

# Marquette Law

Summer 2004

Marquette University Law Alumni Magazine



Marquette Volunteer Legal Clinic  
at the House of Peace

## Marquette Law

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**On the cover:** Alumna Tanner Kilander, L'02, in conjunction with Marquette Law School and the Association for Women Lawyers, helped to develop and operate a legal clinic at the House of Peace in Milwaukee. Once a week, the clinic gives student volunteers an opportunity to team up with volunteer lawyers and address the problems of people who might not otherwise have access to legal services. Story begins on page 4.

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## a collective enterprise

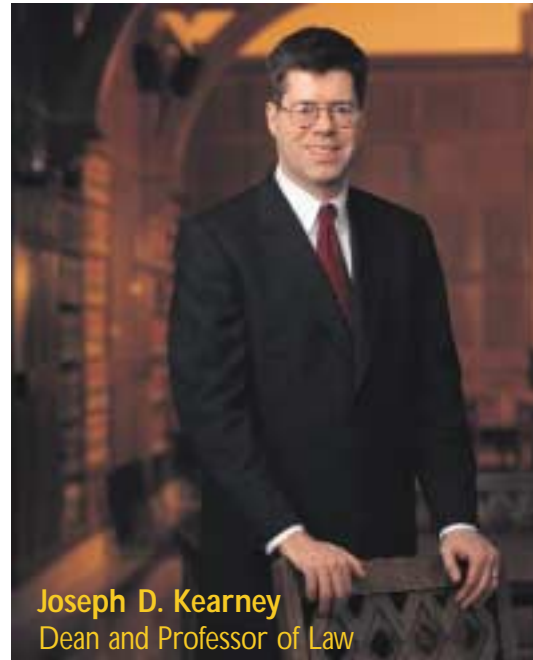
I frequently am heard to remark that Marquette Law School is on the advance. This is not an especially self-interested statement for someone starting only his second year as dean. Much of this momentum developed during the tenure of the late Dean Howard B. Eisenberg and interim Dean Janine P. Geske.

I say it nonetheless because it is true, and because, as dean, I feel it important both to emphasize and to celebrate that the advancement of the Law School depends upon the effort and, most importantly, the initiative of all of the Law School's constituencies.

This is certainly true of our faculty. To take only the most obvious example, that of the Law School's curriculum, we offer a remarkable array of courses. This is not because a dean simply determined one day that the school should create particular courses in sports law, or intellectual property, or trial skills, or alternative dispute resolution, or health law, or criminal law, or any other subject. Instead, we have hired talented faculty who have invested deeply in the school and have proposed—indeed, championed—these ideas. Two such faculty, Professors Judith G. McMullen and Alan R. Madry, are profiled in the pages of this magazine.

Our students also are self-starters with respect to improving the Law School. The cover story in this issue concerns the Marquette Volunteer Legal Clinic. The idea for this most important service undertaking sprang, not from the dean, but from the proposal of several then-students during 2001. To be sure, it did not emerge Athena-like, fully formed from Zeus's head: the administration, faculty, alumni, and friends of the Law School helped to shape the proposal. But both the spark and important work came from the students themselves.

Finally, and most importantly for current purposes, our alumni have increasingly invested in the Law School. Financial contributions are the most easily quantified dimension of alumni support, and the Law School in recent years has gratefully received more alumni financial support than was the case during most of the school's history. We are not yet at the levels we need to reach, but the Law School's increased standing and, more importantly, its improved education are in part attributable to increased alumni support. Here, too, the initiative does not always come from the dean. This past year, for example, the goal of raising an additional \$100,000 for the Howard and Phyllis Eisenberg Loan Repayment Assistance Program originated with the president of the Law Alumni Association. We succeeded in this effort and also raised additional (and essential) discretionary funds for the school.



Joseph D. Kearney  
Dean and Professor of Law

But alumni contribute in numerous other ways as well, such as through their time, expertise, and advice. Indeed, over the course of the past year, I have benefited greatly from meeting alumni at events or hearing from alumni personally. Last year at separate "Meet the Dean" lunches, different alumni wondered aloud whether the Law School adequately teaches marital property law to its students. Upon my inquiry, the faculty on the Curriculum Committee concluded that we probably do not, and we have sought to remedy that deficiency. This is a small but important example of how the Law School benefits from everyone's participation.

I am constantly inquiring how we can improve Marquette Law School. To accomplish this, I require your help—your time, your talent, and even some of your treasure. I hope that you share my impression of the Law School's direction. I believe that this impression will be supported by this issue of the magazine, undoubtedly our longest ever—not because we set that as an independent goal, but because so many things are going on at the school. If you do share my impression, I look forward to bringing even more of you into the group of alumni actively working for the improvement of the Law School. But whether you share my impression or not (and perhaps especially if you do not), please do not hesitate to contact me. My address and direct-dial phone number are listed on the page opposite of this.

I thank you for your efforts on our behalf, and I look forward to your increased involvement in the future of our shared enterprise.

J.D.K.

# marquette volunteer

## serving the underserved

*People walk in  
and we help  
them at the  
clinic, give them  
referrals, help  
them fill out  
forms, answer  
any questions  
they may have,  
and send them  
on their way.  
It's a limited but  
nonetheless  
rewarding  
relationship.*

—Julie Darnieder, L'78



Tanner Kilander, L'02 (left)

Julie Darnieder, L'78

**M**arquette law students and practicing attorneys have come together for a special purpose—to operate a legal clinic at the House of Peace in Milwaukee. The clinic, developed by two law students (now alumni) in conjunction with Marquette Law School and the Association for Women Lawyers, fits in well with the Law School's Jesuit mission to educate lawyers who are both competent and compassionate.

Once a week, the clinic gives student volunteers an opportunity to team up with volunteer lawyers

# legal clinic

and address the problems of people who might not otherwise have access to legal services. The clients receive assistance with a variety of different problems, and the students obtain firsthand experience in dealing with real-life legal problems.

The Marquette Volunteer Legal Clinic is a joint effort of the Association for Women Lawyers, the House of Peace, and Marquette Law School. It relies heavily on the volunteer efforts of more than 60 students and nearly 30 lawyers. The clinic is overseen by a steering committee consisting of Jessica Abbott, L'02; Julie Darnieder, L'78; Jennifer Schober Goodwin, L'00; Cathy Grogan, L'00; Sarah Huck; Tanner Kilander, L'02; and Laura Gramling Perez.

"It's a great example of a bunch of people coming together in an ad hoc way to fill a hole in the legal services that people have available to them," explained Perez, who serves as both a steering committee member and a volunteer lawyer.

From 4 until 7 p.m. each Tuesday, a group of about five lawyers and up to 10 students staff a legal clinic in the House of Peace's basement. Between 15 and 20 clients show up each week looking for help with a variety of problems, including landlord-tenant disputes, family law questions, employment-related issues, and more. Volunteers address whatever legal issues come through the door on a given evening.

Two law students team up with a practicing attorney and meet with a client. The goal is to determine the problem and attempt to resolve the situation or refer the client to a legal services group. The clinic is not designed to

establish legal representation extending beyond the time that clients are in the clinic.

Julie Darnieder, L'78, is a volunteer lawyer who helps coordinate the clinic's activities. Darnieder explained, "People walk in and we help them at the clinic, give them referrals, help them fill out forms, answer any questions they may have, and send them on their way. It's a limited but nonetheless rewarding relationship."

Tanner Kilander helped develop the clinic while she was a Marquette law student. The 2002 graduate provides legal services to residents of Meta House on Milwaukee's East Side in her solo practice, helping women in the treatment program identify and resolve their legal issues. Kilander, who continues to be involved in the Marquette Volunteer Legal Clinic, has been amazed at how much the teams at the clinic can accomplish in a short period of time.

Kilander said, "Sometimes it's as simple as a guy who comes in and says, 'Here are all the papers I've got. What do they mean?'"

One of the recent experiences that emphasized for Kilander the purpose of the clinic involved a man who was out of work and unable to pay his child support. He desperately wanted to see his son, but he believed he didn't have visitation rights.

"Here's a guy who has been walking around for months thinking he has no right to see his children," Kilander recalled. "He's just aching to see his kids but thinks that because he has no job, he has no right to see them. He walked out of here and the next day filed his forms to request visitation."

Brother Mark Carrico, executive director

The mission of the House of Peace, located at the corner of 17th and Walnut Streets, includes meeting the spiritual, emotional, and physical needs of people. The House of Peace operates an emergency food pantry and clothing closet. It also hosts a nursing clinic and continues to provide spiritual assistance.

for the House of Peace, located at the corner of 17th and Walnut Streets, said the clinic fits in well with the facility's mission, which includes meeting the spiritual, emotional, and physical needs of people. The House of Peace operates an emergency food pantry and clothing closet. It also hosts a nursing clinic and continues to provide spiritual assistance.

"The people that the House of Peace has always served are the underserved, who are not represented in many facets of life," Carrico said. "They are at the low end of the economic scale. A lot of those people cannot afford legal representation and have no idea how to enter into the legal world."

Carrico praised the lawyers and law students for the way they interact with clients who come seeking assistance. "They offer this professional service to people who aren't used to getting treated very professionally."

In addition to helping the poor, the clinic also serves the law students, who benefit personally and professionally from participating in the program. Angela Kujak and Brian Cholewa, two second-year students, said volunteering at the clinic helps them maintain perspective in their own lives.

"You see what struggles other people have, and they minimize the problems that you have in your life very quickly and bring them into perspective," Kujak observed.

Darnieder said the clinic is designed to allow students to get involved with clients in a meaningful way. The students help with the interviewing process and are able to observe as the lawyers provide legal assistance.

"The students are trained to do the initial part of the interview, so they are not simply observers," she explained. "They are encouraged to ask questions and offer input. If there is any legal advice given, it is done by the attorneys."

Students, who like the lawyers are entirely volunteers, are assigned to one clinical visit per month. When they are not meeting with clients, they have the opportunity to talk with the lawyers.

"The ability to interview a client, develop the facts, identify the issues and, hopefully, come up with some sort of solution, I think is invaluable," Darnieder said. "I didn't have any experience like that when I was in law school."

Laura Gramling Perez agreed, "There's so much academia to the first year of law school; I think it's just great for students to have a chance to actually sit down with real clients and feel like they are starting to use the stuff that they are learning."

Timothy Casey, a third-year law student who has been involved with the clinic since it started, described the experience as a "phenomenal" opportunity. "We get to help out in this small way, but we also get to see attorneys in action and hear what real legal problems are about."

Casey explained that it is very fulfilling when a student can add something to the discussion. "Sometimes the student hears something that the attorney didn't hear, so the student might ask a question that triggers a line of thinking that ultimately leads to some sort of answer to the client's problem."

The clinic also highlights the need for pro bono legal services. Several students related how participating in the project has opened their eyes to the importance of helping those who could not otherwise afford legal services.

Those observations are fitting given that students involved in the Law School's Public Interest Law Society developed the clinic. In 1999, when Kilander was a first-year student, she and Bridget Kenney McAndrew became involved with a subcommittee of that society, where they met some students who had an idea for a student-run legal service clinic. In the spring of 2000, Kilander and McAndrew took the lead in moving the project forward.

Kilander said she and McAndrew, a 2002 graduate who now lives in Cleveland, spent a great deal of time laying the groundwork for the clinic. Along the way, they received guidance and encouragement from then-Dean Howard B. Eisenberg.

"Dean Eisenberg was very supportive, but he also was very insistent that we couldn't just go out and start serving people without a plan," Kilander recalled.

Eisenberg laid out a number of issues the students would have to address before they could open a clinic. Topping the list were finding supervising attorneys and coming up with malpractice insurance. Eventually, those pieces fell into place.

“We had gotten a commitment from Dean Eisenberg that Marquette would do the malpractice insurance if we could set up a good, structured clinic with a group of attorneys who were committed to participating,” Kilander said. “We found our group of attorneys in the Association for Women Lawyers.”

Darnieder was involved with AWL’s Pro Bono Committee when the students approached the group about participating in the clinic. The timing was perfect given that the committee was looking for a project to support. Members of the Pro Bono Committee eventually became the steering committee for the law clinic and provided the initial source of volunteer lawyers.

In January 2002, the legal clinic opened, utilizing space at St. Francis Parish. Kilander acknowledged it was a slow beginning, with one or two clients each night. Eventually, the attorneys began seeing five to six clients in an evening. Throughout its first year, the clinic handled 106 client visits.

After one year, the clinic moved to House of Peace, and things took off. During its first 14 months at the new location, the clinic handled 544 client visits. It now averages close to 20 visits during each three-hour session. In the past two years, the number of volunteers also has grown, going from eight lawyers and a dozen students to 28 lawyers and more than five dozen students.

As the Marquette Volunteer Legal Clinic has grown and evolved, so has Kilander’s role in the project; she has gone from participating as a student to assisting as a volunteer lawyer. The group has witnessed other transitions—one of the most noteworthy being the change in Law School leadership following Eisenberg’s death.

“That definitely put the future of the clinic up in the air,” Kilander said. The volunteers anxiously watched to see how the transition would affect the Law School’s support of the program. She noted that interim Dean Janine P. Geske remained supportive during the year that she served.

Eventually, Marquette Law Professor Joseph D. Kearney was named as the successor. Kearney has stated that the Law School will continue to support the efforts of the legal clinic.

“Dean Kearney made it clear right away that he was eager to support us and that he wants to support us in the future,”

Darnieder observed.

Kearney explained that one of the “primary goals of Jesuit education is to develop men and women for others.” The Law School’s professional education works toward that goal, he said.

“We are in the business of graduating lawyers who presumably will—in a variety of different ways—be of assistance to people in need of legal services,” Kearney said. “The clinic is particularly important both because its volunteers do immediate good and because it serves as a reminder that not everyone who is in need of legal services can afford them.”

Kearney added that he would like to increase the resources that the Law School makes available to the clinic. Currently, the University finances the clinic’s malpractice insurance. Although it is an ad hoc group, the clinic is recognized as a student organization, so it receives \$500 annually from the Law School, in addition to support for photocopying, postage, and office supplies.

Kearney stated that he intends in the near future to increase substantially the Law School’s support for the clinic. “It was probably prudent for the school initially to support the clinic primarily in non-monetary ways. But now that the group has demonstrated its commitment and its ability to serve the community in a way that is so congruent with the University’s ideals, it will give us great pleasure to increase our financial support.”

Looking toward the future, the steering committee has a number of issues to address. As client demand grows, Darnieder said the group will consider adding another day or extending its hours.

Another issue involves transportation to and from the clinic. The House of Peace is outside the University’s student shuttle boundaries, which can create challenges for some students. The group is considering approaching the University about expanding the shuttle boundaries.

As the clinic moves forward, one thing remains steadfast: the group’s commitment to providing legal services to those in need. Kilander said, “It’s inevitable. We’re going to grow, and the House of Peace is a great place for us to do it.” •

## lawyer, teacher, scholar

by Christine Wilczynski-Vogel

**H**ow 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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—Professor Judith McMullen

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,

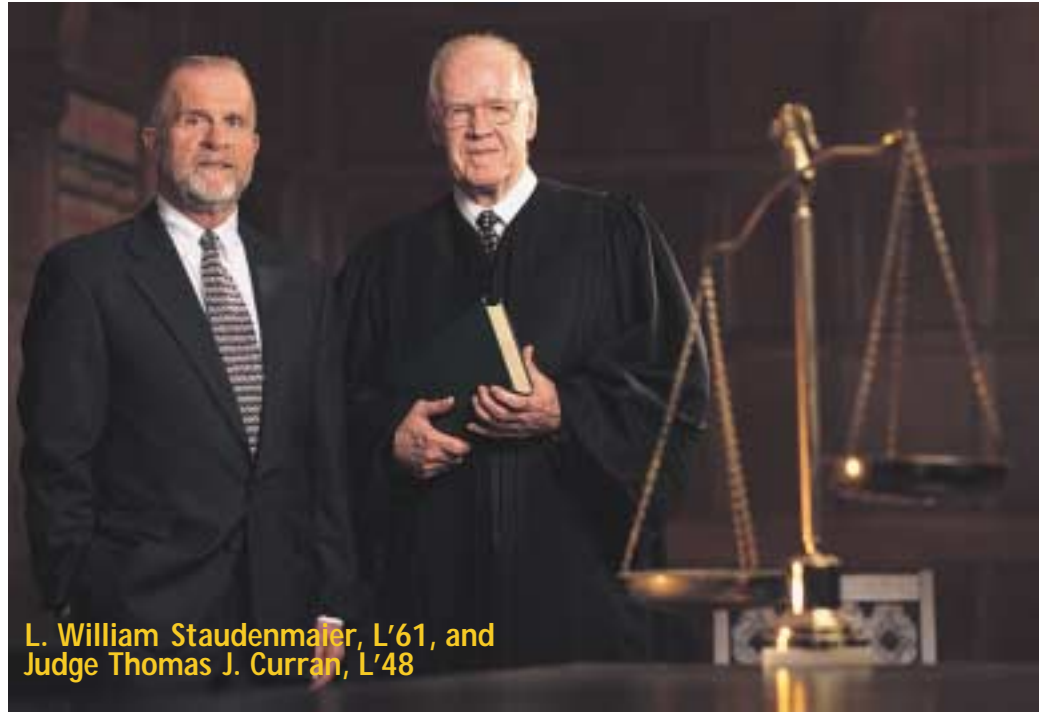
and in how the law should regulate them,” she says. McMullen has written about estate planning for disabled children, policies in child abuse and neglect cases, home schooling laws, and various issues encountered in divorce, such as maintenance, custody, and child support. Her most recent article, due 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.” •

The combined continuing interest of Marquette Law School alumni in their school and the Law School's desire to be of service to all lawyers, whether alumni or not, can lead to interesting programs at the Law School. A notable example of this occurred this past academic year when the school's Boden Courtroom was the venue for a program entitled "Trial Skills for Public Interest Lawyers." The two-day program in November 2003 was sponsored by the American College of Trial Lawyers and was assisted not only by the Law School but by the State Bar of Wisconsin, the Milwaukee Bar Association, Cook & Franke S.C., Foley & Lardner LLP, Quarles & Brady LLP, and Whyte Hirschboeck Dudek S.C.

L. William Staudenmaier, L'61, of Cook & Franke, was the primary organizer of the program. "The concept of a trial skills training program for public interest lawyers was developed by the American College of Trial Lawyers a few years ago," Staudenmaier explains. "A small handful of other state sections put on such a program. When I agreed to lead the effort here,

each of the public interest entities I contacted confirmed the need for such a program. By and large, lawyers who work for public interest entities lack trial experience and mentors, and when faced with an upcoming trial date often negotiate from weak-

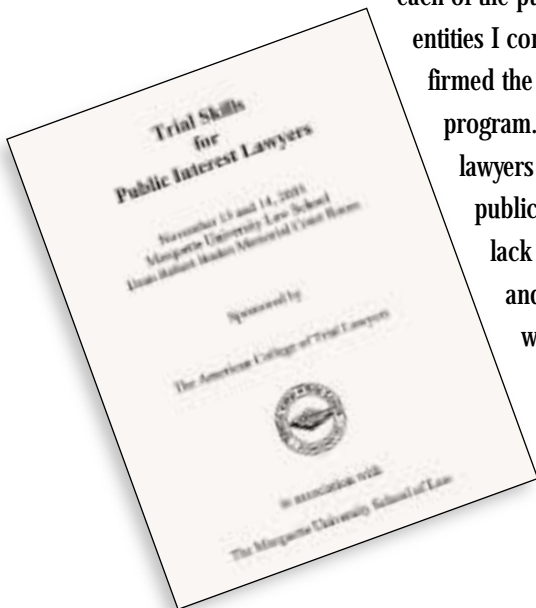


L. William Staudenmaier, L'61, and Judge Thomas J. Curran, L'48

ness rather than strength, causing their clients to be short-changed."

