



Marquette Lawyers On the Front Lines of Justice

In recent years, Milwaukee has advanced in impressive ways. These range from the realms of architecture (the Calatrava-designed addition to the Milwaukee Art Museum) to athletics (Marquette's participation in the Big East Conference and the Milwaukee Brewers' return to the playoffs after more than a quarter-century) to industry (the relocation of Manpower, Inc., a Fortune 500 company, to downtown Milwaukee). And the migration of thousands of affluent households to the city center has changed the face of the city.

But challenges abound. For example, according to U.S. Census estimates, Milwaukee has the seventh-highest poverty rate in the nation, with nearly 35 percent of children living in poverty. These challenges especially affect areas in which lawyers (problem solvers, after all) and judges spend their time.



Marquette lawyers Derek C. Mosley, M. Joseph Donald, Frederick C. Rosa, Maxine Aldridge White, and Carl Ashley serve as judges in Milwaukee.

“Socioeconomic issues are permeating everything we deal with,” Milwaukee County Circuit Court Judge Carl Ashley said. Ashley and four judicial colleagues—Judges M. Joseph Donald, Derek C. Mosley, Frederick C. Rosa, and Maxine Aldridge White—recently shared their perspectives on the justice system. They spoke of their experiences on the front lines of justice in the municipal and circuit courts in Milwaukee.

These five Marquette lawyers also discussed judicial elections and their service on the bench. They are five of the seven African-American judges in the state and municipal courts in Milwaukee, and White is the only African-American woman on the state-court bench in Wisconsin.

Seeking to deliver justice in an urban area

All five judges agreed that the social and economic conditions of the community are having a dramatic impact on the people and cases they see in the courtroom.

“It’s not just the judiciary, but a broader issue about how we are going to deal with the young kids who are impoverished, who live in a war zone,” Ashley said. “We’re missing the boat when we think

that in our courtrooms we’re going to resolve it. You see an endless cycle of dysfunction. The reality is, if we’re ever going to do something effective to change the realities of so many folks and young kids, we have to dig a little deeper.”

White articulated a sentiment shared by many on the judicial front lines dealing with the issues plaguing our communities. “It’s a question that urban judges, or judges in counties that don’t have resources, confront: Are law and justice the same? If I apply the law to the facts of this case and decide the outcome, I’ve done my job. But is it justice?”

“How do I use the few resources I have by virtue of this robe to do a little bit more?” she questioned.

The judges discussed trying to find ways to avoid repeat offenses or incarceration, when possible, and finding partnerships with organizations that can provide education programs or job training.

Mosley, the one municipal judge in the group, said that economic issues play out in a unique way in his Milwaukee court: “We’re a forfeiture-based system. We take it very seriously on the bench, knowing that this person in front of us may not have a job or have the means to pay the



HON. CARL ASHLEY

Born: Milwaukee, Wis.

High School: Marquette

College: Marquette, 1979

Marquette University Law School: Class of 1983

Previous Legal Career:

Public Defender, 1983–1989; Private Practice, 1989–1997; Administrative Law Judge, 1997–1999

Judicial Career:

Elected 1999 and reelected 2005, Milwaukee County Circuit Court

Mentors: Celia Jackson, Susan Hanson, Hon. Frederick Kessler, Dean Robert F. Boden, Dean Howard B. Eisenberg

Family: Married to Felita Daniels Ashley; daughters Elise, 11, and Zoe, 9

fine. We do a lot of programs so that, one, we avoid the incarceration of indigent people, but, two, we collaborate with organizations to assist with a host of issues including driver's licenses and employment. We're trying to make sure that not only do we punish offenders for offenses against the community, but we assist in preventing them from repeating those same offenses."

A call for collaboration

The judges discussed the courts' limited budgets and the need for all levels of government to work toward the proper allocation of resources and toward collaboration.

Mosley also stressed the importance

of communication and getting different governmental entities to work together to resolve some of the problems the judges are seeing. He offered an example of the way that local law enforcement, the city attorney's office, and the district attorney's office are collaborating to eliminate drug houses by taking a multifaceted approach.

"Unlike the past, the county's involved in the prosecution of the drug offenses in the house, while at the same time the city's also involved with the landlord in nuisance actions," said Mosley. "So now we're actually collaborating for the first time where we're not just putting Band-Aids on gunshot wounds: we're actually trying to solve each of these problems. It's very different from when I came into the legal system."

However, the judges agreed that the courts and law enforcement are not the sole answer. Families play an important role as well.

Rosa, who currently serves in the children's division of the Milwaukee County Circuit Court, said that too often poverty and high unemployment rates mean that young people don't have jobs, school, or community activities to fill their time during the summer. This lack

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— Hon. Carl Ashley

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— Hon. M. Joseph Donald

of structure can help lead to an increase in crime.

All five judges noted the enormous challenges posed by the current judicial structure, including a vast array of resources that are often not well-coordinated and the struggle to provide all the necessary services to the population they serve.

