

MARQUETTE LAWYER

SUMMER 2018

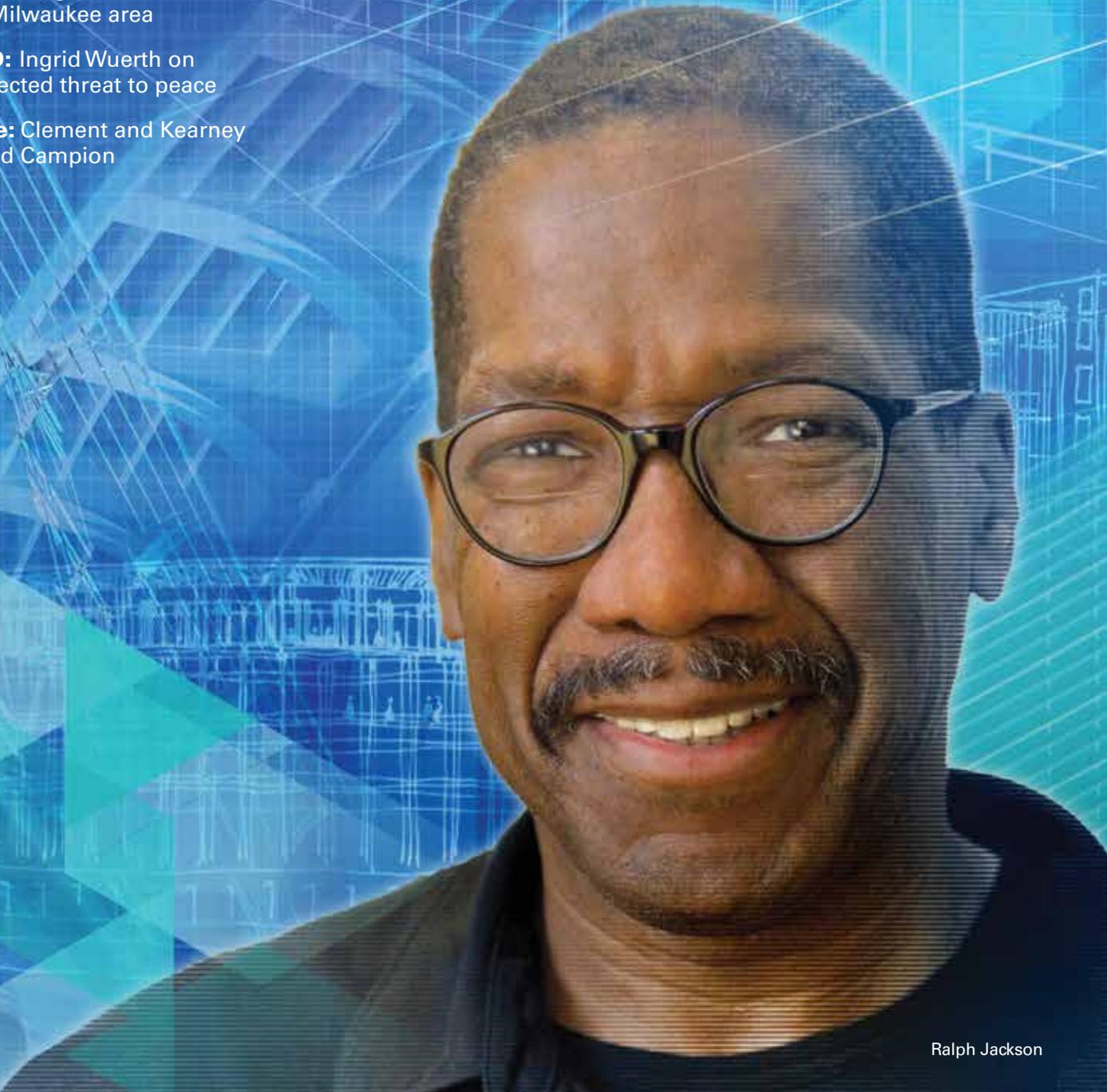
A DAY: A photo essay capturing Eckstein Hall