The free program sought to address this problem by providing both training sessions and a trial demonstration for public interest lawyers. Experienced trial lawyers (in fact, fellows of the American College of Trial Lawyers) such as E. Michael McCann and Peter J. Hickey, L'77, undertook the mock trial, and United States District Judge Thomas J. Curran, L'48, presided. Adjunct Professor Michael J. Hogan and Richard C. Ninneman, L'61, were among a number of attorneys instructing in the training programs. Some 60 public interest attorneys participated in the program.

"I was delighted that Bill Staudenmaier wanted to involve Marquette Law School in the program and that interim Dean Janine Geske had agreed to this last year," says Dean Joseph D. Kearney. "Our contribution was fairly modest: we provided the venue, some students who served as the jurors for the mock trial, and some other support. Bill and other lawyers in Wisconsin did everything else. But it seems to me desirable—even important—that the Law School should serve as a common gathering ground for lawyers in Wisconsin and, in particular, for the development of skills of those who represent the least advantaged in society." •



# Religion and Law

## a perfect blend in the classroom

*Madry wanted his students—and himself—“to see how religion plays a larger role in community and uses the legal system where the community is religiously homogeneous and religion is not confined to the personal sphere.”*



by Laura E. Abing

**R**eligion and law: in our society, these can be like oil and water. But Professor Alan Madry blends them in a fascinating way in his seminar, *World Religions and Law*, a course allowing students to explore the role that law, virtue, and virtuous people play in the world's leading religious traditions.

Educated in a Catholic grade school and Jesuit high school, Madry became interested in world religions and cultures in the eighth grade, when his mother bought him a book

on yoga to help him stay active while recovering from rheumatic fever. A new fever burned throughout his college years at the University of Michigan, where he read seminal books such as *The Three Pillars of Zen* and heard Alan Watts, a renowned authority on eastern and western religions and philosophies. Madry's interests led him to an undergraduate minor in anthropology. Given that he had studied human cultures in many of their facets, it was not a far stretch for Madry to contemplate the human construct

*Marquette's Office of Mission and Identity called upon faculty across campus to develop courses acquainting students with different world cultures. Madry eagerly answered the call, recognizing it as an occasion to blend his dual passions for law and religion.*

of law. In addition to his J.D., Madry also has an M.A. in philosophy and at Marquette teaches, among other things, legal philosophy and constitutional law.

Madry's education was a seemingly natural intellectual progression, but he admits that after becoming a professor of law, "I felt I had my career on one side and on the other was my fascination with cultural diversity, particularly world religions." Oil and water?

Not so, thanks to a grant opportunity in fall 2001. Marquette's Office of Mission and Identity called upon faculty across campus to develop courses acquainting students with different world cultures. Madry eagerly answered the call, recognizing it as an occasion to blend his dual passions for law and religion. He recounts, "I particularly thought about what seemed to me to be an obvious fact: no matter how much law a community has, that community cannot possibly promote the well-being of its members if the members themselves are morally weak or corrupt—mired in narrow self-centeredness, greed, materialism, dishonesty, etc. Religion is the most powerful reminder that there is something more."

The Office of Mission and Identity agreed; Madry was awarded a grant and developed the seminar over the next year. He worked to make his course different from other courses in law and religion that most American law schools offer—including

Marquette. "The common focus," Madry explains, "is how law in this country deals with religion, either matters of religious liberty or legal and quasi-legal disputes among members of a religious community. Within these parameters, our Constitution has been interpreted to drive a wedge between religion and public governance. That perspective, coupled with the vast diversity

of religions in the United States, makes religion largely a private matter."

Madry sought to shift this focus. The essence of his course would be to commingle law and religion. Madry wanted his students—and himself—"to see how religion plays a larger role in community and uses the legal system where the community is religiously homogeneous and religion is not confined to the personal sphere."

This was the framework of the seminar he first offered to 14 students in fall 2003. As a significant component of the course, distinguished members of Wisconsin's religious community came to class and talked about their respective faiths and the place law occupies in their religions. The guest speakers included Rabbi David Cohen of Congregation Sinai, Dr. Erdogan Gurmen, one of the founders of the Islamic Center in Milwaukee, and Father Richard Sherburne, S.J., who represented the Christian tradition as the Law School's own chaplain but also spoke as a respected scholar of Buddhism. Madry

remarks, “Their presentations wonderfully fulfilled the purpose of the original grant—to help our students appreciate the depth and dignity of all of these great traditions.”

Classroom encounters with religious experts and forays into other traditions, including Hinduism and Taoism/Confucianism, stirred thoughtful discussion and contemplation intended to help the students as they prepared research papers. “One of the most rewarding aspects of teaching this course,” Madry shares, “was being able to work with the students on a whole raft of fascinating topics. Students wrote about early Puritan societies in the United States, the introduction of the Shotoku Constitution in early seventh-century Japan, marriage law among the Inuit Indians of North America, Caesar Augustus’s introduction of morality laws in first-century Rome, and Old Testament foundations of environmental protection. And the papers were easily among the best that students have ever submitted in any class I’ve taught.”

Madry chalks this up to the students’ overwhelming enthusiasm. “I was touched by and proud of their discussions with our visitors. The students rose to the occasion and asked interesting and penetrating questions, obviously respectful and deeply interested.” Yet Madry was most struck by conversations that went on after class. He explains, “For many of these students, their faith is central to their lives, framing every issue and every significant decision. There was rarely a class when I didn’t stay for at least an additional hour chatting with a varying group of students, sometimes just one or two, about how what we had discussed earlier in class bore on their own experiences and beliefs.” Madry concedes that he himself was learning—something he feels he has not fully experienced since he was a student.

Perhaps this seminar sounds more like a philosophy or sociology graduate seminar than a course for preparing tomorrow’s lawyers. But Professor Peter Rofes, one of Madry’s col-

leagues who attended a session on Judaism, believes the seminar is among the many classes Marquette Law School should be offering. He observed, “The course looks to me as if it surely will produce lawyers more knowledgeable about and more sensitive to both law and religion.” Beyond the practical benefit, Rofes sounds a broader theme: “It is a course that to my mind embodies how a religiously affiliated law school best proves faithful to its multiple missions.”

Madry echoes these sentiments. Commenting on the opportunity to intermingle religion and law in the classroom, he says, “This is one of the clear pleasures of teaching at a

Jesuit school—that faculty and students can freely talk about their religions as important touchstones in their lives. I don’t think that people could be so open in a public institution.” This statement perhaps takes on heightened meaning when considering that last fall’s seminar was likely as diverse as a class at any public law school: two students were Muslim, several were Christian, a few were thoughtfully agnostic, and at least two in the group were well versed in eastern religions.

The seminar thus is not only a successful intellectual blend of religion and law but also a reflection of Marquette’s mission to promote academic excellence and knowledge within the distinctive context of its Catholic, Jesuit identity. It is this identity that extols the value of faith—regardless of tradition—and the importance of faith’s role in society.

Given the seminar’s appropriateness and inaugural success, the Law School has made it part of the regular curriculum. Professor Alan Madry will have the pleasure of teaching the seminar every other year, alternating it with his course on enforcement of constitutional rights. Indeed, he intends to teach World Religions and Law for the remainder of his career. And why not? Oil and water can mix well. •

*“For many of these students, their faith is central to their lives, framing every issue and every significant decision. There was rarely a class when I didn’t stay for at least an additional hour chatting with a varying group of students, sometimes just one or two, about how what we had discussed earlier in class bore on their own experiences and beliefs.”*

—Professor Alan Madry



## From discussing different religious traditions in the classroom . . . . . . to making a difference in the world

**I**n addition to triggering two new research projects that focus on diversity, Professor Madry's seminar has led to a life-changing experience for him that will positively change the lives of others in a remote part of east-central India.

In 2003, Madry was discussing the seminar and related ideas with a friend, who is the chairman of the Karunamayi Foundation. Sanskrit for "Mother of Compassion," the Karunamayi Foundation was organized in the United States to raise money in support of a sister organization in the Indian state of Andhra Pradesh. The two foundations are committed to bringing health care and education to villages where food, shelter, and clothing are meager at best. Electricity and phones have been luxuries in this agriculturally based society plagued by a four-year drought and all but forgotten by the twenty-first century.

Stirred by the region's devastating poverty and driven by his fascination with cultural diversity, Madry seized an opportunity to travel to Andhra Pradesh in late 2003. He attended an international conference at the Ashram (monastery) connected to the foundation's efforts. The conference allowed Madry to explore the spiritual concepts of Dharma and to better understand the Indian legal system. He also worked with the foundation, seeing firsthand the mind-numbing poverty of the villagers.

Madry saw how, thanks to the Karunamayi Ashram, religious institutions—not government—are spearheading efforts to provide electrical and phone service to villagers for the first time and to build a tribal school serving 230 children. A hospital is under construction to serve people who otherwise would have no health care of any kind. But the drought has lowered the water table, halting the project temporarily while funds must be raised to build a system for bringing in water from a nearby canal. Despite the setback, the Ashram is sending volunteers into the villages to conduct simple health classes and screen children for eyeglasses and childhood diseases. This is an area where polio, leprosy, and rickets—diseases that largely have been eradicated in the West—are not uncommon.

"My experiences with the villagers and at the conference," Madry describes, "are among the most profound of my life, intellectually and spiritually." The impact has been so great that he intends to return to India once a year. Madry also has become a member of the foundation's board, actively seeking to raise support that truly will make a difference in the world.

Professor Madry would welcome the opportunity to discuss his undertakings and can be reached at 414-288-5374 or at [alan.madry@marquette.edu](mailto:alan.madry@marquette.edu). •

## alumni notes



Ruth Foley, L'43  
Racine, Wisconsin

**R**uth Foley was one of only five women in her Marquette Law School class of 1943, was the first person in her family to graduate from law school, and, despite being in her eighth decade of life, still practices law (on a very limited basis). Yet she does not consider herself a pioneer. “I was in high school at St. Catherine’s in Racine in the mid 1930s and attended a series of vocational talks. After hearing a lawyer speak, I decided that’s what I wanted to do,” she said. And that she did, with the support of her parents and because of her sheer determination.

After finishing three years of liberal arts education at Mount Mary in Milwaukee, Ruth was admitted to the Law School, to which she commuted from Racine for three years, and earned her degree in 1943. “It was during World War II that I attended law school, so it wasn’t by any means a traditional class,” she said. She recalls having classmates who were, for various reasons, ineligible to serve in the military. One classmate in particular sticks out in her memory—almost literally. “We had a fellow who was nearly eight feet tall who had performed in a side show in a circus,” she reminisced.

It was during law school that she became reacquainted with Jerome Foley, a young man who also attended the same high school but was a few years older than she. Jerome (who passed away in 1984) graduated in 1941.

Immediately after graduation, Ruth worked in the legal department of Chainbelt in the patent department. Jerome served in the Marines during this time, and they continued to stay in touch, writing letters back and forth.

A new partnership

In 1944 Ruth and Jerome were married. After Jerome completed his military service, Ruth joined her husband and father-in-law in their law firm in Racine, where she worked until she and Jerome had their first child, Mary (who is now a lawyer). Two more children followed—Ann and Joe. Ruth took a sabbatical from the practice to raise their family and went back to work full time when Joe was in the fifth grade. She practiced full-time for more than 26 years, doing estate planning and probate work. She is of counsel to the Racine law firm of Dye, Foley, Krohn & Shannon, mainly working out of her home with the aid of a fax machine and computer, and from time to time makes trips to the courthouse. •



1 9 4 9

**James C. Spangler** served as Commander of American Legion Post 758 (Union League Club) in Chicago during 2003, and now serves as chairman of 721 Club Support Group for U.S.S. Chicago. His granddaughter is a junior in the College of Communication at Marquette. He is retired and resides in Elmhurst, Ill.

1 9 5 1



**Roger T. Nierengarten** is a personal injury and medical malpractice attorney at Nierengarten Law Offices and was a

judge on the Minnesota Court of Appeals from 1984 to 1989. Married 49 years with four daughters and four grandchildren, he resides in St. Cloud, Minn.

1 9 5 4

**Peter N. Flessas** received the 2003 Excellence in Education Award from Milwaukee Superintendent of Schools, William Andrekopoulos, for organizing and conducting highly successful antismoking speeches to fifth-grade students throughout the City of Milwaukee with sons Nicholas and Peter, Jr. He initiated a program at the Milwaukee County Courthouse that permits attorneys to bypass security-screening monitors by exhibiting a Wisconsin Bar I.D. card and photo. He coined the memorable phrase "Bushville Wins," which captured the national mood of all baseball fans following the 1957 World Series win of the Milwaukee Braves.

**Eugene R. Klos** has now fully retired. He retired from Esleek in 1987, and thereupon worked 12 years as a special education driver and 3 years with the U.S. Postal Service. His wife, Elsie, runs Klos Collectibles in New Hampshire. Klos lists his favorite Law School

memory as Professor Lang's backwards navigation of the stairs to ease the load on his ailing heart. He is still impressed by Lang's patience and fortitude while gently sharing his vast knowledge and intellect. Klos resides in Deerfield, Mass.

**Thomas E. Knab** retired in 1998 after practicing business law for 45 years. He opened the Manitowoc office of Whyte Hirschboeck Dudek in 1993. Seven attorneys are currently working there. He has been married to Ann (Nursing '54) since 1955. They have two children: Barbara and Tom Jr. (MU '84), whose business is Batteries Plus.

1 9 5 5

**Harlow Hellstrom** is retired after being a sole practitioner from 1957 to 1999. He has been married to Norma for 48 years and has six children and eight grandchildren.

1 9 5 6

**Cliff Meldman** does pro bono work for the elderly, poor, and disabled. He resides in Milwaukee.

1 9 5 8

**Erwin J. Keup's** book *The Franchise Bible* was released in its fifth edition in spring 2004. Two of his eight children are practicing attorneys. Keup practices franchise law in Costa Mesa, Calif.



**Michael Patrick Murray** is finishing his fourth novel and second book of short stories, to be published in

2004, and also does pro bono litigation. He says that he is blessed with a great wife, two great kids,

and five terrific grandchildren. Murray resides in South Riding, Va.

**Richard J. Steinberg** was elected for a 16th term as municipal judge for the City of Brookfield. A son lives in Brookfield and a daughter in Florida. Both are practicing attorneys.

1 9 5 9

**John P. Miller** practices commercial law with Miller, McGinn & Clark, S.C., in Milwaukee. Three of his six children are Marquette lawyers. Two children practice in Milwaukee and one in Chicago.

**Carl F. Schetter** was appointed to the Board of Directors of Catholic Charities of Napa County, Calif., in 2003 and the Board of Family Services of Napa County. He also serves as chairman for Hanna Boys Center of Sonoma County spring golf outing. He and his wife, Susan, celebrated their 43rd wedding anniversary in Tuscany, Italy. Susan retired two years ago from teaching elementary school. They live in Napa. Their six grandchildren live in the San Francisco Bay area.

**Adrian P. Schoone** does civil litigation and trial work for Schoone, Leuck, Kelley, Pitts & Knurr, S.C. Two of his grandchildren attend Marquette University. He is a past-president of the State Bar of Wisconsin, past member and chair of the Wisconsin Judicial Commission, and past member and chair of the former Board of Attorneys Professional Responsibility. Schoone resides in the town of Mt. Pleasant in Racine County, Wis.

1 9 6 0

**Thomas G. Sazama** retired from general practice in 1997. He has been married to Mary Jo Daley for 43 years and lives in

Merrill, Wis. They have four children: two graduated from Marquette University, one from St. Thomas University in St. Paul, Minn., and one from St. Catherine's College in St. Paul.



**Richard Yetter** has been in practice continuously for 42 years. He is currently working in wills, trusts, and probate in El Paso,

Tex. Sons Bruce and R. Paul are attorneys, son Erich is the artistic director of a ballet company, and daughter Tina Marie Jones is in real estate. Yetter has 14 grandchildren.

1 9 6 3

**Dale W. Arenz** was recently elected as president of the Wisconsin Waterfowl Association, a non-profit organization devoted to restoration of wetlands, conservation education for youth, and assisting with environmental legislation. He practices municipal law in Waukesha and resides in Delafield, Wis.

**Edmund C. Carns** practices criminal defense in Crooked Lake, Wis. He and wife Lyn have four children and seven grandchildren.

1 9 6 4

**Lawrence F. Waddick** is retired after spending 10 years as a Washington County Circuit Judge. He lives in West Bend, Wis.

1 9 6 7

**Michael J. Bruch**, a Milwaukee County Family Court Commissioner, lives in Whitefish Bay, Wis.

# alumni notes

1 9 6 8

**Thomas G. Hetzel**, a Vietnam veteran, resides in Racine, Wis. He has three children and five grandchildren.

1 9 6 9

**Jerome P. Thusty** is a personal injury attorney with Thusty, Hittner, Kennedy & Freeburg S.C. in Schofield, Wis. He is married to Cindy. Daughter Jessica graduated from Wm. Mitchell Law School and practices with his firm; son Peter received a B.S. in business from UW-River Falls; daughter Amy is an M.D. at the Medical College of Wisconsin; and son Adam is a senior at UW-Eau Claire.

1 9 7 1

**Frederick "Rick" Lorenz** teaches and consults in Tacoma, Wash., and is an adjunct faculty member at Seattle University School of Law. He travels regularly to St. Petersburg, Russia, and conducts exchanges with a law school there. Rick and his wife, Joan, who met at Marquette, celebrated their 35th wedding anniversary this year.

1 9 7 2



**Robert G. Blakely** helped compose test questions for the new real estate salespersons' examination for the Wisconsin

Department of Regulation and Licensing. He has written a Wisconsin real estate law study guide for Dearborn Publishing Company, and has reviewed for accuracy the book entitled *Wisconsin Real Estate: Practice & Law, Tenth Edition*. Blakely has taught prelicensing real estate law since 1988 and real estate

continuing education at Blackhawk Technical College in Janesville. He resides in Beloit, Wis.



**Timothy P. Crawford** attended the National Academy of Elder Law Attorneys' (NAELA)

advanced practitioners' program in Dallas, Tex., where he taught attorneys how to protect clients' homes from being sold to pay for nursing home care costs. He recently planned NAELA's national conference in Hilton Head, S.C. Crawford practices in Brookfield, Wis.