“In the family division,” White noted, “we see the combination of people who are attached to three or four different other courts. They may have, in addition to the family-division case, a children’s court case and a criminal case (which could be the parent or one of the children). So, collectively we see the combined stress of lack of money, lack

of education. You could have a case where the dad is in Nevada running away from immigration issues, the mom is in Milwaukee, the child is here in need of psychological and psychiatric treatment, and, after finding an interpreter, your challenge as a judge is to find a psychologist who will take a county rate, as well as to figure out whether you can make an appointment under the circumstances.”

This is not a request for more government spending, Donald noted. “It comes down to a question of reallocating resources. If you look at all of the funds that go to education, incarceration, job training, etc., there is a huge pot of money that is being spent,” he said. “And

HON. M. JOSEPH DONALD

Born: Milwaukee, Wis.

High School: Shorewood

College: Marquette, 1982

Marquette University Law School: Class of 1988

Previous Legal Career: Law Clerk, Milwaukee County Circuit Court, 1988–1989; Assistant City Attorney, City of Milwaukee, 1989–1996

Judicial Career: Appointed 1996, elected 1997, reelected 2003, Milwaukee County Circuit Court

Mentors: Allen Taylor, Judge Richard D. Cudahy, Rick Cudahy, Jr.

Family: Married to Ann; children Jordan, 20, Hillary, 16, and Ryan, 15





HON. DEREK C. MOSLEY

Born: Chicago, Ill.

High School: Marian Catholic
(Chicago Heights, Ill.)

College: University of
Northern Iowa

**Marquette University Law
School:** Class of 1995

Previous Legal Career:
Assistant District Attorney,
Milwaukee County, 1995–2002

Judicial Career: Appointed
2002, elected 2003, Milwaukee
Municipal Court

Mentors: Judges Carl Ashley,
M. Joseph Donald, Victor
Manian, and Maxine White

Family: Married to Kelly
Cochrane; children Kallan, 3,
and Kieran, nine months

the question that should be posed is this: Are we doing it smart, are we doing it the right way?"

Some things are being rethought. "There's a process underway," Rosa noted, "to create a unified court system, and it's focusing on children's court and family court. The idea is along the lines of one judge for one family."

Judicial elections

Last year's state Supreme Court race, in which Burnett County Circuit Court Judge Michael J. Gableman defeated incumbent Justice Louis B. Butler, Jr., also came up for discussion. The campaign raised not only the issue of politics and

partisanship in judicial elections, several of the judges said, but also carried racial undertones.

White, who has served on the Milwaukee County Circuit Court since 1992, said the attacks on Butler for his work as a public defender reminded her of the Willie Horton ads run during the 1988 presidential race.

Her colleague on the Milwaukee court, Donald, said he also saw race as a factor in elections. "The Justice Butler election does give some concern with respect to political races and race," he said. "I think that there are still some underlying tensions that will impact campaigns."

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— Hon. Derek C. Mosley

Born: Brooklyn, N.Y.

High School: Midwood
(Brooklyn, N.Y.)

College: University
of Vermont, 1981

**Marquette University Law
School:** Class of 1984

Previous Legal Career: Staff
Attorney, Legal Aid Society
of Milwaukee, 1984–1985,
1987–1990; Staff Attorney,
Legal Aid Society, New
York, N.Y., 1986–1987; Legal
Staff Supervisor, Milwaukee
County Child Support
Enforcement, 1990–1994;
Family Court Commissioner,
Milwaukee County Circuit
Court, 1994–2004

Judicial Career: Appointed
2004, elected 2005, Milwaukee
County Circuit Court

Mentors: Judges James
Gramling, Jr., Michael
Guolee, Stanley Miller,
James Shapiro, and Jeffrey
Wagner; Court Commissioner
Andrew Reneau

Family: Married to Kathy
Jones-Rosa; children
Fred, 17, and Keyla, 13

“My mother always said, ‘You work or go to school, but you don’t sit around and do nothing.’ I find myself saying that a lot out in children’s court.”

— Hon. Frederick C. Rosa

Rosa noted that the partisan tone of the Supreme Court race seemed to follow the direction judicial races are heading these days, to the detriment of the profession. “It wasn’t dignified,” he observed. “I was pretty surprised and shocked by some of the ads I saw on television, and it seems that that is going to be the tone for the future. I have a lot of concern.”

The issue of race and judicial elections was a significant issue in Milwaukee during the mid-1990s, when the NAACP filed a lawsuit seeking a change from countywide judicial elections to a system of judicial subdistricts within the county. The theory was that this would allow for a more diverse representation on the circuit court bench. That effort, opposed by the State of Wisconsin and the Wisconsin Trial Judges Association, ultimately failed.

Ashley, who in 1999 was the first African American elected to the Milwaukee County Circuit Court without first having been appointed, said of the earlier lawsuit, “Even though that venture was not successful, it opened up doors.” It brought to light the issue of whether or not the judiciary accurately reflected the community, he said, and in the end it resulted in support for more diversity on the bench.