A LIFE: A profile of Ralph Jackson, Eckstein Hall's architect

A REGION: Migration to and from the Milwaukee area

A WORLD: Ingrid Wuerth on the unexpected threat to peace

And more: Clement and Kearney on Edmund Campion



Ralph Jackson

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Marquette University Law School

Eckstein Hall
P.O. Box 1881
Milwaukee, WI 53201-1881
Phone: (414) 288-7090
Fax: (414) 288-6403
law.marquette.edu

EDITOR:
Alan J. Borsuk

DESIGN:
Douglas Frohmader
Andy Haas Schneider

COPY EDITOR:
Amy Bauman

PHOTOGRAPHY:
Mike Gryniewicz
Dan Johnson
Jonathan Kim
John Nienhuis

COVER ART
Stephanie Dalton Cowan

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Eckstein Hall— and Its Architect— Ten Years After

Ten years ago, on May 22, 2008, we broke ground for Ray and Kay Eckstein Hall. We did so in most unusual fashion, as reflected in the photograph below, with some 800 people wielding shovels on Tory Hill. This reflected our vision that Eckstein Hall was a community project and all who were part of Marquette University Law School—faculty, students, alumni, university colleagues, elected officials, members of the legal profession, engaged citizens—had a stake in it.

At the same time, there was and would be one individual principally responsible for the vision and design of the building: Ralph Jackson. This brilliant architect at Shepley Bulfinch in Boston, working with individuals at Opus North Corp. and on the university's building committee, led us forward. The result has been nothing less than the best law school building in the country.

That was our *hope* when we gathered on September 8, 2010, with the late Justice Antonin Scalia, then-Chief Justice Shirley S. Abrahamson, and now-Cardinal Timothy M. Dolan as our speakers, to dedicate Ray and Kay Eckstein Hall.

Now we *know* it to be true, based on eight years of experience in the building. We expect that the photo essay in this issue of the *Marquette Lawyer* (pp. 10–31), chronicling parts of a single school day this past fall semester, may give you a glimpse into all this. For a closer look, you are welcome to join us for a day to experience it yourselves.