**Michael F. Hupy** helped to overturn a Wisconsin Supreme Court ruling by persuading Gov. Jim Doyle to sign a bill preventing insurance companies from reducing damages awarded to injured bikers who are not wearing helmets. Hupy is a bikers' rights activist and attorney at Hupy & Associates Law Firm.

1 9 7 3

**Michael T. Lucci** is a Circuit Court Judge in Superior, Wis. He and his wife, Deborah, a retired teacher, have two children and two grandchildren.

**Timothy McNally** is the executive director of security and legal services for the Hong Kong Jockey Club. He retired in 1999, after 24 years of service as the FBI Assistant Director in charge of Los Angeles. McNally's daughter Meghan, 28, is a graduate of St. Mary's of Notre Dame. Son Joseph, 24, is a law student at Santa Clara University, and son Patrick, 20, is a student at Georgetown University. Tim resides in Hong Kong.

1 9 7 4

**Michael Ablan** is the president-elect of Big Brothers/Big Sisters of La Crosse. He handles business, trusts and estates, and personal injury litigation at Michael Ablan Law Firm, S.C., which provides a full scholarship to students at Viterbo University who are interested in pursuing law. His daughter Alyssa, 26, lives in San Francisco, son John, 24, lives in Appleton, and son Anthony attends school in La Crosse and married Jeneen in June 2004. Mike resides in La Crosse, Wis.

1 9 7 5

**Michael O. Bohren** is a presiding judge in the criminal division of the Waukesha County Circuit Court and a member of the Criminal Law Bench Book Editorial Committee. Bohren resides in Delafield, Wis. Daughter Julie graduated from UW-Madison in May 2003 and works in the UW Microbiology Lab.

1 9 7 6



**Robert A. Ross** is the co-author of *Your Life, Your Legacy* and *Giving Philanthropy for Everyone*. He is a Certified Estate

Planning Law Specialist and works in estate planning at Ross Law Office in Sturgeon Bay, Wis. Ross was a key leader of the Door County YMCA. Two new grandchildren this year bring the total to 10.

1 9 7 7

**Ray Dall'Osto** practices civil and criminal trial law at Gimbel Reilly Guerin & Brown. His wife, Joli (Dent. Hyg. '75), works in Shorewood at Cohn Dental Associates. Daughter Alisha gradu-

ated from Kenyon College in 2003, son David studies mechanical engineering at Vanderbilt University, and son Justin is a student at Whitefish Bay High School. Dall'Osto believes in carrying on Dean Eisenberg's work and dreams of establishing an Innocence Project at Marquette Law School.

1 9 7 9

**Blaise Di Pronio** has a general practice in Milwaukee, Wis. He received the Alberta Hall Humanitarian and Memorial Award as Humanitarian of the Year.

**James A. Wynn, Jr.**, of Raleigh, N.C., is an appellate judge for the North Carolina Court of Appeals. He was elected Chair of the American Bar Association's Appellate Judges' Conference for 2003-2004. (See also pp. 34-35 of this magazine.)

1 9 8 0

**Scott M. Israel** was recently admitted to practice in Michigan and opened a firm branch office in the Detroit suburb of Farmington Hills. He works in retail collections and creditors' rights in bankruptcy at Rausch, Sturm, Israel & Hornik, S.C., in Milwaukee.

**Richard R. Kobriger** is employed at Cramer, Multhauf & Hammes, LLP. He is currently the president of the Potawatomi Area Council, Boy Scouts of America; and past president of Waukesha Rotary Club, 2001-2002. He has been married to Michelle for 26 years. Daughter Alyssa, 22, is married to Dhondup Tsagong, and grandson Tenzin was born October 13, 2003. Son Adam is 19.

Toward the end of his third year of law school at Marquette, James E. Duffy, Jr., responded to a yellow-card notice on the Marquette Law School bulletin board. “The Honolulu law firm of Cobb & Gould was looking for an associate,” he recalled. “I was hoping to live out west after law school as I had worked at Glacier National Park in Montana during my college summers and loved it . . . Hawaii was just farther west than I had envisioned!” But a salary of more than Duffy ever imagined (\$750/month) drew him to Hawaii. Early on, he had an opportunity to try cases, several against a firm headed by Hawaii’s generally acknowledged finest trial lawyer—Wally Fujiyama. “He took a liking to me, offered me a job, and became my mentor, friend, and law partner for the next 25 years until his death. My relationship with him was the best thing that could have happened to me professionally. He was a great teacher, and together we tried every kind of civil case there is, for both plaintiffs and defendants, and some criminal cases for good measure!”

Last year, Justice Duffy was appointed to the Hawaii Supreme Court, and in June 2003 was sworn in. “I love my job,” says Justice Duffy. “It gives me the opportunity to continue learning about the law and use the practical knowledge and common sense I have learned throughout the past 35 years of practicing law.” He gives credit and thanks to Marquette Law School and its faculty for his professional success. “From the first day of law school, the emphasis was on what it means to be a professional and what a professional owes to one’s clients, the profession and the judicial system, the community, and him/herself,” he said. “Marquette taught me the importance of integrity, values, and ethics in the practice of law and the need to live my life—both professionally and personally—as a whole person.” Another life lesson that made a significant impact on Justice Duffy was the Law School’s commitment to the need for humanity and sensitivity toward the client. “Throughout my education, it was consistently stressed that clients are people, not just a file with a legal problem.”

Many memories flood Justice Duffy’s recollections, but chief among them is the first day of torts class. He recalls Professor Ghiardi saying, “*I will be here on time every day, and I will be prepared. You will also be here on time every day, and you will also be prepared.*” Duffy, who graduated in 1968, recalls: “He was, and we were!” Little did he know at the time

that this same foreboding professor would one day be his father-in-law! Jim married Jeanne Ghiardi and together they have two daughters.

Justice Duffy is an avid horseman, raising and riding quarterhorses in events of cutting, team penning, and sorting. He does find time for his passion, carefully balancing all aspects of his busy life. “Over the years, I’ve learned the importance of keeping a balance in my life with family and friends, having a spiritual life, and keeping physically fit.” Keeping with his own philosophy, he hopes to work at the court as long as he is able and ride his horses as often as possible. •

*Joining Justice Duffy (far right) for a trail ride in Hawaii this February were United States Marshal Dutch Hanohano (left) and United States Supreme Court Justice Ruth Bader Ginsburg (center).*



Hon. James E. Duffy, Jr., L'68  
Supreme Court of Hawaii



Photo by Carol Stevens

**Carol J. (Williamson) Long** has returned to Wisconsin after spending 20 years in Wyoming. She is a tribal attorney for the St. Croix Chippewa Indians of Wisconsin. Long wonders if anyone from the class of 1980 lives in the north woods of Wisconsin or if any alums are working for a Native American tribe.

**John P. Macy** is secretary of the ABA's General Practice, Solo, and Small Firm Section. Macy practices municipal law in Waukesha at Arenz, Molter, Macy & Riffles, S.C., and resides in Oconomowoc, Wis.

1 9 8 1

**Bob Crnkovich** is in his 15th year on the faculty at Georgetown University Law Center, as an adjunct professor, where he teaches Advanced Partnerships Taxation. He had two publications in the fall of 2003. He is employed at Ernst & Young, LLP, in the national tax department and lives in Washington, D.C. His seventh child was born in 2003.

1 9 8 2

**Donald F. Armento** practices in the areas of military law, civil litigation, and insurance coverage, with Richardson, Bambrick, Cermak and Fair in San Diego. Don was activated for Operation Enduring Freedom and Operation Iraqi Freedom in November 2001. He served most of 2002 in Korea and at Camp Pendleton in California. Don was deployed to Kuwait and Iraq for most of 2003 and worked with the 1st Marine Expeditionary Force as the Staff Judge Advocate (legal advisor). Three teenage children attend school in North San Diego County.

**Warren Kraft** was elected by the International Municipal Lawyers Association (IMLA) as regional vice-president for the Seventh Circuit (Wisconsin, Illinois, and Indiana) at

its annual meeting in Minneapolis. The former chair of the State of Wisconsin delegation, Kraft just completed a six-year officer rotation, most recently as chair of the Land Development, Planning, and Zoning Section. During the Minneapolis conference, Kraft moderated "Environmental Challenges for Municipal Lawyers: Affordable Housing on Brownfields," for the Land Use Section. He is the city attorney for the City of Oshkosh. His wife, the former Elizabeth Detmer, is a special education teacher at Clay Lambertson Elementary School, in Berlin. They reside in Oshkosh with their two children, Jessica and Nathan.

1 9 8 4



**Timothy T. Kay** is active in state bar matters and currently serves as attorney for the Brookfield Chamber of Commerce and municipal attorney for the Township of Oconomowoc and Village of Oconomowoc Lake. Kay and his wife, Susan, reside in Brookfield with their two children, Alexander and Natalie, ages 13 and 9.

**Paul J. Payant** practices personal injury and family law with Sommer, Olk, Schroeder & Payant. He and his wife, Shelly, live in Antigo, Wis., with their four children: Alex, Chelsea, Ellie, and Nicole.

1 9 8 5

**Timothy J. Algiers** had two seven-figure awards/settlements in the last three years working in personal injury and general practice at the O'Meara Law Firm, LLP. Spouse Susan teaches Spanish at Hartford Union High School. Son T.J. is a junior at HUHS, daughter Olivia is a sixth-grader, and son Nick is a third-grader at St. Kilian's School in Hartford, Wis.

**M. Angela Dentice** is the first woman president of the Wisconsin Academy of Trial Lawyers and was selected by the *Wisconsin Law Journal* as one of the 10 Outstanding Women in Law in 2002. Her husband, Benn DiPasquale, works at Foley & Lardner. Son Sam Bottoni is a senior at DePaul University in Chicago. Dentice practices plaintiff's personal injury law in Milwaukee.

**Robert Gerald Lorge** announced in February his candidacy for the United States Senate.

**Randy Schneider** was named the 2004 Homicide Prosecutor of the Year by the Wisconsin Association of Homicide Detectives. He is an assistant district attorney in Racine, Wis. He and his wife, Andrea, have three children and celebrated 20 years of marriage this year.

1 9 8 6

**James M. Marlin** opened an office for United General Title Insurance Company in Milwaukee in January 2003 and serves as state manager and counsel. His daughter is a junior at Marquette, and his son is a senior at Pewaukee High School.

**David T. Wall** was elected to the District Court bench for the State of Nevada in November 2002. He resides in Las Vegas with his wife, Jill, and son, Max, 18.

1 9 8 7

**William W. Burrington** and his life partner are very happy living and working from the Washington, D.C. area and in Key West, Fla. Burrington is the co-founder and general counsel of a venture development and private equity firm, Aqua Alta, LLC.

1 9 8 8

**Gregory W. Lyons** is a shareholder at O'Neil Cannon & Hollman in Milwaukee and practices litigation. He resides in New Berlin, Wis.

**David A. Pagel** was recognized by American Funds Group for placing in the top one percent of all investment advisors for ten consecutive years. He works in financial planning at Pagel Financial Group in Cedarburg. Daughter Madeline is looking forward to her freshman year at Divine Savior Holy Angels, and son David is moving on to sixth grade. "Life is awesome!" Pagel says.

1 9 8 9

**Jennifer Konetzki Chin**, who welcomed the arrival of daughter Sydney this year, is finishing her LLM in employee-benefit law and works in employee benefits for US Bank in Chicago, where she resides.

**Michael Morris** has formed Michael Morris Law, LLC, where he will concentrate on real estate and commercial transactions and Indian law issues. Morris resides in Madison, Wis.

**Irene E. Parthum** is a criminal prosecutor for the Milwaukee County District Attorney's Office and is now working in the "gun unit" after many years in general felonies. Daughter Grace continues to thrive in fourth grade at Milwaukee French Immersion School, and she will study in France in another year.

**Shelly Principe** went into practice for herself in March 2003 in corporate immigration law in Chicago. Principe and her high school sweetheart married in August 2001 and reside in Lake Geneva, Wis. A daughter was born in August 2002.

1 9 9 0

**Jeffrey A. Pitman** practices plaintiff's personal injury law at Pitman, Kyle & Sicula, S.C., in Milwaukee, which acquired Tabak & Tepper, S.C. The firm has grown to eight attorneys, and a second office was opened in Watertown in early 2004. Pitman represented a sexual assault survivor who received a \$1.25 million verdict from a Dane County jury in October 2003. Pitman married Desiree Sanfelipo on Aug. 10, 2002. They reside in Bayside.

**Theodore J. Skemp** has a solo practice in La Crosse, Wis. He primarily works in criminal and family law. He and his wife, Jessica, had a baby girl, Cecelia, in February, and are already the proud parents of a black lab mix named Princess. Skemp is the chair of the La Crosse Citizen Advocacy Program and co-chair of the La Crosse Storytelling Festival, and he enjoys Beefeater martinis.

1 9 9 1

**Shawn Govern** and his wife had their fourth child, Peter Joseph Govern, born Oct. 14, 2003, and named in honor of Shawn's grandfather who passed away in 2000. Govern lives in Thiensville, Wis.

**Florence Johnson** has been working on a case that was profiled in the October 2003 issue of *Trial Magazine*, a publication of the Association of Trial Lawyers. She works at Perkins, Johnson & Settle, PLLC, in Memphis, Tenn.

1 9 9 2

**Ann Becker** practices environmental law in Phoenix, Ariz., for Pinnacle West Capital Corporation. She is married to Brett Lincoln. Twins, Samuel and Rachel, were born in December 1997, and son Noah was born in January 2001.

**Robert J. Brill** practices intellectual property and patent law at Patti & Brill, LLC, in Chicago.

**John J. Doyle** is in general practice with Doyle Group Attorneys, P.C., and resides in East Lansing, Mich.

**Aidan M. McCormack** joined Nixon Peabody LLP in New York City as a partner with six other colleagues on Oct. 1, 2003.

**Michael D. Orgeman** practices corporate and real estate law at Lichtsinn & Haensel, S.C. He has two young children, Isabella and Jack. The family resides in Milwaukee.

1 9 9 3

**Joseph E. Bender** was elected to the partnership at the law firm of Wildman, Harrold, Allen & Dixon LLP in Chicago. He currently practices corporate, securities, and tax law.

**David L. Coon** is a solo practitioner in Brookfield, Wis.

**Reynaldo P. Morin** welcomed baby number four, Thomas Reynaldo, on Aug. 31, 2003. Big sister, Cecilia, and big brothers, Nicholas and Matthew, were very excited. Morin currently serves as an Assistant United States Attorney for the Eastern District of Texas and lives in Douglass, Tex.

1 9 9 4

**Andrew Fink** practices plaintiff's personal injury litigation at Benjamin & Shapiro, Ltd., in Chicago.

1 9 9 5

**Ghazaleh Ahou Soomekh Abroon** married John Abroon, M.D., on Nov. 24, 2001. Daughter Layla was born Jan. 19, 2003. Abroon resides in New York City.

**James Bradley Gehrke** is with Gehrke & Associates, S.C., an intellectual property law firm based in Wauwatosa, Wis., which focuses on start-up businesses, trademarks, copyrights, Internet law, licensing, corporation formation, non-profit organizations, and legislative advocacy. Gehrke resides in Madison, Wis.

**Juan J. Lojo, Jr.**, is manager of the contracts and proposals department for Tech Data Corporation in Clearwater, Fla., a Fortune 500 company and the second-largest worldwide distributor of information technology. He has been married six years to Lauren Marie Sherman, an international sales rep for an Italian jewelry company. Their two-year-old daughter, Judith Ann, loves gymnastics and getting into trouble.

**John B. Rhode** successfully argued before the Wisconsin Supreme Court the case of *McCormick v. Schubring*, 2003 WI 149. He practices in Antigo, Wis., at Sommer, Olk, Schroeder & Payant.

**Todd J. Schneider** was recently elected to partner at Holland & Knight in Chicago and concentrates his practice in estate planning and administration.

1 9 9 6

**Michael and Jennifer (Sleik) Dewberry** reside in Tustin, Calif. Mike practices state and local taxation and real property litigation at Bewley, Lassleben & Miller, LLP, in Whittier, Calif., while Jennifer practices mortgage and lending compli-

ance at Alt & Associates in Irvine. Their son, Max, turned two in December 2003.

**Adam G. Finger** works in civil litigation and white-collar defense for Kaye Scholer LLP in New York City.



**Jeff Krause** recently started Information Technology Professional, LLC, to provide technology services to law firms and other professional offices. He lives and works in the Milwaukee area.

**Paul M. Anderson, '95, and William S. Miller, '96**, co-authored *Major League Leases: An Overview of Major League Facility Leases and How They Are Negotiated*, which offers detailed insight and analysis into how leases are negotiated and drafted for major league ballparks, stadiums, and arenas throughout North America.

**Neil B. Posner** is a partner at Sachnoff & Weaver in Chicago, practicing in the firm's Insurance Coverage Group. Posner has authored and contributed to numerous articles on directors' and officers' liability insurance. He also has taught insurance law as an adjunct professor at Chicago-Kent Law School.

**Scott A. Swid** opened a solo practice in October 2002 in Mosinee, Wis. Swid and his wife, Jodi, have two children, Allison and Stanford.

**Thomas P. Velardi** is a prosecutor. He recently was elevated from assistant county attorney to deputy county attorney in Strafford County, New Hampshire. His second child, Elizabeth May, was born in October 2003. Velardi resides in Dover, N.H.

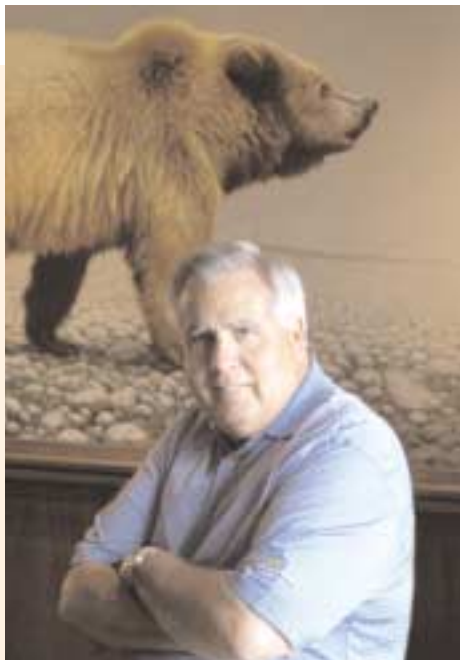
For some fathers, the dream is to have their sons follow in their footsteps, perhaps embrace the family business, and create a legacy. For perhaps even more fathers, the dream is to have their sons step out of their shadows and pursue a life much more rewarding than theirs ever was. For Paul Kenny, the dream for his son was simple: Forget my footsteps. Forget my path. Forget sales.

Thirty-eight years bridge today and that June day in 1966 when Paul Kenny was beaming with fatherly pride, because all he ever wanted for his son Tim was being realized. Tim Kenny, a Marquette Law School graduate, was being admitted into the Wisconsin bar. And while Tim's wife Chris and their two children were all a part of the ceremonies that day, there was probably no one in the crowd happier with the moment than Paul Kenny. After all, he had urged Tim to become an attorney and seek to avoid the hard times Paul had known over the years as a salesman for an electric supply company. Life on the road was something he did not want for his son. In Paul's grand plan, his son was going to be a professional—an attorney.

