

Eckstein Hall: Crossroads for Timely Talk on Crucial Topics

A public square where people address major issues, urgent needs, provocative ideas—no, it's not the classic role of a law school. That makes Marquette University Law School a groundbreaker as the school develops its distinctive public policy program. Recent months have offered compelling examples of the role that the Law School is playing. Here are highlights of some of the programs in Eckstein Hall.

“Milwaukee’s Future in the Chicago Megacity,” July 17, 2012

If you view Chicago and Milwaukee from, say, 30,000 feet, you don't see a state line, but, instead, nearly continuous development that runs from Milwaukee through Chicago and on into northwestern Indiana. And on an economic plane, you see compelling reasons why the two large cities should recognize, respect, and benefit from each other.

“The time has come to look beyond borders,” Milwaukee historian John Gurda said in the opening talk of a provocative and timely conference, “Milwaukee’s Future in the Chicago Megacity,” cosponsored by Marquette University Law School’s Lubar Fund for Public Policy Research and the *Milwaukee Journal Sentinel*. Encouraging people to look from that high-altitude vantage, Gurda said that it is time for Chicago and Milwaukee to act like siblings and present a united regional front aimed at stronger economies and better lives for people throughout the region.

His remarks were echoed throughout a day in which business, political, and academic leaders offered perspectives on what could be gained by more cooperation, as well as on roadblocks to accomplishing that.

When an audience member hit on one of those roadblocks—the Illinois objections to rerouting waterways in Chicago to help prevent Asian carp from reaching Lake Michigan—Kelly O’Brien, senior vice president for economic development of the Chicagoland Chamber of Commerce, said that it was best not to take on the most contentious subjects at

the start but to look to matters where agreement is easier to reach.

Discussion focused on three such possibilities: the development of water-related industries, in line with efforts in Milwaukee of the past several years; promoting use of Milwaukee’s Mitchell International Airport as a third airport for Chicago; and the need for better and more-coordinated education efforts to develop the workforce to meet the needs of employers. Rail issues were mentioned often, but it was clear that issues such as high-speed rail are going to continue to be controversial.

From Milwaukee Mayor Tom Barrett and Cook County Board President Toni Preckwinkle through more than a dozen other speakers, there were calls and pledges to work together.

Jeff Joerres, chairman, CEO, and president of ManpowerGroup, based in Milwaukee, said that a recent report by the Paris-based Organisation for Economic Cooperation and Development, which criticized the lack of cooperation, did the region a favor because it was a wake-up call. “Now we need to figure out how to get to making regional cooperation and improvement a reality,” he said.

“While the Law School urges no particular policy,” said Mike Gousha, distinguished fellow in law and public policy, “we believe that this conference helped generate discussion about matters important to the future of the region.” Gousha organized the conference together with Marty Kaiser, editor of the *Milwaukee Journal Sentinel*; David D. Haynes, editorial page editor for the newspaper; and Dean Joseph D. Kearney. ■

“Restoring Faith in Government: Encouraging Civil Public Discourse,” June 8, 2012

At a time when highly charged, highly partisan advocacy has dominated much of political life, the annual conference of the Law School’s Restorative Justice Initiative focused on the need for people of differing views to work together in addressing big issues.

In his keynote address, news commentator and author John Avlon called for those who want to see more civility and cooperation in government to assert themselves. “You have to play offense from the center,” said Avlon, a columnist for *Newsweek* and *The Daily Beast* and a frequent commentator on CNN. “Part of the problem with moderates is that they’re moderate.”

Avlon suggested that there is more that unites Americans than divides them, but some political figures act as though the opposite were true. “Principled compromise is the basis for a functioning democracy,” he said.

The conference ended with four Marquette students who have been involved with the University’s Les Aspin Center for Government discussing their hopes for careers in public service.

Conference organizers included Janine P. Geske, distinguished professor of law, and Mike Gousha, distinguished fellow in law and public policy. ■



John Avlon

“The Challenge and the Opportunity: How Wisconsin Can Meet More Ambitious Goals for Students,” May 22, 2012

What does it mean to call a student “proficient”? Wisconsin will make major changes in how it answers that question beginning in the 2012–2013 school year, requiring better performance on standardized tests for a student to earn that label. The results could be rather shocking to many people as the percentage of proficient students drops sharply—or they could be seen as a call for fresh approaches to getting more students to meet higher expectations.