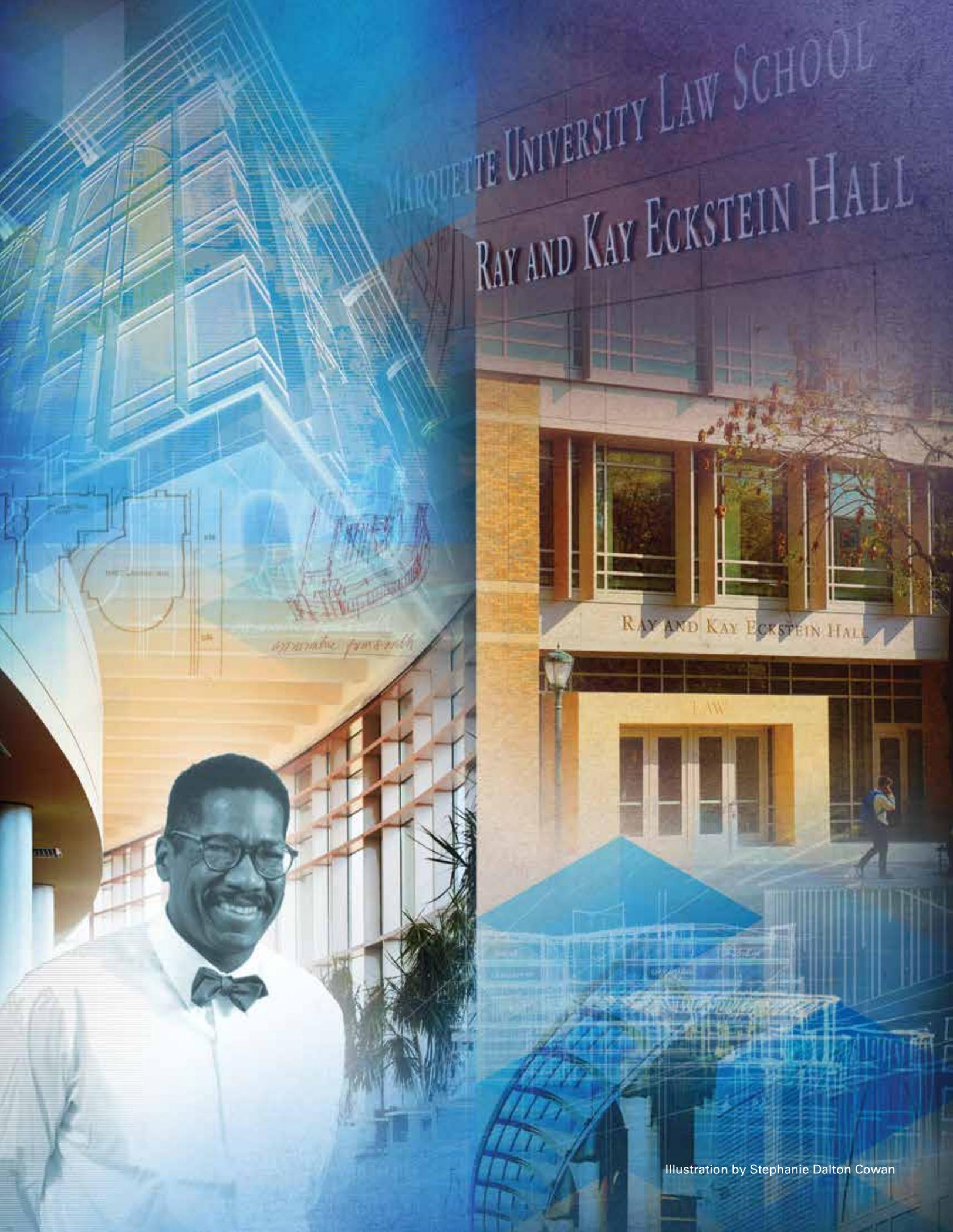
It has seemed to us that a profile of Ralph Jackson is the right preface to that essay. We as lawyers know how the *law* is made. To recall the famous words of Oliver Wendell Holmes Jr., “The felt necessities of the time, the prevalent moral and political theories, intuitions of public policy, avowed or unconscious, even the prejudices which judges share with their fellow-men, have had a good deal more to do than the syllogism in determining the rules by which men should be governed.” Can anyone doubt that such a thing is true of architects, not just of the law, but of the *buildings* in which the great work of the law is carried out? It seems rather self-evident, and so we suggest that you begin with the profile of Ralph Jackson (pp. 4–9) before you turn to page 10 and join us in Eckstein Hall.

In all events, it is our privilege to celebrate this great architect and his work.

Joseph D. Kearney
Dean and Professor of Law

Ray and Kay Eckstein Hall groundbreaking, May 22, 2008





MARQUETTE UNIVERSITY LAW SCHOOL
RAY AND KAY ECKSTEIN HALL

RAY AND KAY ECKSTEIN HALL

Illustration by Stephanie Dalton Cowan

How Ralph Jackson Found His Voice

Hard Work and Passion Transformed a Loner into a Visionary Designer of Buildings That Elevate Communities

By Alan J. Borsuk

WHEN RALPH JACKSON was an architecture student at Harvard in the 1970s, he decided not to enroll in “star studios,” led by prominent architects, that focused on creating big projects. Instead, he signed up for a class where students created a large number of small designs.

Jackson recalls one assignment: Design a book of matches, the kind that were given out at that time in restaurants. Jackson came up with a book with a transparent cover so that you could see the matches. It also had a fancy letter (“D”) on the cover. Someone could see what was inside, while the look of the whole was also attractive. You were drawn to both the outside and the inside.

In some ways, it was a long road from the book of matches to Ray and Kay Eckstein Hall, the home of Marquette Law School. So, too, was it a long road for Jackson from being a junior-college dropout, struggling with what to do with his life and barely making it by loading trucks, to being a nationally recognized architect at a prominent Boston firm.

But in other ways, the distance wasn’t that great. Like the matches, Eckstein Hall is designed so that someone outside can see a lot going on inside, can be drawn into the building, and can find the building engaging both by looking at it and by experiencing it.

