

Associate Dean for Research Named and Blog Launched

The 2008–2009 academic year has included the creation of a new leadership position among the faculty: that of Associate Dean for Research. Dean Joseph D. Kearney appointed Michael M. O’Hear, Professor of Law, to the new position. In making the announcement, Kearney explained that the new associate dean would have a broad mandate to work with faculty, students, and others to enhance the research and scholarly aspects of the Law School’s mission. This entails both working with faculty and students to develop scholarly projects and seeking enhanced publicity and exposure for Marquette research and scholarly writing within the national legal academy, the bench and bar, and the media.

Since becoming Associate Dean for Research, O’Hear has organized faculty workshops on scholarship and worked with individual faculty members on some of their projects. But a primary focus of his efforts so far has been the development of the Marquette University Law School Faculty Blog. Among other objectives, it is hoped that the blog will become an important new medium for disseminating the research and analysis of Marquette faculty members on matters of law and public policy.

Only a half-dozen other law schools had faculty blogs when Marquette’s venture (<http://law.marquette.edu/facultyblog>) went online on September 1, 2008. The site now attracts several hundred unique visitors every day, and it includes posts expressing the opinions not only of a wide

variety of law faculty but also, each month, of a different featured “Student Blogger” and “Alumnus Blogger.” Readers of the blog are able, through its “comments” section, to provide their own takes on the matters discussed in the posts on the blog. Frequently a sort of conversation thus ensues on the blog between the author of the post and commenters.

A visitor to the faculty blog will get a window into the Law School today. The blog’s subject matter encompasses the full gamut of fields in which members of a law faculty take a professional interest, including law, legal practice, legal culture, legal scholarship, pedagogy, higher education, government, politics, public policy, and business. The blog devotes particular attention to the work of the Seventh Circuit and the Wisconsin Supreme Court, although there are also more lighthearted topics, such as a series on faculty members’ favorite law-related movies and novels. O’Hear hopes that the blog “will not only serve as a source of useful information and thought-provoking opinion but also enhance the sense of connectedness within the wider Law School community, including faculty members, students, administrators, and alums.” •



BLOG MESSAGE FROM THE DEAN

Welcome to the Marquette University Law School faculty blog. While I cannot guarantee similar longevity, this new undertaking calls to my mind the launch some 92 years ago of the *Marquette Law Review*. On the opening page of the journal it was maintained that “the institution which would expand and fulfill its mission must make known its ideals and communicate its spirit.” W.A. Hayes, Foreword, 1 Marq. L. Rev. 5 (1916). At that time it was clear that “[t]he most effective way of doing both is by means of a suitable magazine.” *Id.* Today Marquette Law School, which is expanding and fulfilling its mission in impressive and unprecedented ways, requires in addition to the *Marquette Law Review* (as well as our other journals and the *Marquette Lawyer* alumni magazine) other “effective way[s]” to make known our ideals and communicate our spirit. I believe that this blog will be one such, as it will highlight our talented and thoughtful faculty and others associated with the Law School. I commend Professor Michael M. O’Hear, our new (and first) Associate Dean for Research and Managing Editor of the blog, upon his leadership of this effort, and I look forward to both reading and contributing to the blog. I invite all with a stake in Marquette Law School and in law and public policy, especially in this region, to be frequent visitors.

— Sept. 1, 2008.

law.marquette.edu/facultyblog

Distinguished Lectures

Hallows Lecture

The annual Hallows Lecture will be delivered at the Law School by the Honorable Sarah Evans Barker on Tuesday, April 14, 2009, at 4:30 p.m. The lecture remembers the late E. Harold Hallows, a law professor at Marquette from 1930 to 1958 who served on the Wisconsin Supreme Court from 1958 to 1974, the last six of those years as Chief Justice. Past Hallows Lecturers have included the Honorable Shirley S. Abrahamson, Antonin Scalia, and Diane P. Wood.

Judge Barker has served for the past 25 years on the United States District Court for the Southern District of Indiana, including a six-year term as chief judge. She is chair of the Federal Judges Association and a former United States Attorney and lawyer in private practice.

