czar”), was speaking “On the Issues with Mike Gousha.”

“If you’re not going, the rest of us are in trouble.”

— Mike Gousha to Maggy Barankitse, February 7, 2013, upon the latter’s saying that she had made many mistakes and “I hope they will accept me in Heaven.” The 2008 Opus Prize winner established Maison Shalom in Burundi, which provides shelter and other services to more than 30,000 “family members,” and was taking part in Mission Week at Marquette.

“That darn Marquette Poll. I don’t know who does that. During the recall, I loved it; during the U.S. Senate race, I hated it.”

— Keith Gilkes, December 6, 2012. Gilkes, campaign manager for Gov. Scott Walker’s successful effort to win the June 2012 recall election and former Gov. Tommy Thompson’s unsuccessful campaign for the Senate in November 2012, was speaking at a conference, “Wisconsin 2012: The Voters Have Spoken. What Did They Tell Us?”

“Because some communities have dealt with income inequity, housing inequity, employment issues, they’ve dealt with race in ways that Wisconsin and Milwaukee haven’t. Let’s be candid about that.”

— Bevan Baker, January 17, 2013. The City of Milwaukee health commissioner was speaking “On the Issues with Mike Gousha.”

“I certainly would still see us as a purple state, and the warning to both sides is, you look at your past success and think that somehow you’ve found the magic elixir that guarantees that success forever—I would caution against that hubris.”



— Charles Franklin, December 6, 2012. The visiting professor of law and public policy and director of the Marquette Law School Poll was speaking at a conference, “Wisconsin 2012: The Voters Have Spoken. What Did They Tell Us?”



Appreciating the Nation, Citizenship, and Especially the Right to Vote

The right to vote is one of the attractions of becoming an American citizen. For Gabriela Leija, that motivation was a lot more specific than it is for most people. In 2012, Leija's "significant other" ran for a seat in the Wisconsin Assembly, and her eagerness to vote for him finally pushed her to apply for citizenship.

Leija was born in Mexico and came to the United States—and to

Milwaukee—as a five-year-old. She graduated from Milwaukee's Riverside High School and Alverno College and took a job with the public defender's office in Milwaukee. That increased her interest in becoming a lawyer—and it also led to meeting Evan Goyke, then an attorney in the defender's office (as well as, for several years, an adjunct professor at Marquette Law School, working with the "Street Law" program).

Leija said she had hesitated to apply for citizenship, largely because of the cost (the fee alone is more than \$750). But she said that Goyke's campaign made her realize "how much I was truly missing out on" as a legal resident but noncitizen.

"The United States is a wonderful country, and I'm very appreciative that my parents made the journey to seek a better life for their kids," she said.

Leija started as a part-time student at Marquette Law School in 2011 and switched to full-time in 2012. She expects to graduate in December 2014. "I love it," she said. She thought that the atmosphere would be competitive and intimidating. "It's nothing like that," she observed, saying she felt supported and helped by her professors as well as her fellow students.

As for voting for Goyke, she was sworn in as a citizen on September 20, 2012, too late to vote in the highly contested primary for the Democratic nomination in a district representing much of the central area of Milwaukee. But she was able to vote in the November election, which Goyke won easily. ■

PILS Auction Sees Record Number of Donations and Participants

It's called the Howard B. Eisenberg Do-Gooders Auction, and the record 500-plus participants at the February 15 event in Eckstein Hall have ensured a result worthy of the name. The Public Interest Law Society (or PILS), which receives the proceeds of the auction, raised more than \$40,000 at the event, which offered a record number of more than 150 donated auction items. Almost 50 students, supported by members of the Law Alumni Association Board, pitched in to make the event so successful.

Relying also on support from the dean's discretionary fund (donations received from alumni to support the Law School's greatest priorities), PILS will provide some 24 Marquette Law School students with \$4,000 stipends to support public interest work in the law this summer. Sixteen such fellowships were awarded in the summer of 2012. Each student uses the support to do at least 350 hours of law-related work in nonprofit agencies, charitable organizations, and government offices spanning Milwaukee, the state, the nation, and even, on occasion, the world. ■

Recently Published Faculty Scholarship

Paul M. Anderson, “Principles of Trademark Law,” in *Law for Recreation and Sport Managers* (Doyice J. Cotton & John Wolohan eds., 2013) (Kendall Hunt Publishing); “No Gambling Allowed: The Ban on Sports Gambling in the United States,” 3 *Global Sports L. & Tax. Reports* 24 (2012); “Title IX at Forty: Progress in Sports,” *Wisconsin Lawyer* (Oct. 2012).