The tenth anniversary of the groundbreaking for Eckstein Hall offers the opportunity to put the key figure in the design of the 200,000-square-foot building in a deserved spotlight, and to tell the story of a complicated and ultimately inspiring life.

Community. Transparency. Openness.

Jackson said that he wanted to convey certain qualities—community, transparency, openness—in the many buildings for which he was the principal designer, including Eckstein Hall. This was a crucial question he wanted a building to answer: “How do you make it possible for communities of shared interest to become better at doing whatever it is they do?”

At the same time, transparency and openness were not Jackson’s personal style. While he was known for the intensity and passion he brought to his work, he was reserved about his private life. In both his appearance—bow ties and blazers were his work uniform—and his demeanor, he was a total professional, deeply engaged in his work and in connecting on projects with the people he worked with. But he stayed apart socially.

Now, six years after retiring, Jackson is more open about his life’s path. It goes from a childhood as an African American in the Roxbury section of Boston, where he recalls himself as a loner who could have ended up accomplishing nothing big, to this scene:

One recent morning, Jackson walked into the offices of Shepley Bulfinch, the Boston firm where he flourished. He designed the building in the Seaport section of Boston, but he doesn’t visit often anymore. As he walked down an aisle, he created a bit of a sensation. Former colleagues came from all parts of the large room to surround Jackson and greet him warmly. “Our superstar,” one said.

“I didn’t realize I had a voice,” Jackson says. But he did. Architectural design was the medium for him to use it.



Ralph Jackson and Joseph D. Kearney at a building committee meeting on July 10, 2008.

Designing Things

Jackson was born in Richmond, Va. His parents and their only child moved to Boston when he was four. His life has been tied to Boston ever since.

The family lived in a rooming house in the South End, then moved to Roxbury. His mother, trained to be a professional singer and pianist, worked as an elevator operator. His father started out pressing clothes, then drove cabs, then opened a small moving company. Jackson’s mother joined his father in the business.

“They were both sort of introverts in their own fashion,” Jackson says. They weren’t very close or sociable with other people, he recalls.

Jackson took after them on those scores. He recalls his mother telling his father not to send their son to his room as a punishment because he loved being alone.

In an essay he wrote at the time of his retirement in 2012, Jackson said, “From my childhood as a ‘latchkey kid,’ my imaginative life was always central to my day. That time was often spent drawing and modeling fantasy worlds built on fragments of things around me. Growing up in the ‘50s and ‘60s, I often saw the devastation of urban renewal as it ripped through the souls of communities, often never to be revived. . . . The roots of my imaginative life in the fertile context of the visual arts weren’t simply a refuge but an opportunity to reach out in a meaningful way to help repair and enrich the world around me.”

Jackson says he looked at his parents as unaccepting of who he was. “But as I got older, I realized we were the same.”

He wasn’t an eager student in school. “I sort of comatosed through high school,” Jackson says. But he made it through and started at a junior college. He flunked out after two years, and, while

figuring out what to do, loaded trucks for a department store.

He remained drawn to designing things, the way he had done in his room as a child. And, he realized, “that quiet, unassuming kid really had things he wanted to say.” He says he saw his mother “find her voice” as she became the key figure in the moving business his father started and as she returned to performing music.

“I didn’t realize I had a voice,” Jackson says. But he did. Architectural design was the medium for him to use it. “It turns out I simply wanted to be the star,” he says with a smile. “Over time, I found I loved setting forth ideas, I loved talking, I loved presenting.”

He returned to college, taking remedial courses to develop his learning skills. He progressed to classes at the Boston Architectural College. As he developed his skills, Jackson was admitted to architecture programs at MIT, Yale, and Harvard. He chose Harvard. Harvard was “grueling,” he says, and part of the reason was resistance on racial grounds. “There were a lot of people at Harvard who didn’t think a black person should be there,” he says. But he persisted, earning a master’s degree from the university’s Graduate School of Design.