At a conference cosponsored by the Law School and Marquette’s College of Education, the latter reaction was encouraged by David P. Driscoll, chair of the National Assessment Governing Board, which runs the National Assessment of

Education Progress (NAEP) testing program, often called “the nation’s report card.” Driscoll was commissioner of education in Massachusetts during years when

performance by the state’s students rose to the point that Massachusetts now leads the nation in reading and math. The heart of Driscoll’s message was that setting high standards and seriously pursuing them pays off.

Responding to Driscoll, Tony Evers, state superintendent of public instruction, agreed that Wisconsin should adopt the higher definition of proficiency because students need to reach higher levels of proficiency in today’s world.

Alan J. Borsuk, senior fellow in law and public policy, led the Law School’s work on the conference. ■



A Candidate Debate, Just Before the Recall Election, May 31, 2012

An intense, face-to-face hour of the candidates in Wisconsin's recall election for governor making their strongest pitches—this was the debate that many people were waiting to see. And it happened here, in Eckstein Hall's Appellate Courtroom, even as it was broadcast live for a statewide—in fact, nationwide—audience. Republican Gov. Scott Walker and his Democratic challenger, Milwaukee Mayor Tom Barrett, squared off, with Mike Gousha, the Law School's distinguished fellow in law and public policy, moderating.

In the last forum (and one of only two) before the election—which Walker would go on to win—Walker described himself as a politician willing to make hard decisions and defend the working people of Wisconsin. Barrett described himself as a defender of the middle class and someone who practices the Wisconsin values which Walker has not followed.

The head-to-head exchanges, with Gousha keeping things focused on the forefront issues, made the session a powerful moment as the historic election neared. ■



Mike Gousha, Mayor Tom Barrett, and Gov. Scott Walker

Insights from Gaddis on a Key Twentieth-Century Figure, May 10, 2012



John Lewis Gaddis

The first half of the twentieth century was terrible, including two world wars. The second half was much better. Who developed the ideas behind that difference, Yale Professor John Lewis Gaddis asked in an “On the Issues with Mike Gousha” session at Eckstein Hall, subsequently broadcast on Milwaukee Public Television. “I don’t mean to say that George Kennan did all of that,” Gaddis said, answering the question. “But if I were to pick one central idea that was key to making the second half of the twentieth century more peaceful than the

first half, I think it was the idea of containment . . . , the idea that you could deal with the Soviet Union without having a new world war with them on the one hand and without appeasing them on the other hand. And that really was George Kennan’s idea. So I would say if we back off and look at big ideas and big consequences, this man is extraordinarily influential.”

Kennan, a Milwaukee native, was the subject of Gaddis’ biography, *George F. Kennan: An American Life*, which

was awarded a Pulitzer Prize in April. Gaddis came to Milwaukee at the invitation of the Law School, which teamed with the Marquette University Department of History to sponsor the event.

Gaddis painted a picture of Kennan as a brilliant but complex person with great, almost prophetic insights into global issues, but who was almost never happy with himself or how things were going in the world. He was “one of the greatest American writers of the twentieth century,” Gaddis said (Kennan won two Pulitzer Prizes), but he was “incapable of self-congratulation.”

The key moment in Kennan’s career came in 1946 when, in the aftermath of World War II, he was deputy head of the American mission in Moscow. Frustrated that he wasn’t being heard by his superiors, Kennan sent a 5,500-word telegram to Washington, outlining what he thought American strategy should be in dealing with the Soviet Union. “The Long Telegram” became one of the most influential and famous documents in American diplomatic history. “He broke all the rules” in terms of using a telegram for such a long message, Gaddis observed, but what Kennan said in it “became the central idea of the grand strategy of the United States in the Cold War era.” ■



Judge Thomas Curran: Fairness, Faith, and Family

Thomas J. Curran was “a man of great balance built on his Catholic faith and his personal convictions,” his son, William T. Curran, said in the eulogy he delivered at St. Patrick Church in Mauston.