Bruce E. Boyden, “Oversharing: Facebook Discovery and the Unbearable Sameness of Internet Law,” 65 *Ark. L. Rev.* 39 (2012).

Irene Calboli, “What Should They Really ‘Know’? Intermediaries, Facilitators, and the Unclear Standard for Contributory Trademark Infringement in the United States,” in *Intellectual Property Liability of Consumers, Facilitators, and Intermediaries* (Christopher Heath & Anselm Kamperman Sanders eds. 2012) (Kluwer); “An American Tale: The Unclear Territorial Application of the First Sale Rule in United States Copyright Law,” in *Intellectual Property at the Crossroads of Trade* (Jan Rosén ed. 2012) (Elgar).

Melissa L. Greipp, “General Rules of Citation,” in *Wisconsin Guide to Citation* (7th ed. 2012) (Pinnacle).

Janine Y. Kim, “*Clark v. Arizona*: The Incredible Shrinking Insanity Defense,” in *Criminal Law Stories* (Robert Weisberg & Donna Coker eds. 2012) (Foundation).

Matthew J. Mitten, *Sports Law: Governance and Regulation* (with Timothy Davis, Ken Shropshire, Barbara Osborne & Rodney Smith) (2013) (Aspen).

Kali N. Murray, *A Politics of Patent Law: Crafting the Participatory Patent Bargain* (2012) (Routledge).

Michael M. O’Hear, “Bypassing Habeas: The Right to Effective Assistance Requires Earlier Supreme Court Intervention in Cases of Attorney Incompetence,” 25 *Fed. Sent. Rep.* 110 (2012); “Not So Sweet: Questions Raised by Sixteen Years of the PLRA and AEDPA,” 24 *Fed. Sent. Rep.* (2012).

Chad M. Oldfather, “Limitations (A Response to Judge Posner),” 51 *Duquesne L. Rev.* 67 (2013); “Turtles,” 16 *Green Bag 2d* 220 (2013) (contribution

to Micro-Symposium on Orin Kerr’s *A Theory of Law*); “Triangulating Judicial Responsiveness: Automated Content Analysis, Judicial Opinions, and the Methodology of Legal Scholarship,” 64 *Fla. L. Rev.* 1189 (2012) (with Joseph P. Bockhorst & Brian P. Dimmer).

David R. Papke, *Law and Popular Culture: Text, Notes, and Questions* (2d ed. 2012) (with Christine A. Corcos et al.) (LexisNexis).

Matthew J. Parlow, “Equitable Fiscal Regionalism,” 85 *Temp. L. Rev.* 49 (2012); “Issues Players Face with the Collective Bargaining Process,” 8 *DePaul J. Sports L. & Contemp. Probs.* 127 (2012); “The Great Recession and Its Implications for Community Policing,” 28 *Ga. St. U. L. Rev.* 1193 (2012).

Andrea K. Schneider, “Teaching a New Negotiation Skills Paradigm,” 39 *Wash. U. J. L. & Pol’y* 13 (2012); “Becoming ‘Investor-State Mediation,’” 1 *Penn. St. J. L. & Int’l Aff.* 86 (2012) (with Nancy Welsh).

Paul M. Secunda, *Labor Law: A Problem-Based Approach* (2012) (with Jeff Hirsch) (Lexis-Nexis); “Privatizing Workplace Privacy,” 88 *Notre Dame L. Rev.* 278 (2012); “Commission-Based Reform of Occupational Pension Laws: What Can the United States and Other Countries Learn from the Ontario Expert Commission on Pensions?,” 19 *J. Soc. Sec. L. (U.K.)* 143 (2012); “The Law Review Games,” 117 *Penn St. L. Rev. Penn Statim* 1 (2012) (with Miriam A. Cherry); “Introduction: Symposium on the Constitutionalization of Labor and Employment Law,” 27 *Wis. J. Gender, L. & Soc.* 93 (2012) (with Carin A. Clauss); “Réflexions sur les Problemes de Souveraineté et de Jurisdiction dans le Droit Mondial des Prestations Sociales: ‘Le Plus Long Voyage Commence Par Un Premier Pas,’” in *Revue De Droit Comparé Du Travail Et De La Sécurité Sociale* (2012); “The Wisconsin Public Sector Labor Dispute of 2011,” 27 *ABA J. Lab. & Emp. L.* 293 (2012). ■