One of Jackson’s strengths was to learn from others. “I was willing to listen to people older than myself,” he says. “I could hear them and, therefore, they ended up helping me.” He developed mentoring relationships that led him through important steps in his development as an architect. One leader of a small firm where he worked became a mentor after arriving for work one morning and finding Jackson asleep on the floor. Jackson had slept over because he had worked late into the previous night and missed the last commuter train home.

On the Rise at Shepley Bulfinch

After working at smaller firms, Jackson was recruited in 1975 to do technical work for the firm of Shepley Bulfinch.

As much as Jackson is appreciative of the people he worked with and the opportunities he got at Shepley Bulfinch, he is acutely aware of resistance from some people to him as an African American in a generally all-white work world. Some people, he said, assumed that he was a black guy who always would do technical work.

"I surprised them," he says. He rose step by step within the firm, becoming an associate in 1984, a senior associate in 1988, and a principal in 1990.

Especially in dealing with others, Jackson did not focus on issues related to his race. He did all he could to blend in and not discuss his past. "I was wearing the bow ties and the blazers, trying to belong," trying to be "more acceptable," he says.

In an article about him written for the American Institute of Architects in 2007, Jackson said he generally tried in his professional work to distance himself from his past. Jackson said, "For me, it was, like, 'can I erase what happened or where I'm from? Can I blend?' So I'm one of those professionals who goes through phases. . . . You move up and erase the path that you left behind and become more and more alienated from whatever your roots are."

Since his retirement, Jackson has become more open, and he has dropped the bow ties and blazers. He was wearing a black pullover shirt and black pants when interviewed recently in the Shepley Bulfinch offices.

One major step in showing that openness came at his retirement party in 2012. He "came out," as he puts it, telling those assembled that he is gay.

Jackson benefited throughout his career from mentors. A key figure in his career was a longtime principal at the Shepley Bulfinch firm, Jean Paul Carlhian, described by some as an opinionated, fiery figure. Carlhian saw potential in Jackson and helped him.

"I wound up working for people who felt I would deliver, and I would deliver thoughtfully when other people couldn't or wouldn't," Jackson says. "I became the person people turned to."

Throughout his career, one big plus for Jackson was his intense personal commitment. People with whom he worked at the firm describe how he was involved in the work at almost all hours. He was not one who socialized much with colleagues.

"I really was never very good at leisure," Jackson says. When others hosted Thanksgiving gatherings or took holiday breaks, he stayed close to work. "Christmas was my chance to get ahead of the pack."

In more-recent years, associates say, they often would find in the morning that they had emails from Jackson with links to things he had seen on the internet the previous evening. Or he would send them ideas that he had had during the night for how to deal with an issue before them.

People who worked with him at Shepley recall how Jackson would go extra miles in working on proposals. He would create more "boards" than anyone else—concepts to be shown to clients in the process of coming to an agreement on the design of a building. He would go to extra lengths in creating scale models of buildings that were part of those proposals, working—and sometimes arguing—with the specialists who built the models. He did not argue with people over personal matters, but he could become impassioned in arguing for ideas, colleagues say.

"I never met anyone, honestly, who worked harder than Ralph," says Carole C. Wedge. "The answer for Ralph was always to do great work." Wedge worked with Jackson for more than 25 years and is now president of Shepley Bulfinch. "There's no better kind of person," she says of Jackson. Not needing to finish the sentence, she says, "For somebody to have that humble character and bold visions in one person. . . ."

Jackson never stopped learning and stretching his horizons as an architect. He had a deep interest in books. He eventually built a huge collection, mostly books on architecture and design, but also on history and other subjects that interested him. He gave much of it to architecture schools after his retirement.

Kelly Brubaker, a Shepley architect who worked with Jackson on Eckstein Hall, says, "He loved to keep learning. I don't think he was ever done learning." Inside Shepley, "he's still an icon," she says. People appreciate what they learned from him, Brubaker says, and, at the same time, admire that he never eased up on his commitment to learning from others.

A major development in Jackson's career was winning a prestigious honor, the Gabriel Prize, in 1991. It afforded him the opportunity to spend several months in Europe, particularly France. He created sketches of buildings he saw there. The experience opened fresh avenues for him in envisioning projects he worked on.