It is her extensive experience as a federal trial judge that particularly prompted the Law School to invite Judge Barker. As Dean Joseph D. Kearney observes, “Over the past three years, the Hallows Lecture has received extensive national attention, from Judge Diane Sykes’s discussion of the Wisconsin Supreme Court to Judge Carolyn Dineen King’s observations on judicial independence to Judge Diarmuid O’Scanlain’s critique of the proper judicial role in textual interpretation. We are extremely pleased that for the first time the Hallows Lecture will feature the perspective of a distinguished sitting trial judge.”

The title of Judge Barker’s talk is “Beyond Decisional Templates: The Role of Imaginative Justice in the Trial Court.”

Boden and other lectures

The Law School annually hosts several other distinguished lectures. This past fall, Dan Kahan, the Elizabeth K. Dollard Professor at Yale Law School, delivered the lecture named after the late Robert F. Boden, L’52, who served as dean of Marquette Law School from 1965 to 1984.

Kahan selected as his Boden Lecture title “Cultural Cognition and Law.” *Cultural cognition* refers to the tendency of people to perceive disputed facts—e.g., whether global warming is a serious threat, whether the death penalty deters murder, whether gun control makes society more safe or less—in ways that reflect and reinforce their own cultural identities or their own preferred vision of the good society. Kahan identified four basic sets of cultural values and discussed social-scientific research that quantifies the relationship between these values



Mike Gousha, John Chisholm, and Dan Kahan participated in an “On the Issues” event during Kahan’s recent visit as the Boden Lecturer at Marquette Law School.

and the way people assess risk. For instance, those who share the “hierarchical-individualist” worldview tend to see the risks presented by global warming as much less serious than do those who share the “egalitarian-communitarian” worldview.

Kahan, who served as the president of the *Harvard Law Review* in 1988–1989 and clerked for Justice Thurgood Marshall of the United States Supreme Court, addressed not only theory, but also the intensely practical implications of his cultural-cognition thesis. His research suggests how lawyers in the courtroom and advocates for policy change can achieve greater success by presenting information in ways that appeal to the cultural values of the relevant decisionmakers. For instance, studies indicate that one is likely to perceive an expert witness as more reliable if the witness is thought to share one’s own cultural values.

Kahan’s visit included not only the Boden Lecture itself but also a discussion with a dozen or so community and law-enforcement leaders, including Chief Edward Flynn of the Milwaukee Police Department, and a joint conversation with Milwaukee County District Attorney John Chisholm, moderated by Mike Gousha, Distinguished Fellow in Law and Public Policy, as part of Gousha’s “On the Issues” series.

Other events this academic year include the twelfth annual Helen Wilson Nies Lecture on intellectual property law, with Jessica Litman, the John F. Nickoll Professor of Law and Professor of Information at the University of Michigan, addressing “Real Copyright Reform,” and the inaugural Barrock Lecture on Criminal Law, featuring Tracey G. Meares, the Walton Hale Hamilton Professor at Yale Law School, on “The Legitimacy of Police Among Young African-American Men.” •

Assistant Dean Casper Receives Excellence in University Service Award

This past April, Jane Eddy Casper received one of Marquette's Excellence in University Service Awards. Casper joined the Law School in 1997 as Assistant Director of Part-Time Legal Education, serving more recently also as Assistant to the Dean for Special Projects. In 2008, she became, more simply, Assistant Dean for Students. Because Dean Casper's remarks in accepting the University's award capture something about the Law School and, indeed, Marquette more generally, we reprint them here.

I start my remarks with a confession. For many years, I have prided myself on keeping professional life separate from personal life. But in preparing today's remarks, I must confess, I realized that it is a false pride. My Marquette life and the significant moments of my personal life have been intertwined for more than three decades.

In the early 1970s, when I was a teaching assistant in the French Department, it was Jack Paquette, a teaching assistant in the Political Science Department, and his wife, Mary (many of you know Mary Paquette in the College of Nursing), who set me up on a blind date with a nice young man named John Casper. I'd like to think that John was attracted to me solely for my charm, wit, and intelligence, but the fact that I had access to Marquette basketball tickets may have had a little something to do with my appeal.

Twenty-seven years ago, on this very date, April 15—indeed, at just about this exact time—I was close to finishing up my last day of work in the Admissions Office before starting what I thought would be a few relaxing weeks of maternity leave in advance of my May 1 due date. But those pesky lower backaches coming every five minutes convinced me to have John drive us to St. Joseph's Hospital at five o'clock rather than back to Dousman. The result of

those backaches was a baby boy, John Casper, Jr., born the next morning—and, yes, the birth was part of a clinical experience for a Marquette nursing student.