Now comes the career *oops*.

Today, Tim wonders what his father would say if he only knew that, after practicing law for almost 20 years, his son abandoned that effort in 1986, instead to join legendary golfer Jack Nicklaus in his golf course design business. Tim is now executive vice president of Nicklaus Design, charged with overseeing the business, with a focus on finding prospects, structuring design deals, and seeing them through execution. Yes, Dad, sales.

But it doesn't stop there. As the son whose father never wanted him to endure life on the road, Tim Kenny has spanned the globe, visiting over 80 countries and all but one U.S. state over the last 18 years. In the early '90s, Tim also lived in Malaysia, Singapore, and Hong Kong, returning in 1994 to assume the role of sales and marketing director for Nicklaus Design. Today, he racks up frequent flier miles like Nicklaus used to rack up victories. He easily flies over 200,000 miles a year, and this is not counting the time on the Golden Bear's private jet. Yet it is all part of doing business in a firm that set a record last year by signing close to 40 deals around the world. Nicklaus Design is considered the world's leading course-design firm, and the Nicklaus brand, just like the man whose name is on the firm, is one of the most cherished and respected in the golf industry.



Tim Kenny, L'66  
Executive Vice President, Nicklaus Design

If it sounds like Tim Kenny is the beneficiary of wonderful timing, rewind back to his first days with Nicklaus. It was late March of 1986, and just about two weeks away from the Masters Tournament. That happened to be the year and the Masters when Nicklaus stunned the golf world by winning his sixth green jacket at age 46 in what some historians of the sport still consider the game's greatest tournament victory. An auspicious time for a new employee to start.

Before joining Nicklaus Design, Tim practiced law from graduation until 1986 in Cleveland and Columbus, Ohio—the latter being Nicklaus's hometown. Tim practiced in

medium-sized law firms, specializing in real estate, tax, syndications, and general corporate law. The opportunity to join the Nicklaus organization came from a friend who was a tax accountant for the Golden Bear and knew that Jack's development company was looking for an in-house counsel in Florida. After assuming the role of general counsel, Tim requested an overseas position involving sales and marketing in Asia, when the real estate market was showing signs of a slowdown in 1990. There it is again: one, sales; two, travel.

In his current role, Tim's law background is involved in almost every aspect of his role in the sales and marketing of golf course designs. While every design opportunity involves an agreement to be discussed, negotiated, and drafted, each contract also has issues of trade names, trademarks, licensing, liabilities, insurance, and so forth. Travel is an absolute necessity, as evidenced by golf courses currently under construction in Russia, China, South Korea, Japan, Thailand, Spain, Portugal, South Africa, New Zealand, Mexico, Argentina, and Brazil. The principal office for Nicklaus Design is in North Palm Beach, Florida, with ancillary offices in Brussels and Hong Kong.

Paul Kenny would be proud—not just as a father but as a grandfather. Tim has five children—three sons and two daughters—all living and working in Florida. His oldest son, John, practices family law and criminal law; Michael, the second-oldest son, has a part-time general law practice but also represents golfer Ernie Els in selling his golf course designs; and Tim's youngest son, Kevin, specializes in the legal aspects of creating golf course membership programs for golf developers. And Tim's two daughters? They have not escaped the legal game altogether: in addition to their own undertakings, Tim notes, both Cheryl Kenny Poore and Katie Kenny Scanlan are married to lawyers. •

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**Meredith Ditchen** is an adjunct professor of litigation with Georgia State University Law School. She has been married to husband Rob for 10 years and has three young children, Harris, Reilly, and Elise. She practices privately in real estate and estate planning with The Walker Firm. Ditchen resides in Marietta, Ga.

**Scott C. Lascari** is an associate in the financial markets and securities litigation group at Gardner Carton & Douglas LLP's Chicago office.



**Christopher McLaughlin** joined the firm of Leffert Jay & Polglaze, P.A., in Minneapolis. He is a member of the firm's patent law

prosecution group and focuses on intellectual property strategy counseling for small companies and startups.

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**Allan M. Foeckler** joined the firm of von Briesen & Roper in Milwaukee as an associate in the general litigation and risk management

practice group, focusing on products liability, toxic tort, and commercial litigation. He has served as an alderman in the City of Oak Creek since 1999.

**David Rose** recently began his third year as Counsel to the Speaker of the Connecticut House of Representatives, as the House undertook impeachment proceedings against Connecticut Gov. John Rowland. Rose and wife Janet Brown celebrated the birth of their first child, Mitchell Paterson Rose, on Dec. 19, 2003. They reside in New Haven, Conn.



**Thaddeus C. Stankowski** joined von Briesen & Roper as an associate, where his practice focuses on intellectual property law with emphasis in litigation.

**Troy D. Thompson** is serving his second term as pro bono legal counsel for Wisconsin Junior Chamber of Commerce (also known as Wisconsin Jaycees). He works in labor and employment law at Axley Brynelson, LLP, in Madison. He and his wife have young two daughters and reside in Sun Prairie, Wis.

**Doug Wheaton** received the Outstanding Service Award from the Kenosha Realtors Association. Wheaton is the governmental affairs director for the Wisconsin Realtors Association. He resides in Mt. Pleasant, Wis.

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**Neifor B. Acosta** was elected president-elect of the Wisconsin Hispanic Lawyers Association.

**Michael Biro** is a senior counsel on patents at Schering-Plough Corporation in Kenilworth, N.J. He is engaged to be married in 2004.

**Bill Kryger** is a patent attorney at Boyle Fredrickson Newholm Stein & Gratz in Milwaukee.

**Rebecca and Jon LaVoy** reside in Glendale, Wis., with son Sean, born April 22, 2003.

**Julie (Schuster) Maslowski** works in estate planning with Dempsey, Williamson, Young, Kelly & Hertel, LLP, in Oshkosh, Wis. Daughter Mia was born Sept. 21, 2003. Husband, Mike, owns Sawyer Creek Orthodontics, S.C.

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**Rebecca Cleveland Castonia** works for the public defender's office in Oshkosh, Wis. She resides in Menasha with her husband, Chris, a school social worker for the Appleton School District. Daughter Hale is a first-grader.

**Daniel D. Dub** has joined Weiss Berzowski Brady LLP as an associate in the Business Law practice.

**Kristin Watson** was elected president of the Superior Jaycees for 2004. She was also elected president of The Dove, Inc., a home health care agency, and the board of directors of The Dove Agency, Inc., which provides nursing services in a correctional environment. She served as secretary/treasurer of the Douglas County Bar Association in 2003, and is a lecturer at Cathedral of Christ the King in Superior. Watson has two daughters, Amelia, born in December 2000, and Gwendolyn, born in January 2003.

**Awni M. Yasin** is in general practice at Yasin Law Office in West Allis and lives in Milwaukee.

**Michael W. Zielinski** has joined the law department of Northwestern Mutual, in Milwaukee, practicing as an attorney on the financial services team. Previously he was associate counsel and corporate secretary for an affiliate of US Bank, N.A.

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**Deric P. and Julie M. DuQuaine** reside in De Pere, Wis., with their daughter, Annabelle Kristina DuQuaine, who was born Oct. 31, 2003. Julie is a criminal prosecutor at the Brown County District Attorney's Office, and Deric is in transactions and estate planning at Liebmman, Conway, Olejniczak & Jerry, S.C.

**Constance Prange** is a full-time faculty member at Milwaukee Area Technical College, teaching criminal justice and law enforcement. She has three young children: Delora, Avan, and Andrew.

**Craig Vance** recently joined Consumer Legal Services, P.C., of Elm Grove, practicing in the areas of lemon law and warranty litigation. He resides in Germantown, Wis.

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**Greg Bollis** practices patent law at Michael Best & Friedrich in Milwaukee, where he resides. Daughter, Mackenzie, is two years old.

**Jonathon Mark Picus** lives in Phoenix, Ariz., with his wife and one-year-old son. He is currently working for a commercial retail developer.

**Jack N. Zaharopoulos** works in creditors' rights and general litigation at Stupar, Schuster & Cooper, S.C., in Milwaukee.

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**Andrew Griffin** is living at Kadena AB, Japan, working for the U.S. Air Force.

**Ian R. Harper** is a screenwriter in Los Angeles, Calif.

**Nicholas E. Petty** is in civil litigation at the Law Offices of Robert A. Levine in Milwaukee.

**Shelly M. Trepanier** practices business organizations law at Reinhart Boerner Van Deuren S.C. in Milwaukee. She lives in Cedarburg, Wis., with her husband, Travis.

## giving with class

**“W**e were an extraordinary class,” explained John Murray of his fellow Marquette Law School Class of 1968 graduates. “Despite the intense competition among us, the compassion, loyalty, and caring we shared during law school continue to this day.” Part of this loyalty, for him, is to the Law School and is reflected in his recent pledge of \$50,000. He explains why. “I owe the Law School for providing me a foundation to practice law. Without that foundation, I would not be in the position I am today.”

For the past 20 years, Murray has practiced personal injury litigation with Habush Habush & Rottier S.C., in the firm’s Appleton office. The generosity of his gift is reflective of an implicit “debt” he says he has to the school, along with an expectation. “With my gratitude comes a hope that the Law School will maintain its quality legal education for future generations—in part to protect the quality of the degree I received, as well as to produce competent attorneys,” said Murray.

The gain from the pain

He acknowledges that his years in law school weren’t easy and sometimes were, in fact, painful. “But for that challenging journey, we would not be who we are,” he explained. The pain, he explained, resulted in gain. “Obstacles that we faced prepared us professionally,” said Murray. “The fire of the law school curriculum tempered individuals to be prepared to deal with any challenge.” And while it is easy for some alumni to criticize because of what they perceived as a “bad” experience, Murray encourages these same people to consider that without this kind of journey, these same lawyers would not have the ability, confidence, or drive that was a direct result of their Marquette Law experience.

Murray said that, despite his donation, he will never feel that he could repay Marquette Law School for the intangible value of



**John Murray, L’68**  
Habush Habush & Rottier S.C.

*Pictured in Eisenberg Memorial Hall on the third floor of Marquette Law School. Eisenberg Hall was recently rededicated after its renovation, made possible by a generous donation from Robert L. Habush.*

his degree. “It has permitted me to earn a living, and to practice in a profession that I respect. It is a debt I can never fully repay.”

Murray has maintained his ties to the Law School and is committed to helping the school and its students. For example, Murray has served as an adjunct professor for the past 13 years, serving as one of the faculty teaching an especially popular Advanced Trial Advocacy course. As for his gift of \$50,000, he has left it to the dean’s discretion on how best to use the donation. He hopes that others will join him in supporting the school.

And a number have. It should be no surprise, in the spirit of continued friendly competition, that both before and after Murray’s pledge, several members of this class have made significant contributions to the Law School.

In addition to classmate Joseph Niebler (profiled in a previous magazine) and classmate Frank Daily and his wife, Julianna Ebert (see story on back cover), classmate Russ Stepke, CEO of Resource Financial Corporation in Chicago, an internationally recognized merchant and investment banking firm, has also made a significant gift to the Law School.



Stepke serves on the Law School's Advisory Board and its Executive Committee. "I completely enjoy the challenges before the board, working with a first-class team headed by Dean Joseph Kearney," said Stepke. "We expect great things from Dean Kearney in continuing to lead the school on the path toward excellence begun by Dean Eisenberg."

"I am deeply grateful to Marquette Law School for the opportunities my education afforded me," Stepke explained. "It is a privilege to be an attorney, and I value my law experience very much."

Stepke's generous contribution to the school is intended to keep it moving in the direction and with the momentum it is experiencing. "By giving, I hope to be able to put some substance behind my own efforts to get my classmates to consider giving. In addition, I look forward to contributing more—particularly my time and energy—as well as my money, over the upcoming years."

Stepke, too, acknowledges that law school had its stressful moments, but it also had its good times. "Our class of about 90 remains close and is particularly outstanding in terms of quality of people. It was our great sense of humor that helped us all through the times we struggled. We had about 30 people for our 35th reunion last year, and earlier this August, in what is now called the 'MU Law Class of '68 Annual Golf Outing,' we had



**Russell Stepke, L'68**  
Resource Financial  
Corp.

almost the same number for two days of golf and an evening spent recollecting, reminiscing, and just having a great time with old friends. This year we were at Grand Geneva Resort in Lake Geneva, Wisconsin. Next year we expect more for the Third Annual to be held at the American Club in Kohler, Wisconsin," he said.

Stepke figures he has spent between 7 percent and 10 percent of his life on or near Wisconsin Avenue between 11th and 16th Streets, having gone to Marquette for undergrad as well as law school. "Life has been good to me, and I owe some of that success to Marquette. I wish I could do more," he added, "and believe, ultimately, I will."

A generation before

Long before the class of 1968 was even born, a young man and a young lady met at Marquette. She was a journalism student, and he was studying business, with hopes of attending law school.

Bernice Young Tierney (Jour '37) fondly remembers meeting Joseph Tierney, Jr. (L'41) in the basement of Johnston Hall while they were both undergraduates at Marquette. Joseph did end up going to law school at Marquette, during which time they courted. They married right after he graduated in 1941. "Joe joined the FBI after law school and then went back to school to earn his CPA," explained Mrs. Tierney. "He practiced tax law for a while, and after leaving the accounting firm, he joined Cook & Franke and was there until he retired from the partnership in the 1990s. He remained as counsel until he passed away."

Mr. Tierney died in 1999 at the age of 82. Mrs. Tierney has honored his memory through a generous gift of \$50,000 to the National Sports Law Institute (NSLI) at Marquette Law School. "Joe made his wishes known to me that he wanted to give a gift to his alma mater. Through a family decision, the funds were directed toward sports law, an area that we believe is a growing industry with a lot of legal ramifications," said Mrs. Tierney. "We thought the NSLI would wisely use this donation to enhance its already successful program."

It is with deep gratitude that the Law School recognizes these donors and all who support Marquette Law School with contributions of time, talent, and treasure. •



**Bernice Tierney and  
the late Joseph Tierney, Jr., L'41**

# The Whole Tapestry: A Celebration of Wisconsin's Women Jurists

*Theresa M. Henke, L'94*

An unusual event occurred at the Milwaukee County Courthouse on March 17, 2004. In an effort to ensure that courthouses in Wisconsin reflect the evolving face of the judiciary, portraits of 16 women who formerly served as judges in Wisconsin were unveiled to a standing-room-only crowd that included dignitaries, colleagues, and friends and family of the women. These portraits will be hung in the courthouses where each of the women served.

Of the 16 portraits hung, six were of Marquette Law School graduates: Verle E. Sells, L'36, who served in Florence County and is believed to have been the first woman judge in the State; Donna Muza, L'49, who served in Dunn County; Leah Lampona, L'72, Janine Geske, L'75, and Jacqueline Schellinger, L'83, all of Milwaukee County; and Marianne Becker, L'66, of Waukesha County.

Chief Justice Shirley S. Abrahamson presided at the event. She noted that this historical event confirmed and affirmed women's past, present, and future roles in shaping history. This was not a Marquette Law School event, but the school was well represented. Marquette Law School Professor Phoebe W. Williams, L'81, gave a keynote address. Dean Joseph D. Kearney "unveiled" the first portrait, that of the late Judge Sells. And, most substantially, the event, which was sponsored by the National Association of Women Judges, was primarily coordinated by Milwaukee County Circuit Judge Maxine A. White, L'85.

Professor Williams's remarks are reproduced here.



## Historical Significance of the Contributions of Women Jurists

*Professor Phoebe W. Williams, L'81*

**T**hank you, Judge White, National Association of Women Judges, and distinguished sponsors for inviting me to offer remarks at this historic event celebrating Wisconsin's women jurists. I am very honored that along with Chief Justice Abrahamson and Justice Bradley I have the opportunity to be a part of this program. Wisconsin's women jurists, honored guests, and families of the judges, thank you for all that you have done with your lives and careers, so that we have reason to celebrate today.

For the past decade, I have researched the history of women and African-American lawyers in the legal profession. Several years ago, one of my research assistants suggested that she would really enjoy taking a course that focused on the history of women lawyers. Recognizing that almost half of our law students at Marquette Law School were women, I concluded that a course focusing on the history of women lawyers would be useful for the women and men who attended Marquette.

It was important that our students know the history of women lawyers. It was important that they learn who these early women lawyers were, what they brought to the legal profession, and how they were treated. During the past few years, the men and women in that class have learned how these women balanced work and family issues; how they confronted discrimination in the legal profession; how they recruited clients and developed their practices; and how they secured the support of men in the profession to advance their careers. Just as important, we also learned how women lawyers supported each other.

We learned that women jurists, like male jurists, have brought to the bench their different backgrounds, experiences, and polit-

ical views on what values best further our goals for a just society. Women jurists as well as male jurists generally express their judicial philosophies in traditional terms. They express goals of serving as “neutral, impartial decision-makers.” When Minnesota Supreme Court Justice Jeanne Coyne was asked if women judges decide cases on the bench differently from men, she responded that, in her experience, “a wise old man and a wise old woman reach the same conclusion.” When considering the same question, United States Supreme Court Justice Ruth Bader Ginsburg agreed. However, Justice Ginsburg also noted what qualities women and persons of different racial groups and ethnic origins could contribute to the bench. Quoting in part the late Fifth Circuit Judge Alvin Rubin, Justice Ginsburg spoke about the “distinctive medley of views influenced by differences in biology, cultural impact, and life experiences women and persons of diverse racial groups and ethnic origins could bring to the bench.”

Women jurists have not spoken in one voice. Nevertheless, when examined collectively they have made significant contributions: (1) In contrast to our other symbols of justice, women jurists have represented living symbols of justice; (2) Women jurists have led the legal profession in ways that can be attributed to the unique way our society has engaged them as women; and (3) Women jurists have changed the way we think about the operation of our courts and the law itself.

***Consider for a moment how women jurists have served as living symbols of justice.*** Although early women lawyers would have to struggle even to gain entry into the profession, a woman always has symbolized the very



Professor Phoebe W. Williams, L'81

concept of justice for the legal profession. Even today the statue frequently referred to as Lady Justice adorns numerous courthouses, courtrooms, and legal offices. Some believe Lady Justice represents the Roman goddess Themis, the goddess of justice. And most of us have seen this symbol of justice holding a sword in her hand, which signifies the power held by those who make the decisions, and holding scales, which represent the impartiality with which justice is served. And since the sixteenth century, sometimes she is shown as blindfolded to illustrate that justice is not subject to influence.

Lady Justice has been exhibited in a variety of ways. She has been shown standing, seated, kneeling, running, standing on a rock, on a lion, in the desert, holding a book, holding out the scales, lifting large scales, and even arguing with attorneys on the scales. She has appeared in three sculptural groups at the United States Supreme Court, and James Earle Fraser's *Contemplation* ▶

*of Justice* statue is one the most recognized legal symbols of the Supreme Court. While the representations have varied, they have still sought to symbolize the fair and equal administration of the law, an administration that is without corruption, avarice, prejudice, or favor.