TOP TO BOTTOM
Children's Hospital
of Wisconsin

Part of the
Georgetown
University Law
Center

University of Denver
College of Law

Big Projects

Jackson says he never had an interest in small projects such as designing homes. A position early in his career called for him to work on designs of buildings such as grade schools. He found them to be too much the same and not to call enough on his creativity.

His love, he says, was big projects—projects, he jokes, where you arrive with an entourage. And those were the kind of projects that Shepley Bulfinch was known for. The firm, which dates back to the mid-1800s, built its reputation on large buildings, starting with the Trinity Church in Boston in 1877 and including Austin Hall at Harvard Law School and the Allegheny County Courthouse in Pittsburgh. The tradition has continued into modern times, with a large number of buildings on university campuses or part of other kinds of public institutions.

Higher-education projects for which Jackson was the principal architect include four libraries at Cornell University in Ithaca, N.Y.; the renovation and an addition to the Africana Studies and Research Center at Cornell; work on two libraries at Princeton University in New Jersey; the international law building and the sports and fitness center at Georgetown University's law school in Washington, D.C.; a library at Fordham University in New York; and the new college of law at the University of Denver (preceding the Eckstein Hall project).

Shepley developed links to Milwaukee. With Jackson as the lead architect, the firm designed Marquette University's John P. Raynor, S.J., Library, which opened in 2003, and several buildings in the medical complex in Wauwatosa, including the main tower of Children's Hospital of Wisconsin.

When Marquette decided to design and build a new building for the Law School in 2007, Thomas

P. Ganey, university architect, and Joseph D. Kearney, the school's dean, led a process that gave Jackson and Shepley Bulfinch the job, together with Opus North Corp. The expectation—the insistence—became that it would be the finest law school building in the nation.

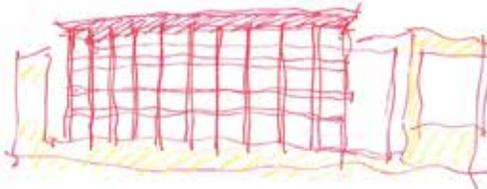
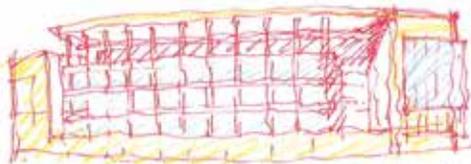
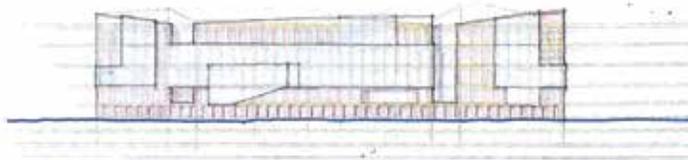
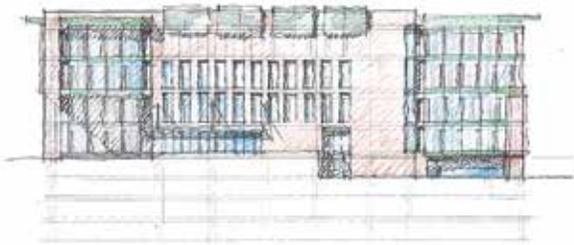
Jackson says that the site of the project, on a hill at the corner of campus and adjacent to the main freeway interchange serving downtown Milwaukee, meant that the building should offer a signal from Marquette University to Milwaukee and the region as a whole. "It had the potential to be a gateway element" for Marquette, he says, calling it "a face for the institution."

Jackson says that he wanted to create a building that would be "user-centered," and especially student-centered. He wanted to create "a narrative" for the way people would move through the building, entering into an area (the Zilber Forum) that was primarily social, where they'd have space to greet people, maybe get a cup of coffee, and then, as they moved farther into the building, get more serious about what they were there for.

Jackson saw the expanse of glass that forms the curved east and south exteriors of Eckstein Hall and the two large walls of windows in the Aitken Reading Room, the grand space in the northeast corner of the third and fourth floors, as ways to connect the interior of the building with the urban life around it. He wanted transparency for the library, café, and other places inside and outside the building so people could see what was going on, could see the diversity of activities and interests.