That balance carried him far. Thomas Curran, L’48, was named by President Ronald Reagan as a federal judge in the Eastern District of Wisconsin in 1983. In nearly a quarter century on the bench, Curran gained an impressive reputation. Curran, 88, died in July.

“He was self-effacing, considerate, kind, and humorous, in short, the quintessential gentleman, all this while being a first-rate legal scholar,” U.S. District Judge Rudolph Randa told the *Milwaukee Journal Sentinel*.

William Curran, L’75, described his father as a person with “rock-hard self-discipline” that was not obvious “because he balanced it or masked it with wit or kindness. Even when fighting a difficult challenge, he never wanted to draw attention or sympathy.” The younger Curran practices

with his sister, Catherine Curran Orton, L’81, and her husband, John R. Orton, L’81, among others, in the Mauston firm in which Judge Curran and his brothers once practiced.

The son said, “He was so quick at perceiving the emotions and problems of others. For example, the day my law school class went before the Supreme Court to be admitted to the bar, one of my classmates was alone. His dad had been in my dad’s class of 1948. My dad warmly encouraged my classmate to join us in the celebration and meal. To this day, that lawyer still reminds me how much that meant to him.”

Thomas Curran served as president of the State Bar of Wisconsin. He presided over cases that attracted major attention. Beyond work, his life focused on his wife, the late Colette Curran, their six children, and his involvement with the church, but he always made time for Marquette Law School. When Judge Curran received the Law Alumni Association’s Lifetime Achievement in 2007, Dean Joseph D. Kearney summarized some of Judge Curran’s accomplishments and noted, “How grateful also I have been since becoming dean for the counsel combined with good humor that you have provided to me.” ■

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—U.S. DISTRICT JUDGE RUDOLPH RANDA

Danz Honored for Positive Impact on the Law School



Carol Dufek remembers Stephanie Danz’s joining Marquette Law School in 2005. “The minute she started work, you knew that Stephanie was going to change the Law School in a positive way,” Dufek, the school’s events coordinator, wrote in nominating Danz for

an Excellence in University Service Award.

Danz began as administrative assistant to the associate dean for academic affairs. Later, she also took on the job of the Law School’s assistant registrar. The large number of people who come into contact

with her agree that Dufek’s first impression has become reality—the Law School is a better place because of Danz.

“Stephanie is concerned: about our students, about our colleagues, and about the Law School,” wrote Bonnie M. Thomson, associate dean for administration and registrar, and Matt Parlow, associate dean for academic affairs, in their own nomination of Danz for the excellence award. “She will always go out of her way to help a student or faculty member in need, and she never believes that any task is too insignificant or unimportant if it will assist a member of the Law School community.”

Danz was one of four Marquette employees receiving service awards at a luncheon in May. ■

Update on the Marquette Law School Poll: Already the Wisconsin Standard



Mike Gousha and Charles Franklin



The Marquette Law School Poll was envisioned as “an academic enterprise that establishes the Law School as a serious player in campaign analysis” in Wisconsin during 2012, Dean Joseph D. Kearney wrote when the project was unveiled last year.

“And a serious player the law school has become,” a *Milwaukee Magazine* story said this past August. Citing not only the poll but candidate appearances and other events and analysis at the Law School, the magazine said, “During this spring’s recall face-off, Marquette University Law School’s polls, punditry, and primetime disputation were everywhere voters looked.”

As an historic year in Wisconsin politics continues to unfold, the Law School has become a valuable source of information, with poll results reported prominently and nationwide. The accuracy of results, compared to election outcomes, and the evenhandedness of programs led by Mike Gousha, distinguished fellow in law and public policy, have made it clear that the Law School is playing its envisioned role when it comes to understanding and analysis.

As planned, the Marquette Law School Poll—the most comprehensive political polling effort in Wisconsin history—has released new rounds of results at least monthly, building a rich and deep trove of information on the views of Wisconsinites, not only in terms of specific elections but on broader issues and trends. Charles Franklin, visiting professor of law and public

policy and director of the poll, has provided insightful analysis at every turn.