I have no quarrel that our profession has selected a woman's image to symbolize the very essence of justice. However, Lady Justice becomes only a symbol, an abstraction, if when men and women enter our courts every day they do not see a diverse bench—one that includes women and judges from diverse racial and ethnic groups. Living, breathing, working women judges in our courts represent important symbols, as well, of what it means to live in a just society. By their very presence, women judges have helped to instill confidence in attorneys, litigants, and the public that justice will be dispensed in our courts in a neutral, fair, and impartial manner. According to the *2003-2004 Wisconsin Bluebook*, four women have served on our Supreme Court, two served on our Court of Appeals, and 29 of the 240-some circuit judges were women. Of the thousands of men, women, and even children who visit and tour our courts each year, with those numbers many of the visitors will not have an opportunity to see evidence of a diverse bench in Wisconsin. These portraits of Wisconsin's women jurists, produced through the efforts of Judge White, the National Association of Women Judges, and generous donors, will represent important symbols of justice as well. For many visitors to our courts, they will symbolize that they have equal access to our courts and that real women have wielded the sword of power to make decisions in our Wisconsin courts.

***Consider for a moment how women jurists have led our profession in ways that may be attributed to their experiences as women in our society.*** The history of women judges demonstrates that they have played a role in advancing women's emancipation, women's equality, and women's acceptance in the legal profession, before courts, and before the law itself. Initially, very few women served on the bench. Even in their isolation, women judges played a role in advancing women's equality and acceptance in the legal profession. When they won elections or appointments to the bench, they advanced the interests of women and inspired others with their success.

We do not have to stretch our imaginations much to consider how women in the Marquette Law School Class of 1936 must have felt after Governor Philip E. La Follette appointed their classmate, Verle E. Sells, to the bench less than one month after her graduation with high honors. Similarly, when Judge Olga Bennett prevailed in a contested election during 1969 and was sworn in on January 1, 1970, becoming the second woman in Wisconsin to join the bench, she undermined stereotypes that women lawyers did not possess the political or the competitive acumen to attain judicial offices.

Even Judge Bennett's decision to run for election represented her protest against what she perceived to be sex discrimination. She ran against the Governor's appointee to the bench, because, as she confided to a friend, "every time she entered court he would embarrass her and point out her mistakes." She doubted that she could continue to practice law in the county if that judge remained on the bench, so she ran against him and won.

The following year Judge Vel Phillips was appointed to the bench as the first African-American and third woman to serve as a judge in Wisconsin. Her success inspired African-American women like me in our community and confirmed our belief that careers in law were open to us as well. By 1979 sufficient

numbers of women judges were on the bench around the country to unite and establish as their priority the advancement of women in the legal profession.

The National Association of Women Judges (NAWJ) was founded in 1979 when 100 women judges met in Los Angeles at the invitation of Judge Joan Dempsey Klein. These women judges established as their special objective placing the first woman on the U.S. Supreme Court, and subsequently the NAWJ actively worked to achieve this objective. Other goals of the organization were to work for the selection of more women to the bench, to speak out against sex discrimination in general, to fight for the Equal Rights Amendment, and to fight to end discrimination against women judges. So, while women judges have brought their independence, impartiality, and neutrality to the bench when deciding their cases, they have used the prestige of their positions to advance the interests of women.

***Women jurists have changed the way we think about the operation of our courts and the law.*** Women judges have advanced efforts to examine the question whether courts treat people differently because of their gender and/or race. In 1980, the National Association of Women Judges joined the National Judicial Educational Program as a cosponsor to consider the question whether gender bias existed in the courts. The National Association of Women Judges established a National Task Force on Gender Bias, encouraging states across the country to form their own task forces.

To date, 44 states have issued task force reports. These reports have documented gender bias in court interactions among judges, lawyers, court users, and court personnel. They have documented gender bias in the employment and treatment of court personnel. They confirmed bias in courts' responses in substantive areas of the law as well—areas such as violence against women, torts, and family law. In response to task force reports, the Conference of Chief Justices during 1988 and 1993 adopted resolutions urging every state to examine gender bias and race/ethnic bias in the courts. The American Bar Association during 1990 amended its Model Code of Judicial Conduct to explicitly bar behaviors that manifested gender bias by judges, lawyers, court personnel, and others under judges' direction and control.

During 1991, Wisconsin joined other states, issuing a Wisconsin Equal Justice Task Force Final Report. During 1995, Wisconsin issued a "Report of the Supreme Court Gender Equality Committee." By 1990, the federal circuit courts formed task forces to examine gender bias in the federal courts. And as of 2004, ten circuit courts have issued reports documenting their study of this area.

Have women judges made significant contributions while they have been on the bench? When we consider the ways that women judges have influenced the perception and the actual delivery of justice in this country, the answer to that question is a resounding "YES." •



Judge Maxine A. White, L'85, was the primary organizer of the event at the Milwaukee County Courthouse.

# alumni awards

A “Marquette lawyer” reflects an ongoing and dedicated commitment both to the legal profession and to the broader community. The matter is perhaps summed up in the phrase one often hears in Jesuit circles, the notion of our seeking to be “men and women for others.”

—Dean Joseph D. Kearney

**M**arquette University bestowed alumni awards on a number of Law School graduates this past April. Wylie A. Aitken, L'65, received the Law Alumni Association's Lifetime Achievement Award. Judith Kochis Drinka, L'75, won the Association's Alumnus of the Year Award. Gregory J. Heller, L'96, received the Sports Law Alumnus of the Year Award. And James A. Wynn, Jr., L'79, received the University's Alumni Merit Award for Professional Achievement. These awards were presented at a series of receptions or dinners over the course of several days. What follows is an attempt to give a flavor of the various events.

## Remarks of Dean Joseph D. Kearney at Law Alumni Awards Conferral, April 22, 2004

This is a special night for me. It is my first awards event as dean of the Marquette Law School, and I am privileged and honored to present tonight's awards to three of our graduates.

As dean, I'm often asked to explain exactly what it means to be a “Marquette lawyer,” and I respond by saying that our alumni offer the answer. A “Marquette lawyer” reflects an ongoing and dedicated commitment both to the legal profession and to the broader community. The matter is perhaps summed up in the phrase one often hears in Jesuit circles, the notion of our seeking to be “men and women for others.”

Dean Robert F. Boden, one of my predecessors whom many of you remember, said it quite well:

There are well-recognized characteristics which distinguish the Marquette lawyer. They can be observed in the offices and courtrooms everywhere the law's work is done by graduates of this law school. These characteristics include solid grounding in the fundamentals of legal analysis and doctrine, an understanding of procedure and the means of accomplishing legal objectives legally, an appreciation for the philosophical and jurisprudential values underlying the law, a strong sense of professional responsibility, and a pervading commitment to the service of fellow human beings in a useful professional context. This is what we mean by the term “Marquette lawyers.”

I might add that it is not even clear to me that one has to be a graduate of Marquette Law School to be a Marquette lawyer. Surely my predecessor, Dean Howard B. Eisenberg, embodied as well as anyone else the principles of which Dean Boden spoke.

But it is the alumni who have established this tradition and who do the overwhelming bulk of the work to maintain it. And so it is appropriate that every so often we should gather and honor particular alumni who are examples of how one can give real meaning to the phrase “Marquette lawyer” by his or her actions. We are grateful for their examples.

## SPORTS LAW ALUMNUS OF THE YEAR AWARD

I will start tonight's presentation with the Sports Law Alumnus of the Year Award. This award was created by the Sports Law Alumni Association to recognize someone dedicated to the Sports Law Program at Marquette and to the whole field of sports law. Greg Heller, of the Class of 1996, is such a person.

As a law student, Greg was a member of the Sports Law Society, Articles Editor of the *Marquette Sports Law Journal*, and a research assistant for the National Sports Law Institute. Since law school, Greg has continued to be involved in the sports industry, first with a law firm based in Chicago and later in Atlanta. He is now senior counsel for Turner Broadcasting System. Greg no longer practices sports law as part of a general law practice but rather has become a decision-maker for one of the most influential companies within the sports industry.

Greg, you exemplify the success that students in the Sports Law Program can achieve. For your commitment to Marquette as a student and alumnus, and for the excellence and leadership you exemplify as a Marquette lawyer, it is my privilege to give you this award signifying your selection as the Sports Law Alumnus of the Year.

## LIFETIME ACHIEVEMENT AWARD

Our next award is the Lifetime Achievement Award. It is being presented to a former St. Thomas More scholar, a former Associate Editor of the *Marquette Law Review*, and at one point in his life (at age 35) the youngest president of the California Trial Lawyers Association—Wylie Aitken. Wylie himself is scarcely former—he continues routinely to be ranked as one of California's "top 100" influential lawyers—but it is his entire career that we honor.

When he graduated, almost 40 years ago, Wylie left the cold of Wisconsin to set up practice back in sunny California. I understand from those who know him especially well that he is as passionate about the law now as he was all those years ago. (As an aside, some dispositive evidence of Wylie's enthusiasm for the law can perhaps be found in the fact that Wylie's three children—Darren, Christopher, and Ashleigh—are attorneys themselves. Darren and Christopher are both partners at the family firm, and Ashleigh is practicing at another law firm. And they all married attorneys. Ashleigh's husband, Michael, will take the bar exam in July. The bar exam, by way of explanation for the Marquette Law School alums practicing in Wisconsin, is this test that some of us took after law school to demonstrate competence to practice law!)

Over the past several decades in California, Wylie Aitken has become a nationally recognized trial lawyer, with a large number of his cases resulting in precedent-setting decisions. He has been trial counsel in a number of significant tort cases, including bad-faith insurance practices (as a defense lawyer by background I should say *alleged* bad-faith insurance practices), aviation, automobiles, product liability, business tort litigation, and actions involving wrongful death and major personal injuries, including attention-getting cases involving a mountain lion attack, medical negligence, and other matters.

But this is not all. Being a good Marquette lawyer, Wylie often caught the "volunteer bug." He has



Gregory J. Heller, L'96

... [Greg] has become a decision-maker for one of the most influential companies within the sports industry.



Wylie A. Aitken, L'65

held numerous volunteer offices and memberships. He has taught and lectured and is committed to public service. At the same time, he has combined this professional success with time for his family—his wife, Bette, and their three children.

Let us also not forget that Wylie always has been loyal to his alma mater. Wylie has been known to travel to watch the men's basketball team play. He and Bette have hosted Marquette alumni events in California and have endowed a Law School scholarship and are annual Woolsack Society donors.

Wylie, for your commitment to service, excellence, and leadership in being a Marquette lawyer, I would ask that you join me at the podium to accept the Lifetime Achievement Award.

### Remarks of Wylie A. Aitken in Accepting the Lifetime Achievement Award

Hopefully with sincere humility—though a great trial lawyer once commented that “humility in a trial lawyer is just another form of hypocrisy”—I recognize that the primary criterion for this award is longevity as reflected in the color of my hair more than my accomplishments. You can't receive a lifetime achievement award without hanging around a long time to the point that your law school is not quite sure what to do with you.

Frankly, I am always somewhat embarrassed for being honored for what I love to do. Since leaving this campus in June of 1965, and returning to California, I have been the proverbial “kid in the candy store,” receiving pay and thanks for “comforting the afflicted and afflicting the comfortable.” And all this at a time when so many lawyers are reported to be unsatisfied with their jobs or disillusioned with the law. I suggest they get a “life”—a “legal life” focused on their clients and the professional responsibilities of being a “Marquette lawyer.”

I am standing here because of the help of a lot of people and to whom I therefore wish to give thanks:

To Mom and Dad, whom we have lost in the last few years—and particularly to Mom, whom we lost this past year—whose sacrifices gave me the resources to eat and sleep.

To my wife Bette, the California girl who moved to Milwaukee with our young son and who transferred to the New York Life office here in Milwaukee. Her earnings allowed us to spend one dollar for three pounds of ground beef, which we converted to hamburgers, meat-loaf, and tacos (at a time when no one in Milwaukee knew what a taco was).

To my children, of whom I am most proud: Darren, Chris, and

Ashleigh, all lawyers and all married to lawyers, except for Ashleigh who is married to a third-year law student. Someone suggested today that we have too many lawyers. We can never have too many good lawyers, lawyers following in the tradition of the “Marquette lawyer.” Nor should we ever stop recruiting them to this great Jesuit university.

And certainly to Marquette University, which made me a St. Thomas More Scholar, a full-tuition scholarship which enabled a young kid of 20 years of age to come here (all I had to do was to figure out how to pay for food and find a place to sleep).

To James Ghiardi who first awakened me to Torts—though my plaintiff's career and battles with the Defense Research Institute may not be what he intended!

To Professor Robert O'Connell, my mentor, my friend, and the person who opened law and life for both my wife and me. He even gave Bette and me our first china set, imitation Indian Tree, which we have to this very day!

To my support group, my classmates, many of whom are here tonight. People like Pete Reiske, Ken Donner, and Jim Ehrle who politely rolled their eyes when I told them in August of 1962 how I had fulfilled a lifelong dream of “going to law school back east”! And to our fallen comrades, particularly Jim Boyd and Gene Hoyer, since as a class we went uptown together and downtown together.

And last but not least to another fallen comrade, Howard Eisenberg, who sought me out in California and reawakened my interest in Marquette and who re-energized my commitment to this school. He was a great and very special person, and the school and the law will miss him dearly. Dean Kearney has, as it has already been said, large shoes to fill, and I know Howard will help him do that.

As to me, thank you, you have been most kind.



## LAW ALUMNUS OF THE YEAR AWARD

Our final award tonight is for the Law Alumnus of the Year. For me this year, it has been not merely a privilege, but even a joy, to get to know our Law Alumnus (or Alumna) of the Year. Judy Drinka is a member of our Advisory Board Executive Committee, which meets every month to help me with fundraising.

Judy graduated from law school at a time when women were sometimes still said to be taking spots that should have gone to a man. Despite such obstacles, Judy forged ahead to prove such comments wrong. She has been a highly visible alumna through the years and has been a mentor, not only to women lawyers of Milwaukee but also to many others. She has managed her own law firm, has excelled in the area of estate and trust planning, and has been able to add her skills and abilities to the guidance and growth of the cultural and social needs of Milwaukee. Judy has been active in the Milwaukee Bar Association, a member of the Board of Directors of Alverno College (I understand that many of her Alverno friends are here tonight, including Sister Joel Read), president of the local chapter of the Girl Scouts of America, an officer of the Florentine Opera, and the holder of numerous positions throughout Milwaukee.

Let me quote one of Judy's friends from the Class of 1975, a fellow member of her "law school study group": "Judy is outgoing, has a great sense of humor, and is committed to ideals that are consistent with a Jesuit university. Judy brings honor to Marquette in the way she lives. And with her wide circle of friends, she has many opportunities to do that. Judy is exactly the kind of person Marquette Law School hopes will result when it sends new graduates into the world."

Judy is extremely loyal to Marquette and always lends her support when asked. She is a member of the Woolsack Society, has served on law reunion committees, and, as I have mentioned before, is a member of the Law School Executive Committee.

Judy, you are a shining example of Marquette's mission. For your commitment to service, excellence, and leadership in being a Marquette lawyer, it is my privilege to present to you the Law Alumnus of the Year Award.



Judith Kochis Drinka, L'75

*"Judy brings honor to  
Marquette in the way she lives. . . .  
Judy is exactly the kind of person  
Marquette Law School hopes will result  
when it sends new graduates into  
the world."*



Hon. James A. Wynn, Jr., L'79

### ALL-UNIVERSITY ALUMNI MERIT AWARD

*The Honorable James A. Wynn, Jr., was presented the All-University Alumni Merit Award at a separate ceremony. Judge Wynn serves on the North Carolina Court of Appeals. He has received many honors, including the North Carolina Academy of Trial Lawyers Award in 1995 as the Appellate Judge of the Year and the 1996 MLK Award from the Baptist Convention of North Carolina. He was one of 20 judges and scientists around the nation recently invited to participate in the Einstein Institute's "Working Conversation on Genetics in the Courtroom for the 21st Century" and is chair-elect of the Appellate Judges' Conference of the American Bar Association. Judge Wynn began his career as a lawyer in the U.S. Navy Judge Advocate General's Corps, earning the Meritorious Service Medal, the Navy Commendation Medal, the National Defense Service Medal, and the Naval Reserve Medal. He is a captain in the U.S. Naval Reserve. Judge Wynn previously served as an assistant appellate defender for the State of North Carolina, as an associate justice on the North Carolina Supreme Court, and as a private practitioner. Rev. Robert A. Wild, S.J., President of Marquette University, presented Judge Wynn the All-University Alumni Merit Award on April 24, 2004.*

#### **The following are excerpts from Judge Wynn's remarks in accepting the award:**

Thank you, Father Wild and the Marquette University family, for honoring me with this award tonight. I have been privileged to serve as a judge for 14 years in North Carolina. Judges constantly face the choice of doing that which is right or that which is politically correct or expedient. I have sought to follow my instinct of doing what is right rather than politically correct. It amazes me that the people of North Carolina continue to elect me! But even now I am a candidate for our supreme court because I believe our citizens do not really want political judges—they want judges who are fair and impartial and who will follow the law rather than make the law. They want judges with moral courage. I draw moral strength from my days at Marquette Law School with former Dean Robert Boden, and then from the progressive leadership of Dean Howard Eisenberg, and now with the enormous potential of our new Dean Joseph Kearney. I am also proud to have my classmate, John Rothstein, here tonight to help me celebrate this honor.

Moral courage is particularly meaningful to me this year—the 50th anniversary of the *Brown v. Board of Education* decision. As an African-American, I am proud of the men and women who stood up during times when they faced great obstacles. And I am especially proud of the judges that Jack Bass called "Unlikely Heroes," who chose to stand up for the right thing even though they faced social ostracism in their community. They persevered by believing in the greater man. I, too, believe we need to develop greater understandings with people around the world; we need to be more global in our thoughts. We must develop stronger connective global relationships with each other and respect minorities and the underprivileged. It is, after all, how we treat "the least of these" that we are ultimately judged. •



*Dean Joseph D. Kearney, Judge James A. Wynn, Jr., and Rev. Robert A. Wild, S.J., at the All-University Alumni Awards.*

## Law School Reunions 2005

Get out your calendars and palm pilots to make plans to attend your reunion! We want to help you remember those long-ago law school days, rekindle friendships, share memories, and talk about all that's been going on in your life since you left the Marquette campus.

————— *If you graduated in a year that ends in a 0 or a 5,* —————  
*this is your year to celebrate!*

**Class of 1955:** May 21 and 22, 2005

**Classes of '60, '65, '70, '75, '80, '85, '90, '95, and '00:** June 3 and 4, 2005.  
(Each class will have its own separate reunion dinner during the weekend.)

If you are interested in serving on the reunion committee for your class, please contact Christine Wilczynski-Vogel at (414) 288-3167 or [christine.wv@marquette.edu](mailto:christine.wv@marquette.edu). We are always looking for more help.

# alumni association



**D**ear Fellow Alumni,

I have considered it a privilege this past year to serve as your Law Alumni Association President. It has been a very gratifying year. It was an honor to introduce Dean Joseph D. Kearney at our annual Law Alumni Awards Program and share the dais with the award recipients. We had a

great evening. I encourage you to attend next year's Awards Program.