Donald, who was appointed by Gov. Tommy Thompson in 1996, credited the discussions at the time concerning diversity on the bench as relevant to his appointment to the bench. “I think it was one of the factors that contributed to my appointment,” he said.

Subsequent developments have contributed positively. “I think that people have been encouraged that they could get support from the broader community despite the challenges faced in an election as a woman or as a minority,” White observed.

Mentors and teachers

These judges themselves brought different backgrounds to the legal profession and bench.

Rosa noted, “My background is not a lot different from that of many of the kids I see.” He grew up in a single-parent household in New York housing projects. One of the key difference-makers for him was the example his mother set. She started out working as a nurse’s aide, went back to school to become a nurse, and eventually ended up as a nursing administrator. Rosa and his



brothers learned by watching her efforts, he recalled, and they benefited from her strong guidance.

“My mother always said, ‘You work or go to school, but you don’t sit around and do nothing.’ I find myself saying that a lot out in children’s court,” Rosa remarked.

The example of strong parents who stressed the importance of education was a common theme among the stories of the judges.

Although White’s sharecropper parents had only grade-school educations—her mother the equivalent of eighth grade and her father the equivalent of third—they stressed the importance of education to their children. Given their impoverished situation, they were not sure how to provide their children with the opportunity to receive a quality education, but they were sure that it needed to occur. “It was extremely

important to them that we got an education,” White recalled.

In their home, she said, her parents acted like educational quarterbacks, directing the older siblings among the 11 children to share what they were learning with the younger ones. By the time the youngest ones started school, they were already reading.

Ashley noted that from a young age his parents established a strong educational foundation upon which he and his seven siblings built. When he was embarrassed about sweeping the steps in front of his classmates, as part of his work-study program to help pay for going to Marquette University High School, he said his parents simply told him to “stop being silly.”

Education was such an important thing for Donald’s parents that when the Milwaukee Archdiocese closed

HON. MAXINE ALDRIDGE WHITE

Born: Indianola, Miss.

High School: Gentry
(Indianola, Miss.)

College: Alcorn State University, Miss., 1973; University of Southern California (Master’s in Public Administration), 1982

Marquette University Law School: Class of 1985

Previous Legal Career: Assistant U.S. Attorney, Eastern District of Wisconsin, 1985–1991; Assistant Director, Attorney General’s Advocacy Institute, Glynco, Ga., 1991–1992

Judicial Career: Appointed 1992, elected 1993, reelected 1999, 2005, Milwaukee County Circuit Court

Mentors: Professor Phoebe Williams, Judge Stanley Miller, Barbara Holzmann (Judge Miller’s widow), Dean Robert F. Boden, Associate Dean Charles W. Mentkowski, Dean Frank C. DeGuire, Thomas L. Shriner, Jr.

Family: Married to Leonard Martin; daughter Jessica, 23



“It’s a question that urban judges, or judges in counties that don’t have resources, confront: Are law and justice the same? If I apply the law to the facts of this case and decide the outcome, I’ve done my job. But is it justice?”

— Hon. Maxine Aldridge White

St. Elizabeth’s and sold it to the local families, the Donalds were one of the original families involved in establishing the Harambee Community School on the north side of Milwaukee.

Mosley, who grew up on the south side of Chicago, also credited his parents for the successes in his life. Without their spiritual and educational guidance, the municipal judge says he would not be where he is today. They were very active in his life and in screening his friends. “I see kids every day who don’t have that,” he observed. “I saw them as a prosecutor, and I see them as a judge.”

Their parents were not the only ones who helped the judges get where they are today. All of the judges pointed to the mentors who encouraged them along the way and to the help that Marquette provided in getting their law degree. Many of them discussed the importance of scholarship support in drawing them to the Law School, but such assistance did not address all of the financial issues that arose.

Rosa recalled approaching Dean Robert F. Boden and Associate Dean Charles W. Mentkowski when work pay and student loans were not sufficient to cover law school costs. “It’s not an easy thing to go to the dean,” he remarked.

“But we all went to him,” White recalled.

The judges also noted some of the

challenges associated with being one of only a handful of students of color in the Law School. They ended up leaning on one another. In this regard, Rosa recalls Ashley, who was a year ahead of him in school:

“I would go to him and ask how I should prepare for a particular professor’s class. And Carl would say, ‘Well, here’s what you *could* do, but let me tell you what the *A* student would do.’”

Mosley and others noted the efforts that the Law School has made more recently. In particular, Mosley stressed the importance of having African-American lawyers and judges call minority law students who have been accepted for admission, in order to answer any questions the students have about the community and the school. He said that the Law School’s annual fall reception for new minority students with minority lawyers and judges as guests has helped students make connections and see their own potential.

That reception is frequently attended by not only the Marquette judges but also by U.S. District Judge Charles N. Clevert and Milwaukee County Circuit Court Judge Marshall B. Murray. As Dean Joseph D. Kearney has remarked, “Anyone interested in the diversity of the legal profession in this region has an interest in Marquette University Law School.”

And vice versa. •