Consider a few facts about how good a measure of public opinion the poll results have been to date:

- The Republican presidential primary in April: The poll results tracked the rise and then decline of former Sen. Rick Santorum’s standing in the polls. A week ahead of the election, the poll results showed former Gov. Mitt Romney in the lead. The margin proved to be close to the final result.
- The Democratic primary in May for the recall election for governor: The poll accurately captured the lead Milwaukee Mayor Tom Barrett had over former Dane County Executive Kathleen Falk and two other candidates.
- The recall election for governor in June: The poll showed that Republican Gov. Scott Walker was ahead of Barrett in the weeks leading to the election. In the final pre-election poll, Walker led Barrett by seven percentage points. In the event, Walker defeated Barrett by seven percentage points.
- The Republican Senate primary in August: Just ahead of the election, the poll showed the four-candidate race was tightening, with former Gov. Tommy Thompson holding a narrowing lead over Madison businessman Eric Hovde. The final result: Thompson won with 34 percent, Hovde got 31 percent, former Rep. Mark Neumann 23 percent, and state Assembly Speaker Jeff Fitzgerald 12 percent.

While no other poll has been a similarly accurate predictor (and the dean’s prediction last year was also accurate that the poll results would initially receive a few misplaced political attacks), there is no gloating. Indeed, both Dean Kearney and Professor Franklin have publicly noted that there is always an element of—or role for—a bit of luck.

In any event, polling is always undertaken with the understanding that there is a margin of error, and results aim only to portray how things stand at a point in time, not necessarily how they will be on an election day.

But polling done well provides valuable insight into what people are thinking. It gives a voice to the public at large. And, even with major political events still to come in November, the Law School is confident it is providing that kind of insight and voice because it is providing polling done well. ■

Julie Darnieder Named Milwaukee Bar Association's "Lawyer of the Year"



Julie Darnieder

Laura Gramling Perez remembers the first time she was introduced to Julie Darnieder, L'78, some 11 years ago at a meeting. "Julie told the group that, after many years in private practice handling workers' compensation cases, she was looking for new volunteer opportunities," Perez recalled.

Out of the meeting—and much other work—emerged the Marquette Volunteer Legal Clinic (MVLC). Darnieder became—and remains—chair of the steering committee and an adjunct professor of law. Without Darnieder, Perez said, "the clinic would look nothing like it does today."

The remarks by Perez, an administrative court commissioner for Milwaukee County, were made at the recent Milwaukee Bar Association annual luncheon, where Darnieder was honored as the MBA's Lawyer of the Year.

Perez told the luncheon audience, "With a great debt to Julie's determination, creativity, excellent relationship with Marquette Law School, and elbow grease, the MVLC now operates every day of the week in four different locations, with scores of attorney and student volunteers."

"Julie's role in developing Marquette lawyers is well known," said Matt Parlow, the Law School's associate dean for academic affairs. "The MBA Lawyer of the Year Award reflects an even broader recognition in the profession of the societal value of the MVLC work which she leads." ■

Summer Program in Germany Gives Law Students Valuable Perspective

The learning experience for Marquette Law School students frequently extends beyond the walls of Eckstein Hall into the Milwaukee community, where the students work in clerkships, internships, and pro bono programs. In recent years, dozens of students have had an experience that has gone much farther, particularly to Giessen, Germany, the centerpiece of the Law School's overseas summer program.

In Giessen, the month-long program in international and comparative law is cosponsored by Marquette Law School, the University of Wisconsin Law School, and Giessen's Justus Liebig University Law School, but it attracts students from across the world. "This has become a true international program," said Professor Alan Madry, director of international programs at Marquette Law School.

Thomas Murphy, 2L, one of 13 Marquette students who took part in 2012, said, "It was amazing how students from around the world were able to share their experiences and form friendships." Murphy added, "The experience not only confirmed some assumptions I had about the American legal system but also provided me with perspectives on the role of law in society that I hadn't considered."

Madry, who taught in Giessen in 2012, recounted, "I had students in my class from India, Japan, Korea, Russia, Kazakhstan, Spain, Africa, the Dominican Republic, and South America, in addition to our American and German students. The classes, consequently, were fantastic." Madry said that students also get first-hand experience with legal and policy issues shaping Europe.

Madry said he had seen how students who took part in the Giessen program increased "a sense of the possibilities for their own lives." ■

Marquette University Law School
mourns the passing of

Phyllis Ann Ghiardi

1921–2012

beloved wife of
Professor Emeritus James D. Ghiardi