I am particularly proud that the Law Alumni Association Board determined this year to seek to raise \$100,000 for the Howard and Phyllis Eisenberg Fund. This fund was established to ease the loan burden of our new "Marquette Lawyers" pursuing public interest law. Dean Kearney promised to use discretionary funds to match any money raised, dollar for dollar, up to \$100,000.

I am even prouder to announce that the Law School and Law Alumni Association have been successful in this effort. Together with Dean Kearney, Assistant Dean Christine Wilczynski-Vogel, and Phyllis Eisenberg, we have raised *more* than the amount for which we set out. Our Lifetime Achievement Award winner this year, Wylie A. Aitken, L'65, set the gold standard with a \$25,000 pledge, but many others contributed as well. The net result is that, with Dean Kearney's match from discretionary funds, the Eisenberg Fund principal will be \$200,000 larger—more than twice as large as when we set out. Surely this is an example of how the Law School is advancing.

This year we also teamed with the Career Planning Center to

promote the Alumni Career Assistance Network program (ACAN), and we sponsored four free CLE's for our alumni around Wisconsin. From a children's theater event to a basketball reception, we organized and sponsored a handful of social events for alumni to meet and network, and had fun in the process.

Please remember your Law Alumni Association works for you and your alma mater. Our many committees and events throughout the year focus on advancing the goals of our Mission Statement:

- Act as the official representative of Marquette Law School alumni
- Assist with recruiting students
- Advise students on their legal careers
- Mentor students in their legal studies and support pro bono projects
- Provide select continuing legal education programs for graduates
- Develop and support social activities for alumni and students
- Recognize and honor distinguished alumni.

As I turn over the reins of leadership to our next President, Catherine A. LaFleur, L'88, I know she will do an excellent job! I encourage each of you to contact her with your ideas (CAL@hallingcayo.com). Please get involved!

Sincerely,

Mark Thomsen, L'87  
President  
Marquette University Law Alumni Association

## PILS Auction Breaks Record

by Sonya Bice, 1L

The Public Interest Law Society (PILS) auction is one of the more delightful traditions of the Law School, and not only because it gives students an excuse to trade grungy t-shirts and sandals for elegant eveningwear. The \$21,175 the event raised this year—the highest amount ever for the auction—will fund stipends for students who participate in the PILS summer fellowship program and those working in non-paying public interest jobs.

The auction, last year renamed the “Howard B. Eisenberg Do-Gooders Auction” in memory of the late Dean of the Law School, was started 11 years ago by Maureen Fitzgerald, L’95, while she was a law student. This year’s auction drew 275 people—members of the local legal community, faculty, staff, students, and alumni including Maureen Fitzgerald—to the Marcus Center for the Performing Arts on February 13 to mingle, browse among tables with dozens of donated items, and listen to live jazz.

The evening’s auctioneer was Roland Cafaro, a shareholder with the Milwaukee law firm of Halling & Cayo, S.C. He kept it lively and coaxed the audience to break previous years’ record bids. In fact, the winning bid for a Cajun dinner for 10 prepared by Prof. Gregory O’Meara, S.J., was an astounding \$825. Students who received fellowships funded by last year’s auction spent the summer working with groups including Appalachian Research Defense Fund, Catholic Charities, Earth Justice, World Relief, and Legal Aid. •



## Truman Q. McNulty Scholarship and Award

Well known. Highly respected. Role model. Truman Q. McNulty, L’48, who passed away on January 26, 2004, lived the Marquette mission of service, excellence, leadership, and faith. In his memory, the Law School established a special fund from the memorials given in his name. Truman’s many leadership positions in the American Bar Association and State Bar of Wisconsin and his public service in the community and in state government spanned more than 50 years. He was highly respected as a trial lawyer, for his expertise in professional ethics, and for his active undertakings on supreme court committees for rules of professional conduct. Truman was a member of Whyte Hirschboeck Dudek, S.C.

The McNulty Fund is a current-use fund that will offer a \$500 scholarship to a 3L law student who has demonstrated an interest in legal ethics or otherwise reflects the values by which Truman lived. It also will fund an award to be given to a lawyer who has displayed high moral and ethical standards. It is expected that this award will be given in conjunction with the Law School Awards Program.

Truman, who was born and raised in Superior, Wisconsin, had a distinguished military career in the U.S. Army and the U.S. Army Reserve. He is survived by his wife of 53 years, Emily McNulty, and their four children: Mark, Mary Kay, Brian, and Erin.

# hallows lecture of chief justice shirley s. abrahamson

*On November 3, 2003, Chief Justice Shirley S. Abrahamson visited Marquette University Law School as the Hallows Judicial Fellow. It was scarcely her first visit to the Law School. Indeed, as the Chief Justice noted near the beginning of her remarks, her extensive association with Marquette Law School since she became a member of the Wisconsin Supreme Court more than 25 years ago has included even service as an adjunct professor. But it was an opportunity for the students in particular to observe, converse with, and learn from the head of Wisconsin's judicial system.*

*The highlight of the visit was the Hallows Lecture, which Chief Justice Abrahamson delivered in the Weasler Auditorium at the Alumni Memorial Union and which was attended by students, faculty, alumni, and various members of the bench and bar. What follows is an excerpt from the Hallows Lecture.*

**A**gain in keeping with the Hallows tradition, I have visited trial courts all over the State. However, I had never sat as a trial judge until July 2002 when I appointed myself to sit as a circuit court judge in Milwaukee County small claims court.

Because I cannot be replaced on the Supreme Court, I can sit only in a court in which there is little likelihood that an appeal will arise. A few small claims cases have come to the Court of Appeals or the Supreme Court, but the number is very small indeed. This was a relatively safe court for me. Besides, if there were an appeal from one of my small claims court cases to the Court of Appeals or Supreme Court, and I were reversed, I need not be embarrassed, I told myself. I would be following in illustrious footsteps: Chief Justice Rehnquist was overturned on appeal when he appointed himself to sit as a district judge!

One of those few appeals marks a useful place

to start. Justice Hallows himself wrote a Supreme Court opinion on a small claims case in 1964. An employee had brought an action for \$1,297.46 for wages and traveling expenses against an employer. Rather than filing an answer, the defendant employer entered a demurrer and a plea of abatement, explaining that another small claims cause of action was pending and that the maximum jurisdiction was limited to \$1,000. The statute governing small claims court pleadings allowed only a demurrer and an answer and provided that any new matter constituting a defense must be so pleaded or would be waived. The small claims court refused to allow the employer to file an answer and viewed the defenses as having been waived. The small claims court granted the employee summary judgment. The Wisconsin Supreme Court affirmed the summary judgment of the small claims court on these technical pleading grounds.

**C**ompare my experience sitting on a small claims court with Chief Justice Hallows's experience in the Supreme Court almost 40 years earlier reviewing a small claims court dispute.

I am on vacation but my robe is on. I've been sitting in chambers hidden from view for about 10 minutes, reading a newspaper. I'm ready to enter the courtroom of the Milwaukee County Circuit Court, Small Claims Division. I'm scheduled to hear and decide cases every 15 minutes. No one showed up for the last case. Several times a day, one or both parties do not show up. So I'm relaxing.

"Match set!" cries the bailiff. I can hear the bailiff through the open door of the judge's chambers.

Match set? Match set? What is the bailiff talking about? Tennis? No case involves tennis. What aspect of popular culture have I missed now? When my son (now a 39-year-old lawyer) was a youngster at home, I was able to keep fairly current. Now I'm hopelessly "not cool."

"Match set," the bailiff explains as he enters

*"I am on  
vacation but my robe is  
on. . . . I'm ready to enter the  
courtroom of the Milwaukee  
County Circuit Court, Small  
Claims Division."*

*—Chief Justice Abrahamson*



*Chief Justice Abrahamson and Dean Kearney in the Weasler Auditorium on the occasion of the Hallows Lecture*

the chambers wondering why I did not respond, means both parties are here for the case. The parties are seated in the courtroom, and the bailiff has given them general instructions about the procedure to be followed. The parties will be sworn in; they are to give the judge the documents they brought—generally carried in a supermarket plastic bag. Each will have the opportunity to tell his or her side of the story and can call witnesses. Each will be subject to questioning and can question the other side. One speaks at a time—they are not to interrupt each other. They are not to get into an argument. They are to listen to the judge and do what she says.

I enter the courtroom climbing the three stairs to the bench, trying not to trip on my robe. No one is asked to rise and no one stands. Mocking my expectations of courtroom formality, I say to myself, “Please be seated,” and I sit.

**M**atch set it is. The plaintiff sits in one row (marked “plaintiff”) and the defendant in the row behind (marked “defendant”). I get ready to call the first case and wonder just what possessed me to sit here. I am lonely on the bench as a solo judge. A clerk is in front of me to the left, and a court reporter is to my right. The bailiff is seated below, to the right of the parties. But I am alone.

This is the smallest courtroom in the building, the least ornate, and it is almost dingy—especially in comparison with

the marble, mural-decorated Supreme Court courtroom in the State Capitol in Madison, Wisconsin. The Wisconsin Supreme Court sits in one of the most beautiful courtrooms in the nation. Our court proceedings begin with a marshal crying, “All rise. Hear ye, hear ye, hear ye. The Supreme Court of the State of Wisconsin is now in session. Your silence is commanded.” Today I say, “Please be seated.”

Many lawyers are disdainful about small claims court. I and most of you have succumbed to what Jerome Frank termed the “upper-court myth.” We are fascinated with the Constitution and the U.S. Supreme Court. But Chief Justice Charles Evans Hughes admonished California judges that the security of the republic will be found in the treatment of the poor and ignorant. Hughes was right.

....

I shuffle the papers and look over the two-page file on the first case. I read the file last night. Not much in it. When I asked to take home the files, the clerk seemed puzzled. Apparently I’m the only judge in Milwaukee County that ever felt the need to study these meager small claims files overnight.

Frankly, I am somewhat intimidated. One trial judge told me as I entered the court building that sitting in small claims court is known as “A Day of Humility.” A second judge took me aside and said that half the cases would present bar exam questions to which I would not know the answer. A third judge told me privately that a lawyer, whom the judge was not going to name, predicted that: “The chief will not know how to run a trial court, but she’s damn smart.” What a ringing endorsement! A fourth judge looked me in the eyes, took my hand, and quietly advised: “Just don’t let them see you sweat.”

I was sweating. I was worried about my state of preparedness. Training is definitely needed for all judges—and especially small claims judges. The range of cases is huge and you get no help from pleadings or trial briefs.

First, I needed practical hints from experienced judges, but I had had only half a day of mentoring by another judge. The judge’s benchbook on small claims courts proved not very helpful. Second, the basic materials are voluminous and were

not familiar. There's a chapter in the statutes on small claims court (including evictions) and another chapter on landlord-tenant relations. There are umpteen pages of regulations issued by the Wisconsin Department of Agriculture, Trade and Consumer Protection on residential rental practices, including how and when to award double damages (which I assumed everyone would try to get). I didn't even know these regulations existed before I came to small claims court. I read a 62-page booklet entitled "The Wisconsin Way—A Guide for Landlords and Tenants," which was designed to assist litigants. Housing issues are really complex and are a large part of the docket. Replevin and UCC cases come to small claims court, as do tort and contract cases. I could not put these materials to memory, and with 15 minutes for each case I would have little time on the bench to look things up—even though I had indexed the materials.

Over the portal of the small claims courtroom, the word *Justice* is carved in the wood. The Latin word *Lex*, meaning "law," is chiseled in the stone over the door in the Wisconsin Supreme Court. Small claims court is both a court of justice and a court of law. Justice and law are why I was in the Milwaukee courthouse.

**I** called the first case. I hoped no one heard the hesitancy in my voice. Each day, the first set of cases consists of motions to reopen a dismissal if one or both parties failed to appear for the trial. The motions were relatively easy. As a rule, they are granted. Justice does not favor a default. Yet default and motions caused numerous appearances before the matter was finally resolved. Not good.

The second group of cases were trials, numerous trials. Some cases were strange, some legally challenging, all interesting, and all serious to the parties. There were fender-benders, evictions (many evictions), car replevins, money damage claims, debts, and much more.

My favorite case was the fender-bender. The plaintiff, a self-represented, soft-spoken, very nervous, near-to-tears woman, told her story from the stand. She asserted that the defendant's car was speeding in the parking lot and hit her car as she was pulling out of a parking space. The defendant was represented by the insurance company's lawyer, who gently cross-examined

the plaintiff and put the defendant on the stand. The plaintiff was given the opportunity to ask questions but could muster very few. I asked questions of the defendant. I was in a precarious position. I must take care not to be the plaintiff's advocate. In several cases I gave impartial, equitable assistance to both parties. But here the defendant had counsel.

Small claims court enhances the role of judge in the adjudicative process. The judge becomes an active participant rather than a passive observer.

I was given no slide rule or computer to calculate negligence and contributory negligence but easily found the plaintiff 30 percent negligent and the defendant 70 percent negligent. We were off to determine damages. The plaintiff brought out her folded bill from the hospital. The defendant did not challenge the accuracy of the bill but asserted it was prohibited hearsay. I quickly went to the statutes, which provided that the proceedings shall not be governed by the common law or statutory rules of evidence and shall admit all evidence having a reasonable probative value. The statute went on to say that "an essential finding of fact may not be based solely on a declarant's oral hearsay statement unless it would be admissible under the rules of evidence." I ruled that the medical bill was admissible because there was a writing. Thus a finding of damages was not based solely on oral hearsay. The lawyer looked at me askance. I sweated but not visibly and stuck to my ruling. The lawyer didn't say the dreaded words, "I am going to appeal." The medical bill was about \$800. I did not allow anything for pain and suffering. I had to do the math for the judgment by hand. Would a more experienced judge have ruled 25 percent, 75 percent for ease of calculations?

The studies show that in most cases the plaintiff wins in small claims court, but that more than half the plaintiffs cannot recover on their judgments. This plaintiff would recover because the defendant was insured. Case finished. I breathed a sigh of relief. When I later asked several small claims judges whether they would have admitted the medical bill, they all said, "Of course. What's the sweat?"

**I**n two cases, lawyers exercised their right to knock me off their cases. The statutes allow a party to request substitution of a judge at the time of trial if the party has not been given notice of a change in judge. No reason need be given. Because



no one had been advised I would be sitting, the request was timely and I granted it. I explained to the disappointed unrepresented party that I had no choice but to put the matter over.

Evictions were hard. The stereotype is the rich slum landlord and the poor downtrodden tenant. Often both the landlord and tenant were poor and downtrodden. The landlord had put all his spare cash into a down payment and would lose the property if the tenants did not pay rent. Some tenants seemed to be perpetual non-payers; others were down on their luck.

Small claims court judges are told not to mediate the case; try it. But the temptation is too great, and I heard myself brokering deals between tenant and landlord. Some tenants came with hundred of dollars in cash, ready to pay up, and stay on the premises. I had a mere \$20 in my purse. The landlords made out receipts on the spot.

The five-day, fourteen-day, and twenty-eight-day notices were tricky. If the tenant came under the Emergency Assistance Act (I have no idea what that law is), the eviction had to be stayed. One legal aid lawyer representing such a tenant quietly and gently advised me what Judge Kitty Brennan, the small claims court judge, would do under the circumstances he presented. Could I trust this lawyer or was I being sold a bill of goods? I glanced at the bailiff, the most experienced jurist in the room. The bailiff gave me the high sign that the lawyer was right. I did as I was instructed.

A judge's best friends are the staff. Often the staff are the most experienced people in the courtroom, having broken in many a judge. My relationship with the bailiff reminded me of the TV program *Judging Amy*, in which the clerk signals the judge to take a recess whenever he thinks the judge is going astray. I had no time to take recesses. I had to get my information by hand signals, eye-rolling, and head maneuvers. At one point when I ruled on a matter, I heard the clerk mutter to herself, "Well, that's a first for me." In light of that comment, chances are high that I said the wrong thing. I might have been sweating, but the staff was sweating with me and for me.

Milwaukee County trial judges and counsel stopped by periodically and sat in the back of the courtroom to watch me. Generally they were poker-faced; sometimes they showed amusement—not a confidence-builder. Apparently I was the best show in the

courthouse. But not quite *Judge Judy*.

At about 3:30 on Friday afternoon, a judge came by and asked if he could take over the last two evictions so I could drive home and beat the summer traffic out of the city. I quickly and gratefully accepted the offer. I was exhausted. Part of judicial concern about sitting in small claims court is that it is exhausting work, given the volume of cases, the mental activity of trying to get the stories out of the parties, trying to adopt a different non-conventional judicial manner playing judge and lawyer, and at the same time trying to adhere to the rules of law and ethical conduct.

....  
**S**o what are the lessons I bring to this audience composed of faculty, students, judges, and non-lawyers? My hope is that students and faculty will participate in the various clinical programs at Marquette University, including the one run by Professor Geske in small claims court, to aid the people of the state.

My hope is that students, faculty, lawyers, and non-lawyers will participate in mediation programs in small claims courts run by volunteer, trained mediators who are not necessarily lawyers. These programs are very successful in several Wisconsin counties.

Pro se litigants, who are a fast-growing percentage of litigants in small claims and family court, present a significant challenge. Milwaukee has a Legal Resource Center in the courthouse, giving forms for self-represented litigants as well as providing reference assistance. Waukesha has a Family Court Self-Help Center. In many counties, including Milwaukee and Dane counties, lawyers take turns coaching family court litigants.

I hope lawyers will volunteer to help assist unrepresented litigants directly or help the courts in establishing forms and procedures for unrepresented persons. I hope every lawyer in this county has a copy of a booklet entitled *Pro Bono Opportunities* published by the Legal Services for the Indigent Committee of the Milwaukee Bar Association. I hope you volunteer for one of the more than 15 programs listed.

The small efforts of each of us will reap large rewards in making our legal system work better for people who desperately need access to justice. •

# dean kearney's remarks to the fellows of the wisconsin bar foundation

*The following are Dean Joseph D. Kearney's remarks to the Fellows of the Wisconsin Law Foundation on November 8, 2003. Dean Kearney's remarks were entitled "Some Reflections on the Law's Institutions."*

I appreciate the invitation to share a few thoughts with you this evening. Without overrating them, I hope that some of my remarks may prompt some reflection and discussion—even debate.

Despite the description of my background in the introduction, I realize that it is primarily my new position as Dean of Marquette Law School that prompts the invitation. I have been heard to remark to my colleagues, when we disagree on a matter that is a close call, that ultimately a dean is appointed for his or her judgment. It is a self-serving statement, of course, but it happens to be true. For those of you who do not know me, permit me to offer an initial demonstration that I possess the good judgment for which one would hope in the leader of an institution.

Shortly after I agreed to speak, I inquired of one of your members how long my remarks should be. When it was suggested to me that 30 to 40 minutes would be an appropriate length, I had the sense to demur, to use the common-law term, and to respond that perhaps 10 to 15 minutes might be more appropriate. That, my friends, is judgment! I should note that my larger concern was not so much the differing instincts over the appropriate length of time for my remarks, but rather that it was originally thought that I would make them at the beginning of the evening—almost before the bar opened. I had no doubt that there would be a direct correlation between the perceived caliber of my remarks and not only their length but also the amount of elapsed time since the

first cocktail was served, and so I negotiated for this favored, after-dinner spot on the program. That, too, is judgment.