Later, as John and the nurse wheeled baby John and me to the newborns' nursery, we ran into Greg Olsen, giving a tour of the hospital to a prospective freshman. I asked her what high school she attended—sometimes, when you work in Admissions, you just can't help yourself. (She was from Cudahy High School.) Three years later, back again at St. Joe's, awaiting the birth of Martha, night nurse Mary Agnes O'Hearn Sullivan came on duty. I remembered meeting her nine years earlier when she was a high school senior at St. Joseph's Academy in Cleveland, Ohio. As Mary Agnes measured pitocin into my vein, my first thought was, "Did she have a good score on the math section of the SAT?" Of course she did, and just knowing she was a Marquette nurse put me at ease.

Dozens of the Christmas cards my family receives come from former students and colleagues now scattered across the country. I am known as "Aunt Jane" in the Registrar's Office because that's who I am for Associate Registrar Kerry Grosse. Graduations, weddings, birth announcements, and, sadly, even funerals are part of my many Marquette years.



Jane Eddy Casper with David L. Shrock and Rev. Robert A. Wild, S.J.

I am so very grateful to receive this award and to those who have blessed my life. First thanks go to my family, here today: husband John, son John (a Marquette graduate), and daughter Martha (a graduate of Loyola-Chicago). (Yes, all Caspers are most grateful for those generous tuition benefits.) Thank you, John-the-father, John-the-son, and Martha for putting up with me and my absences on evenings and weekends when I worked college fairs or scholarship competitions or information sessions, and now for the evening hours I keep at the Law School. John and Martha, special thanks for understanding the year your St. Nick's stockings were filled only with items from the Marquette Spirit Shop because Mom was too busy to stop at a toy store.

A sincere thank you to Leo B. Flynn, who took a giant leap of faith in 1974 when hiring Jane Eddy as an admissions counselor—my highly marketable skills being a master's degree in French and less than a year's experience writing country-western bar ads for a local radio station. Leo, you opened the door to a job, which became a career, which became a vocation. Thank you as well to Dave Buckholdt for his support and leadership during a year of transition in Admissions in the early '90s; to Sister Carol Ann Smith and Father Gene Merz and Father Dan McDonald for spiritual guidance and prayers; to Professor Peter Rofes, who also took a leap of faith when hiring me in 1997 to work with him at the Law School for the newly formed Program in Part-Time Legal Education. Peter, I have you to thank for bringing me to the Law School and for allowing me to work with my all-time-favorite kind of student: the nontraditional student. Thank you to Dean Joseph Kearney, for keeping me on my toes and giving me projects—"special projects"—I never imagined I'd be able to work on. And finally, my thanks go to the literally thousands of students I have had the good fortune

to meet and work with during the past 34 years: tour guides, shadow-visit coordinators, RNs returning for their BSN, Pre-Medical Scholars, Bradley Scholars, office workers, and of course, now, a truly great group of students—law students.

As warm and toasty as it has been to reflect on the past, it is the present and the future that get my heart pumping and the energy flowing. You all have noticed how active the Law School has become in the past few years. From Dean Kearney and Associate Deans Peter Rofes and Bonnie Thomson, along with my law school colleagues, the faculty, and the

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students and alumni, there is an energy that is not just palpable, it is pulsating, an *esprit de corps*, an enthusiasm and excitement as we move forward. (*Esprit de corps*—that's French, not Latin, with apologies to the president and the dean.) You think the past few years have been active at the Law School?

Stay tuned—there's more to come.

I started my remarks with a confession, and I close with a favor to ask. If there is just one thing you take from today's event—O.K., one thing in addition to the leftover lemon bars—please take home this thought: Never forget for a single moment the impact you have on a student, a colleague, an unexpected visitor, a confused caller, a distraught e-mailer, or on someone like me who still is asking questions about our new phone system. Never forget the impact we have on each other. Be patient and kind, have faith in the basic goodness of the people around you, share your expertise and your skills, be the professional you know that you are. It's in those single moments of care and respect and service that we make a difference in the lives of people we touch. And it is those thousands and thousands of single moments that add up to 34 years of my deepest gratitude to Marquette University and to all of you.

Thank you. •