I must admit that I did not arrive arbitrarily at the idea of 10 to 15 minutes. This past spring, Tom Shriner, both a friend of mine and one of your members who is here tonight, invited me to give the Memorial Address at the Milwaukee Bar Association's annual remembrance of lawyers who have died within the preceding year. He did so on account of my friendship with the late Howard Eisenberg. After I wrote an initial draft of my remarks, I called up Tom and said, "The good news is that they're good. The bad news is that they're 20 to 25 minutes." Although we had not discussed an appropriate length prior to that, his reaction suggested to me, shall we say, that something along the lines of 10 minutes might be more appropriate. As, knowing Tom, you might imagine, it was a mild, understated, indirect, even subtle suggestion. It was only in the threat physically to remove me from the podium if I exceeded 10 minutes in the Memorial Address that I could find even the slightest hint that a longer period would be undesirable.

It was not merely the length of my original draft that prompted concern. Although I did not share the draft with Tom in advance, it was my comment that I might be "mildly provocative" that gave him pause as well. I ultimately determined not to be, and instead delivered remarks both suitable to that more somber occasion and upon which I wish to build tonight. As this gathering is for the living and not the deceased, I am sure that you will pardon me if this evening I dare to be somewhat provocative.

To build upon what I said in May requires that I recall briefly those earlier remarks. My essential

theme was the enduring importance, for the future of the legal profession, of the institutions that the lawyers whom we remembered that day had helped to build throughout their careers. I recalled Lord Coke's statement, derived from Chaucer and etched into the wall of the Harvard Law Library: "Out of the ould fields must spring and grow the new corne." I pointed out that the lives of those whom we remembered that day continue on in the new corne that the ould fields produce—or, less metaphorically, in the institutions that the lawyers before us had helped to establish, protect, and expand. I allowed (at about the 9 minute and 50 second mark) that receipt of these institutions was our inheritance as lawyers and that the tax we pay thereon is to fulfill the expectation of those who have gone before us that we will protect these institutions, develop these institutions, expand these institutions where appropriate, and bequeath them, thus protected, developed, and expanded, to the next generation.

**S**o what are my additional reflections that I would ask you to consider this evening? They have to do with a danger to our institutions. In this respect, it is perhaps useful as an initial matter to observe that institutions have both purposes and cultures. In fact, it was initially suggested to me that I should speak this evening concerning the culture of the United States Supreme Court, where I had the opportunity to spend a year as a law clerk. Your representative and I agreed, on reflection, that there was little that I could say that would be both interesting and proper. But I can recall something about the culture of the Supreme Court before I continue with my specific point. Perhaps my most enduring memory of the Court's culture is the impressive sense of diligence and cooperation that seemed to pervade all of its various employees, including not only the Justices but also the administrative and support staff.

It is the diligence in particular that I remember: I was there in January 1996, when a massive blizzard dumped just under two feet of snow on Washington, D.C. The next day, the entire government was shut down. With one exception: the United States Supreme Court. The article in the *Washington Post* the next day was a classic: It began by observing that Chief Justice Rehnquist's determination to open the Court was attributable either to his Prussian sense of order or, more probably, to his Milwaukee boyhood. It also noted that seven of the nine Justices were on the bench when argument began promptly at 10 a.m. Ironically, one of the two missing was Justice David Souter, the New Hampshireite who had spurned the offer of a ride from the Supreme Court police and then could not navigate his vehicle through the streets to the Court. Finally rescued, he slipped into his seat, somewhat redfaced, around 10:15—the only time I recall a Justice's being late for argument. The other missing person was Justice Stevens, who was stranded—not in Chicago, but in Florida.

**I**n any event, although that was partly a digression, it does serve to demonstrate my point that institutions have not only purposes, which we know, but also cultures. In some instances, the culture of the institution can itself lead to a danger.

The danger of which I shall speak is not of the sort that our institutions in this country used to face. One can get a sense of the past, long-ago-vanquished, threats to some of our institutions from a speech of Abraham Lincoln upon which I recently happened. It is a speech—sometimes called his Lyceum Address—that Lincoln delivered in

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Springfield in 1838, at the age of 28 (I observe the age for those who may think me young to be dean); its longer title is “The Perpetuation of Our Political Institutions.” The speech includes the following passage:

[T]here is, even now, something of ill-omen, amongst us. I mean the increasing disregard for law which pervades the country; the growing disposition to substitute the wild and furious passions, in lieu of the sober judgment of Courts; and the worse than savage mobs, for the executive ministers of justice. This disposition is awfully fearful in any community; and that it now exists in ours, though grating to our feelings to admit, it would be a violation of truth, and an insult to our intelligence, to deny. Accounts of outrages committed by mobs, form the every-day news of the times. They have pervaded the country, from New England to Louisiana;—they are neither peculiar to the eternal snows of the former, nor the burning suns of the latter;—they are not the creature of climate—neither are they confined to the slave-holding, or the non-slave-holding States. Alike, they spring up among the pleasure hunting masters of Southern slaves, and the order loving citizens of the land of steady habits.—Whatever, then, their cause may be, it is common to the whole country.

I think it not necessary to include the details that Lincoln then proceeded in this 1838 speech to recount. Of course, the phenomenon that he described became even more notable some 20-plus years later when it became necessary to resolve the question of slavery in the ultimate extra-institutional way: by civil war.

**T**oday’s danger is different. It is true that we have controversies about which some in the society feel almost as strongly as many did about slavery in the nineteenth century. Yet even the most prominent example has not generated the same widespread literal call to arms. There is overwhelming common ground in our society that the means whereby substantial questions should be settled is by resort to American institutions, such as the press (and the forum that it provides for debate), the legislature, and the courts.

Over the last quarter-century or so, it has become common for professional organizations within the bar to seek directly to influence public policy, whether in the legislature by lobbying or in the courts in the part-lobbying/part-advocacy format that we call the *amicus curiae* brief. This has been known to be so even where the matter in controversy is scarcely some question touching upon bar or lawyering matters directly or even tangentially.

This is an overwhelmingly positive aspect of American society, and we should be proud of it. To be sure, we should be humble about it as well, as no one of us can claim substantial credit for the matter: it is, again to use words from Lincoln’s speech, “a legacy bequeathed us.” But it is nonetheless the case that we and our forbears embraced and built upon that legacy.

And yet, as I have suggested, our societal willingness to resort to our institutions—and not to trespass *vi et armis*, if you will permit a classical phrase that perhaps you recall from law school—occasionally raises a problem or danger. I wish to note it tonight. It is not unusual—and even though I think it is still the exception, it is increasingly common—to observe individuals seek to deploy whatever institutional means are available to them in the pursuit of their own individual ends. Nothing is so destructive of important institutions and thus ultimately of their usefulness for societal progress as their being seized for purposes for which they are ill-suited, even if we might think—indeed, even if we might all agree—that the purposes themselves are noble.

This is true even in the legal profession. Over the last quarter-century or so, it has become common for professional organizations within the bar to seek directly to influence public policy, whether in the legislature by lobbying or in the courts in the part-lobbying/part-advocacy format that we call the amicus curiae brief. This has been known to be so even where the matter in controversy is scarcely some question touching upon bar or lawyering matters directly or even tangentially. While I will decline to catalogue multiple instances of this trend, neither do I wish to be entirely oblique about the matter (which would not be my strength, anyway). Thus, I will say that the American Bar Association, as I see it, has done itself great damage by seeking to express a single viewpoint on a number of social policy matters in the last 25 or so years. The result has been to disinvite—or at least to make feel unwelcome—many lawyers who would otherwise have been eager to be part of the Association and to contribute to what they had supposed to be its essential purposes: legal education, service, and assistance. *Imagine how much less appropriate such activity would be for an involuntary bar association.*

Please do not mistake my point. I do not suggest that lawyers should not be involved in fundamental social, economic, or other political debates in this society. They should be. But they should be involved as individuals, as lawyers, and even as members of organizations, where those organizations have formed or appropriately evolved to permit or facilitate such involvement. I myself am a member of a number of organizations, but views that I might expect—even demand—one of them to advance I might be horrified to see another maintain. The capture of an organization and its use for purposes for which it was not intended are things with regard to which we should be vigilant.

I regret that a few may elect to regard my message as an ideological one. I cannot control the reaction, of course, but I can point out that it would mischaracterize what I have said. My point is entirely neutral with respect to ideology. One need look no further, as a counterpart to me, than to the example of my great friend and predecessor as dean, Howard Eisenberg. Howard was renowned for the amount of litigation, almost entirely pro bono, that he pursued. But Howard never did any of this in his capacity as Dean of the Marquette Law School. He did it as “Howard B. Eisenberg, Attorney-at-Law, Post Office Box 1476, Milwaukee, Wisconsin.” The reason is that Howard did not think that the institution of Marquette Law School existed as a vehicle for him to pursue litigation. The same is true in my case. To the reduced extent that I litigate, either on a pro bono basis or otherwise, I do so from my post office box. Indeed, when I represented Howard himself, in a case where he was amicus curiae in the Seventh Circuit in support of an octogenarian Holocaust survivor in a hopeless attempt to sue the Federal Republic of Germany (hopeless because of the Foreign Sovereign Immunities Act), we both appeared on the brief simply as attorneys. Litigation such as that is appropriate—perhaps even commendable, but that is another matter—for Attorney Eisenberg and Attorney Kearney. It would have been inappropriate for Dean Eisenberg or Professor Kearney.

I have many other reflections on the law's institutions, but I will content myself this evening with the foregoing. Each of us is, to a greater or lesser extent, a leader of one of the law's institutions. I merely suggest to you—and to myself—that it is our responsibility to ensure that each institution—whether it is a bar organization, a law school, or yet another—seeks to serve the purposes for which its members have banded together. •

# dean kearney's remarks at the state bar of wisconsin cle on professionalism

*The following are Dean Kearney's remarks at a State Bar of Wisconsin CLE Seminar on November 7, 2003 in Madison, Wisconsin. The CLE was entitled "Attorney Professionalism—Pious Platitude or Practical Aspiration?" Dean Kearney was asked to address the question, "Do the Law Schools Have a Responsibility to Teach the Ethics of Professionalism?"*

I have been asked to speak to the question whether law schools have a responsibility to "teach" the ethics of professionalism. Of course, to get at this question, we must have some common ground concerning professionalism and its necessary elements or incidents. I think we can agree that any Wisconsin lawyer is estopped from denying that the lawyer's oath, to which we swear in order to become part of the legal profession, sets forth necessary, even if not sufficient, aspects of professionalism.

The Wisconsin lawyer's oath is long enough that, in reading it, I will run the risk of consuming all of my allotted 15 minutes. But here goes:

I will support the constitution of the United States and the constitution of the state of Wisconsin;

I will maintain the respect due to courts of justice and judicial officers;

I will not counsel or maintain any suit or proceeding which shall appear to me to be unjust, or any defense, except such as I believe to be honestly debatable under the law of the land;

I will employ, for the purpose of maintaining the causes confided to me, such means only as are consistent with truth and honor, and will never seek to mislead the judge or jury by any artifice or false statement of fact or law;

I will maintain the confidence and preserve inviolate the secrets of my client and will accept no compensation in connection with my client's business except from my client or with my client's knowledge and approval;

I will abstain from all offensive personality and advance no fact prejudicial to the honor or reputation of a party or

witness, unless required by the justice of the cause with which I am charged;

I will never reject, from any consideration personal to myself, the cause of the defenseless or oppressed, or delay any person's cause for lucre or malice. So help me God.

Do you recall that? I rather suspect that, with the exception of Justice Bradley, who hears it regularly, it is the first time that almost all of us in the room have heard the Wisconsin lawyer's oath since we were admitted.

That itself, of course, is scarcely problematic. These are values that we believe that lawyers have sufficiently internalized that they do not have to hear the oath again and again. It is, after all, not so much the precise text that it is intended to animate us here as it is the words' essential spirit.

But permit me to come to the role of the law schools in "teaching" the ethics or values that underlie or inform that oath. I have little hesitation in stating that students who graduate from law school—and who, if within this state, therefore become lawyers the next day—need to possess those values. My hesitation derives only from the word "teach," as in "Do the Law Schools Have a Responsibility to Teach the Ethics of Professionalism?"

I frankly question how much educators teach, in the narrowest conception of the word, which is "to cause to know a subject." I tell my students that it is not my role to teach them civil procedure. I point out that we get together four or five hours a week, for 14 weeks, and what I can do during that time mainly is to highlight certain matters that strike me as particularly important and to clarify some difficult points. It is fundamentally the students' responsibility, I tell them, to teach themselves civil procedure. To some extent, of course, in saying that, I am simply trying to impress upon first-year law students that it is essential for them to do the reading and to spend more time on the subject matter outside of class than we will or can in class. But, by and large, I will stand by the statement that, at least in its narrowest meaning, my students teach themselves civil procedure.

But the matter seems to me somewhat different with respect to professionalism. Here I do think that we have a responsibility

to teach our students certain values. I should confess that, in arriving at that answer, I am no longer using the narrowest meaning of “teach.” I have instead resorted to a meaning, lower in the hierarchy but valid nonetheless, in which “to teach” is “to impart by precept, example, or experience.” And it is this “imparting by example” that I believe law schools have to do.

Perhaps the simplest way of making the point is by way of a story that has nothing to do with law school. In 1953, Mary Jane Grogan—not yet Mary Jane Kearney, nor yet my mother—was teaching English at an all-girls’ Catholic high school on the south side of Chicago from which she herself had graduated just five years before. She was particularly frustrated one day when she thought that her explication of a Shakespeare poem had not gone especially well. Upon listening to her frustration, a wise old nun said to her, “My dear, haven’t you realized that it is *you* they are studying most?”

This is a basic truth that I think is nearly as applicable to someone teaching law as it is to someone teaching high school English. On the basis of observing a faculty member, students continually draw inferences about the way they should conduct themselves. If as a faculty member I routinely start my classes late, or am not adequately prepared, or waste valuable class time talking about wholly irrelevant matters, or have typographical errors in the materials that I distribute, or am overly familiar with students, at least some students will infer that such conduct (or analogous conduct, such as showing up to court late) is acceptable behavior in the legal profession. Even more substantively, if I am inadequately versed in the material, students will infer that this, too, is acceptable.

But even broad inferences from the type of professorial behavior that I posit may not communicate some of the rather specific things contained in the lawyer’s oath—recall, to use just one

example, the provision that “I will maintain the confidence and preserve inviolate the secrets of my client and will accept no compensation in connection with my client’s business except from my client or with my client’s knowledge and approval.” And this is why, for at least some students, it is necessary to provide them models of the professional behavior of a lawyer that are rather more direct than a professor standing before a classroom.

This is one of the reasons that at Marquette we have made a considerable effort to build up our internships, externships, supervised field placements, and the like. What better way, for example, for a law student to learn some of the basic values of professionalism than to work in the chambers of Justice Bradley for part of a semester? We have an extensive set of programs in which we place students in the district attorney’s office in Milwaukee, in the public defender’s office, in the Waukesha County Circuit Court, in the chambers of each Supreme Court justice, in the AIDS Resource Center, and in many other places. Professor Tom Hammer, whom many of you undoubtedly know, is in charge of these efforts and has done extraordinary work over the past several years in making this

program into a central part of the education of many of our students. This really requires a large effort. The idea is not to simply turn the students loose into the community, fixing them up with whatever lawyers express an interest. Professor Hammer has considerable dealings with all the lawyers who supervise our students in these field placements.

I must confess to being something of a convert on this point. When I was in law school and even during the years thereafter that I practiced full time, I did not really see the value of clinical offerings, or at least not so clearly. And I still believe that I was correct—and therefore I still maintain—that it is more impor-

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of the professional behavior of a lawyer that are rather more direct than a professor standing before a classroom. would be a good idea. That is an approach that a few law schools have adopted in recent years and that we at Marquette are currently studying. Although the ultimate determination will be for the full faculty, I myself do not favor such a requirement, and neither did my predecessor and friend, Howard Eisenberg, who even before his death last year was renowned for the extraordinary amount of his pro bono undertakings. Why is this, given the undisputed importance of developing the ethic? It is because of the basic proposition stated as long ago as by Plato (and here I am stealing a quotation recently used by a colleague, Professor Mike McChrystal) that “no forced labors reside in the soul.”

Thus, at least in my estimation, the manner in which to teach students the ethic of pro bono work is not to impose some mandatory requirement but rather to lead by example. One need not be Howard Eisenberg to do this. The primary way in which this is currently being done at Marquette is through something that we call the Marquette Volunteer Legal Clinic. It is somewhat different from a traditional live-client clinic. It rather is a walk-in service that is open once a week (Tuesdays, from 4:00 to 7:00 p.m.) at the House of Peace on the near north side of Milwaukee. The leaders of the clinic are Marquette University Law School graduates who are active in the Association for Women Lawyers. The way that this clinic operates is to pair up experienced attorneys with Marquette law students. These pairs then advise those who come to the clinic with legal questions. In many instances the pairs of attorneys and students answer basic questions, and in other instances they make referrals to a legal services group. This strikes me as the surest way in which to teach students the ethic of pro bono work—to put before them, and to involve them in, the example of attorneys who do it.

tant for a law school to ensure that its students have learned enough legal doctrine. But three years, the length of full-time legal education, is a long time, and it provides more than adequate opportunity for students both to learn plenty of legal doctrine and to enroll in the skills-oriented courses that we call workshops or in the type of on-site field placements that I described above. So while I hope that the students in these field placements are not afforded too many examples in which an attorney must affirmatively decide not to “delay any person’s cause for lucre or malice,” in the words of the attorney’s oath, I have every confidence that the close observation and modeling of attorneys engaged in actual practice are useful means for many of our students themselves to learn the values or ethics of professionalism.

This brings me then to the other Wisconsin Supreme Court rule that I was asked to touch upon in my talk. This is SCR 20:6.1, which is entitled “Pro Bono Publico Service.” Here is what it provides:

A lawyer should render public interest legal service. A lawyer may discharge this responsibility by providing professional services at no fee or a reduced fee to persons of limited means or by public service to charitable groups or organizations, by service in activities for improving the law, the legal system or the legal profession, and by financial support for organizations that provide legal services to persons of limited means.

The question for me is, Do we legal educators have a responsibility to teach this as well?

The answer again is “yes” (I could justify that on the basis of the lawyer’s oath alone), and here, again, it is important to underscore the type of teaching that we are discussing. I am not suggesting that the ethic of pro bono work is something that students can be taught through some lecture. Some others who also recognize this believe that a mandatory pro bono requirement

Nothing that I say this morning should be taken as suggesting that I have all the answers as to how law schools can or should seek to teach the values of professionalism. In fact, one of the things that attracted me to accept the invitation to this forum was the opportunity, either today or in subsequent



communications, to learn from you about your ideas. Each of you is a professional, and each of you has been to law school. To the extent that I do not get them today, I would welcome your insights, by letter, telephone call, or e-mail, on ways in which we in the academy can seek to instill the ethics of professionalism in our students.

But I am certain that the primary means has to be by example. Chief Justice Abrahamson spent the day at Marquette this past Monday as our annual Hallows Lecturer. The value that she provided was not simply in the talk that she gave or in the particular answers to the questions posed to her throughout the day. It was also—even primarily, I think—in the example that she provided to our students. It is for similar reasons that we have invited George Burnett, the president of the State Bar of Wisconsin, to be on our campus on several occasions in the past several months to address or to interact with students.

I also (and finally) think that it should not escape our explicit attention that all of us, even if teachers, should be slow to conclude that we ourselves are fully formed as professionals. We should be frequently asking ourselves how we might improve. Although I became dean this past summer, I had been at Marquette for the previous half decade or so. I came there more expecting to teach than to learn. I had practiced law at a firm for six years, worked at other places such as the United States Supreme Court, and was reasonably confident that I was a pretty good professional. But even if I was, I learned a great deal in my first five years at Marquette, particularly from Howard Eisenberg. I am scarcely alone in this regard. Consider the words of Howard's classmate, Walter Dickey, in a memorial issue of the *Marquette Law Review* that I edited last year in honor of Howard. (If any of you wish a copy of this, please let me know, as it has much to relate concerning professionalism.) After describing four encounters with Howard Eisenberg over the years, this is how Professor Dickey concludes:

Here is how I would characterize these several interactions with Howard. While he was aware of the “politics” of issues, the core of his concern was with

substance. His attention and talent were invariably focused on the substantive issue. He had a keen desire to discover what the right thing was to do and to do it. He was well prepared, and he always followed up with a high-quality execution of whatever idea required implementation. Not much for speeches, not a lot of noble talk. He just did. This was not just his job, this was his duty. He would do it as well, as honorably, and in as straightforward a fashion as he could. If some of the causes he advocated were out of favor in the brittle world of politics, he did not apologize or even explain why he was advancing the cause or position he stood for. His expectation was that others would and should know that what he did was to fulfill the responsibility of the legal profession. His expectations brought out the best in others.

While Howard surely had passion for what he did, it was his business-like, matter-of-fact, direct approach which most impressed me. He channeled his passion, his concern and caring for others, in ways that were likely to be effective for those he sought to help. Howard possessed the qualities of a good lawyer. No cause in which he believed was either too large or too small for his attention. For me, he is a model of the best in the legal profession.

There was, of course, only one Howard Eisenberg, and it is no disrespect to my great friend to say that even in his case I am sure that there were some students who did not take to him, for there always are. But it is by giving our students multiple examples, some on a daily basis in the form of full-time and adjunct faculty and others in the form of the occasional guest such as Chief Justice Abrahamson, that we primarily fulfill what I have no hesitation in saying is our obligation in the law schools to teach students the ethics of professionalism. •

# tim casey's remarks to the advisory board

*Several years ago Dean Howard B. Eisenberg created an Advisory Board consisting of a number of alumni and other friends of Marquette Law School. Its basic purpose is to assist the dean in fundraising on behalf of the school. At a meeting this past year, Louis J. Andrew, Jr., L'66, the chair of the Advisory Board, invited Timothy J. Casey, then a third-year law student (now an alumnus), to share with the group some of his perspectives on Marquette Law School. The following are Mr. Casey's remarks.*

It was opportunities that brought me back to Marquette. I first came here in the fall of 1998 to pursue my master's degree in history. I was a guy from the northern suburbs of Chicago, with no ties to Milwaukee. I had made up my mind that I was just passing through Milwaukee on my way back home. Three years later, after returning to Chicago for a time, I came back to Marquette, much less intent on just passing through, because of the opportunities I saw.

After finishing my master's degree and taking a year off to work, I decided that my talents would best serve me in law. I wanted to become not just a lawyer, but a good lawyer—and I did not want to lose sight of what was important to me. My goal then, and still today, was to be a good human being, a good husband, and a good attorney, in that order. I saw the opportunity to keep those priorities in order here.

But opportunity often comes with a price tag, and the opportunity to attend law school is no exception. I had applied to several of the Chicago schools, Madison, Marquette, and Berkeley. Most people who gave me advice told me to go to the best school, in terms of name recognition, that I could get into. Because law school tuition is around \$90,000 for three years, it makes a lot of sense to go to the school with the most name recognition. Everyone told me that if I went to a big-name school, I could go wherever I wanted from there. That may be true in theory. But going to a big-name school where I was not going to get scholarship money meant that I would have over \$90,000 in tuition debt, plus debt from three years of living expenses. Realistically, I felt, graduating from a big-name

school with that kind of debt meant I would have to go to a high-paying job, whether I liked the job or not.

What made Marquette a better opportunity than schools with perhaps more nationwide name recognition was the scholarship money I was offered. The scholarship money that Marquette offered me meant that, if I did well here, I could go anywhere I wanted. It gave me the opportunity to take my law degree and do something I loved, not just something I felt compelled to do because it was all I could afford to do. I could take a job because I enjoyed it and found it fulfilling—not because I had to make a lot of money to pay off my enormous debts.

While the scholarship money made the decision an easier one, I believe in my heart that I went to the best of the law schools to which I was admitted. I came back, too, because I believe Marquette measures its success by the quality of the people it turns out. I came to Marquette Law School because I saw the opportunity to become a good attorney and to keep focused on being a good human being and being a good husband.

With the caveat that like anyone else I have days when I am ready to throw the books and the computer through the window, I have really enjoyed my experience here. The classes have a nice mix of practicality and theory. I do not have the sense that we overemphasize the theoretical aspect of the law at the expense of the everyday application. The clinical programs offer outstanding hands-on opportunities; the legal writing program is intensely practical. I have worked in one small firm and one large firm in my two summers, and I did not feel any less equipped—and sometimes better equipped—than my colleagues from schools such as Michigan, Northwestern, Yale, and Harvard. I never once felt that I had not been given the tools to succeed.

I have had the opportunity to build relationships here—both personal and professional.

I've also been given a wonderful opportunity to give back a bit through the legal clinic here. I became involved in the clinic because I felt strongly about two things. The first is that

Marquette is an institution focused on more than simply training professionals. It is focused on helping people. I came back here because I believed that lawyers help people and that Marquette would be just the place to go to learn about that. The clinic to me seemed to be the natural outgrowth of that commitment to helping others. Second, I felt strongly that as I embarked on my legal career it was important for me to avoid the habit of saying, "I'll have to get involved in that sort of thing some day." I believed that it was important for me to make a time commitment now, even a small one, to give something. It's easy to say that we don't have the time for a lot of things—we are all busy. But that, to me, did not embody the kind of attitude that Marquette University was trying to foster. Apathy was not why I came back.

It was opportunities that brought me back to Marquette. Those opportunities were made possible for me because someone else gave back. Someone else believed that Marquette is about more than just graduating attorneys, that it is about going outside yourself. I believe that, too. And I have experienced that while I've been here. I've experienced that through the scholarship money I've received. I've experienced that through my relationships with faculty and administrators, such as Dean Kearney, who have taken an interest in my growth as an attorney and been an enormous help to me in some of my pursuits as I look to my first years out of law school. These people have made it possible for me to learn to be an attorney at a school where I have been able to keep priorities straight.

I've been very fortunate with the opportunities I have been



Timothy J. Casey, L'04

given. I plan to do litigation work because that's what I enjoy; perhaps someday I would like to be a judge. Though I can't say with certainty what the future holds for me, there are two things I hope for no matter what. First, I hope that many years from now I will have made it possible for people to say of me that I was a good person, a good husband and father, and a good attorney—in that order. I think that if I make it possible for people to say that, success will follow. Second, with that success I hope to give back to a place that has given me so much. I hope I can help create for some student opportunities like the ones that have been created for me. Because it was those opportunities—created for me by others giving back—that brought me back. Thank you for letting me speak to you this evening. •



# Facing the Victims

***Restorative Justice Program helps inmates understand the impact of their crimes***

*[This article appeared in the ABA Journal, which is circulated nationwide, and it is reprinted here with permission.]*

by Steven Keeva

THE MAXIMUM SECURITY PRISON in Green Bay, Wis., is a massive presence just across the road from the lovely-but-poisoned Fox River. Its façade is a vision in granite, hand-cut at the tail end of the 19th century by some of the institution's first inmates.

I visited the facility last fall, when scarlet maple leaves flitted in the trees and lay on the ground, and it was still warm enough for prisoners to get their exercise outdoors.

But the inmates I'd come to see remained inside where they were participants in a program designed to exercise hearts and minds that hadn't been touched in years, if ever. I came because the program was based on the principles of restorative justice, something I had read about and had discussed with experts here and in the United Kingdom.

But I'd never actually seen what it looks like (or can look like, there being a variety of forms it can take). Nor did I fully grasp why it seems to inspire great passion among those who know it firsthand, as Janine Geske does.

She leads the three-day program at Green Bay, which is a small but crucial piece of a three-month-long program called Challenges and Possibilities. A former legal aid lawyer, trial court judge and Wisconsin Supreme Court Justice, she originally started visiting prisons about 17 years ago to interview inmates about their experiences in the court system.

"I did it to make myself a better, more effective judge," she says.

Geske left the bench in 1998 to pursue what she considers her true calling—helping people heal, through such practices as mediation and restorative justice. "It's not particularly easy," she once told me, "to do that as an appellate judge." It's easier now that she is a professor at Marquette University Law School in Milwaukee.

In the classroom, 26 inmates sit in a large circle, along with Geske, three crime survivors, a state senator, a law student and a few other visitors. With its textbooks, blackboard and posters about decimals, percentages and whole numbers, the room could be in any middle school in the country. With a single exception: A long, narrow window looks out on an enormous wall topped with razor wire.

The inmates, most in dark green prison pants and white T-shirts, appear to be in good spirits, though anxiety is apparent in the occasional overly loud laugh, averted glance or twitching leg. These men's transgressions comprise much of the spectrum of criminal behavior, and include a variety of more or less brutal homicides, contract killings, sex crimes, armed robberies and drug-related offenses. All have substantial sentences. Several will die here.

Geske places a large candle in the center of the room and asks the inmates to feel the presence of the people whose lives they've affected—the mothers, wives, children and friends.

"The crime victims who have come to tell their stories have not

come in anger or retribution," she tells them, "but instead to shine a beacon on how you might live your lives going into the future."

She acknowledges that they, too—not just their victims—have been hurt deeply. "We are all here in this circle as human beings with the capacity to hurt, to hurt others and to change our lives."

Lynn, a probation/parole officer from Ashland, Wis., is the first survivor to speak. She lost her husband, a police officer, 22 years ago to the day, when, in the course of responding to a domestic violence call, he was shot point-blank in the chest with a .357-caliber Magnum pistol. He had been her high school sweetheart, the father of their two children and, she says, "a gentle spirit."

She still marvels at her recall of the events that upended her life that night, giving her words an extraordinary immediacy. The knock on the door and seeing the captain's face at the window. The walk down a hospital corridor made blue by all the uniformed policemen who stood and sobbed along its length. The return down that same hallway after seeing her husband, his chest torn apart.

Then the sound of her own shoes on the floor, a squishing sound that she couldn't place but turned out to be her shoes tracking her husband's blood.

There were the weeks afterward when she brushed her teeth with his toothbrush, and gathered bits of him—his moustache hairs on the bathroom sink, for example—because that was all of him she could hold. And the hardest moment of all: telling the children that their father was dead.

If pins were allowed in the prison, you could have heard one drop.

Kim, a survivor of sexual assault, says she comes to speak not in anger but out of a sense that everybody is capable of change. She was 10 weeks pregnant when, 20 years earlier, she was raped.

Her story is an extraordinary evocation of fear and loss of control. She was attacked in her own neighborhood by a man who held a gun to her head while she was out on an early morning jog. After talking him out of killing her, she returned home, where her husband found her hiding in the bushes. For weeks she slept with a knife at her bedside.

She describes the subsequent depression, the ways in which the assault damaged her husband (unlike many couples in similar circumstances, they managed to stay together), and the flashbacks she still has, in which she is shot at close range.

With each survivor, the prisoners seem to be drawn further into the stories, more present, more troubled.

During a break, a young African-American inmate stands near his seat by the door and sings:

*Why should I feel discouraged,  
And why should the shadows come?  
Why should my heart feel lonely  
And long for heaven and home?  
When Jesus is my portion  
And a constant friend is he,  
His eye is on the sparrow,  
And I know he watches me . . .*

Mayda's son was killed—she often says “murdered”—by a drunk driver in 1999. She recalls the season, early summer, and the fact that buds were about to sprout, when everything was suddenly crushed. “It was just post-Columbine,” she recalls, “and I remember thinking that I didn't know how a parent could go on living after such senseless loss.”

Listening to her, I came to know Brian, or at least I felt like I did, and liked him. He was quirky, adventuresome and kind. He color-coded his clothes for easy finding and folded his jeans in a special way. He was a loveable son who let his moth-

er know how much he adored and admired her.

The man who struck him thought he'd hit a bird.

“Brian is the first thing I think about in the morning, and the last thing I think about in the night,” Mayda says.

After each survivor speaks, the inmates are given time to talk about their reactions, though not enough. It's not that anyone stops them. Rather, it's as if, having become cognizant of a reality that is unfamiliar yet so patently true—that they have caused horrific suffering in other people's lives—there simply isn't enough time available to talk out all that has been hidden for so long.

#### PUTTING BROKEN LIVES TOGETHER

STILL, THEY SPEAK, ONE AT A TIME, moving around the circle, the speaker holding two pieces of glass that, together, form a large ball. When he finishes, he passes them to the inmate on his left.

The symbolism of the ball, which was split some time ago in the process of prison security check, is familiar to all: Like them, it is broken, and no matter how hard they try to rebuild their lives they are still filled with cracks. And so they speak, many of them weeping, while others cut themselves short rather than let the tears overwhelm them:

- “In all the time we've been here, you'd think we'd have thought about this a thousand times over. But we haven't.”
- “I was real comfortable being numb. I figure that if this can turn me on after being numb all these years, it's got something to give everyone.”
- “This is the most wonderful thing I've ever been part of, but it's also so frightening.”
- “Yesterday, I wrote letters to people I harmed in the past. I never thought about doing that until I became part of this group. I wish you all good luck.”
- “It's easy to open up here, but it's also easy to leave that door and put our masks back on. But we're not monsters anymore. If this has really touched our lives, we have to leave it. We need to be real, and in that realness there's power. We can be the examples.”

## CLOSE TO THE HEART

SADNESS FILLS THE ROOM, BUT ALONG with it there are intimations of redemption, bringing joy as well.

But is the joy justified?

Dan Bertrand, the warden, has no doubt about it. "I'd say that probably 90 percent of inmates who take the program change. From before to after, there's a world of difference."

For Geske, who over the years has set the scene for any number of transformations, large and small, it's an incredibly satisfying experience. "It is personally renewing and it is a spiritual experience," she says.

"I enjoy watching the men understand the depth of harm done, particularly by violent crime, to the victims. And they often speak about their amazement over how these victims have moved on through the rage and now have turned it around to do good with it. I always leave extremely hopeful that the world can go on in the right direction," Geske says.

And the survivors who come to share their stories with the inmates?

Perhaps Lynn got as close as one can to explaining why she feels the need to tell her story.

"It is so hard to ever have closure after the loss of a loved one," she says. "They take part of your heart. Your heart heals, but there's always a piece missing."

She looks around the room, begins to cry, and says, "You've given me part of that piece back." •

*Steven Keeva is an assistant managing editor for the ABA Journal. His e-mail address is [skeeva@staff.abanet.org](mailto:skeeva@staff.abanet.org).*

## WHAT IS RESTORATIVE JUSTICE?

"Restorative justice is not about going soft on offending—it is actually a lot harder for offenders to confront what they have done, to understand the full implications of their behavior, than to be dealt with in the conventional way.

Conventionally, the criminal justice system separates the offender—often literally—from the victim and the community.

While this is sometimes important, if separation is all that happens, offenders can quickly distance themselves from the harm they have caused, forget it, deny it, or create elaborate justifications for why they did it, which absolves them of all responsibility. Meanwhile, the victim, denied a voice in the formal process of prosecution, is left with the experience of harm, which can be deeply scarring."

—Tim Newell, former warden of Grendon Prison, United Kingdom

# *a gift from Julianna Ebert and Frank Daily*

by Julianna Ebert, L'81

When we were asked a couple of years ago to consider a gift to enhance the Law School facilities, we were enthusiastic about participating and immediately thought it would be an opportunity to honor my grandfather, Arthur L. Ebert, who graduated from Marquette Law School in 1918.

Grandpa was born in Milwaukee in 1897 of immigrant parents. He attended Spencerian Business College after graduating from eighth grade and became a legal stenographer for John H. Paul whose offices were in the Cawker Building at 108 West Wells Street. (Among the legal matters Mr. Paul handled were evictions of tenants from Jones Island to make way for the sewage treatment facility.) After a few years, Mr. Paul called my grandpa's father at his work at Pabst and asked to meet with him regarding his son.

Grandpa related that that night he got quite a "licking" from his father, anticipating that any meeting at the request of his son's boss could only be bad news about his son's performance. Rather, at the meeting, Mr. Paul talked about my grandfather's intelligence, ability, and potential and indicated he wanted to help my grandfather attend Marquette Law School. Marquette had agreed to admit him even absent a high school or college diploma, provided he had extensive tutoring from Judge Swietlik. Grandpa entered law school in 1915, at age 18, graduated in 1918, and went to work for Mr. Paul.

Grandpa applied a great deal of human insight as well as his intellect and learning to his law practice. He focused his efforts on finding ways for the law to solve people's problems. For his clients' convenience, he held office hours at his downtown office every day and twice a week in the evenings on Green Bay Avenue and later on Capitol Drive.

His clients knew they could depend on Mr. Ebert. Grandpa also served his community and his family. His special interest was assistance for the blind, and he helped sponsor annual Christmas parties for blind children through the Lions Club. His 10 grandchildren



Arthur L. Ebert, L'18



Frank Daily, L'68, Arthur L. Ebert, Jr., the late Howard Eisenberg, and Julie Ebert, L'81, preside at the ribbon-cutting of the new Law Review Room dedication in 2001.

loved and respected him. And just as he spent his life discovering, exploring, learning, and growing, he urged all of us to "learn something new every day."

So when Howard Eisenberg asked us to consider a gift, we thought it would be an appropriate way to honor my grandfather, as well as his sons, my father and uncle, and my brother, all of whom were inspired by Grandpa's example to follow him in the practice of law.

Even though my grandfather, father, and brother are all deceased, we were very pleased that my Uncle Art could represent the family at the ribbon-cutting at the law school when the new Law Review Room was dedicated. We had a special interest in the Law Review Room since my husband, Frank (L'68), spent many hours in the old law review office during his time at the Law School and I also had contributed to the Law Review.

We hope our gift will encourage others to consider a gift to the Law School so that it can continue to provide the kind of wonderful opportunities it provided to my grandfather and my family, my husband and me, and so many others. •

Julianna Ebert is Marquette Law School Class of 1981. Frank Daily is Class of 1968. Read about gifts from his classmates beginning on page 24.



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