"I was often motivated by a notion of 'How would I approach a building and be welcomed in?'" Jackson says. The architect wanted Eckstein Hall to have "a sense of invitation . . . a sense of openness." Jackson's vision was for the building "to act as a kind of mentor or coach," so that the building would, in intangible ways, support people in their growth.

The architect wanted Eckstein Hall to have
**"a sense of invitation . . . a sense of openness,
 . . . to act as a kind of mentor or coach,"**
 so that the building would, in intangible ways,
 support people in their growth.



Kearney says that he knew the project had succeeded at that level when a faculty candidate asked in a group interview in 2010 how the building had changed life at the school. A faculty member, Professor Michael O’Hear, immediately answered, “Every time I walk in the building, it’s a reminder to me that I should step up my game.”

Jackson’s thoughts on Eckstein Hall now? “I’m really grateful that Marquette created the kind of role for me that they created. . . . I’m so grateful that I got to realize a particular way of seeing the world through that building.” In retirement, he teaches architecture seminars and uses Eckstein Hall as a model for his students to see the kind of roles they could play in architecture. When Jackson retired, Shepley Bulfinch put together a beautiful hardcover book paying tribute to him and his buildings. No project is given more space than Eckstein Hall, which is on the cover and is featured on six pages of the book.

In an essay in the book, Jackson wrote, “My aspirations are derived from the arts, but more specifically from the power of architecture to create places of habitation and transform people’s lives.” He said his goal as an architect was to make a building “the celebration of a community’s mission.”

Retirement

In retirement, Jackson, who is now 72, says he is busy. He works with students and gets involved in their projects, he does volunteer work, he exercises a lot. “I’m not one for sitting,” he says.

In a 1998 interview for a Shepley publication, Jackson said, “Ensuring diversity in terms of race is not my role here. I’m a designer. I’m not a socially active person: I live-eat-breathe-sleep design.” He said in that interview, “At the time I was coming of age, part of my ability to design had to do with

escaping the conventions of the community I came from. I was never the standard young black male of the period where I grew up in Roxbury and Dorchester. I sought to escape that, and I couldn’t make a credible person reaching out to the community.”

But Jackson has reached out more in recent years, and he reflects more openly on the path of his life, including race-related matters. Looking at his own career, he says, “The notion that one wasn’t part of the privileged class informs everyone’s self-image and everyone’s behavior.”

Are things better now for a young African American who wants to be an architect? With some emotion, he answers, “I think it’s worse.” He says he goes to many conferences and similar professional events where there are no younger African Americans present.

So what’s not happening? He sighs. “I don’t know. I really don’t know.” There seems to have been a retrenchment in people’s thinking about race matters, he says. “At the heart of it, there’s probably economics,” Jackson says.

He lives on Beacon Hill in Boston and feels that, after all his years there, there still are many people in the neighborhood who don’t want black people there. And he describes the attitudes toward African Americans of some young people he works with—not only whites, but people from other minorities—with a combination of frustration and disgust.

Overall, though, Jackson is satisfied with his life and career. “The world’s a better place if we can create environments that support people growing and changing, advancing, exploring. . . . I did something worthwhile. I don’t regret the path that I followed. I’m pleased with how I spent my life.

“I don’t regret the way I spent my time. That’s amazing.” ■

Early sketches developed by Ralph Jackson and the Shepley Bulfinch team in the design process for Marquette’s Law School, Eckstein Hall.



1215

7:01 a.m.

A DAY IN THE LIFE OF ECKSTEIN HALL

It's going to be a busy day.

That's not unusual in Ray and Kay Eckstein Hall, home of Marquette Law School.

When ground was broken for Eckstein Hall a decade ago, the goal was bold: To build the best law school building in the country. A place where students, faculty, and staff would gather and thrive, where the basics and amenities would make people comfortable, sometimes from early morning until late at night. A place that would be a crossroads for a wealth of activities, serving both the core purpose of helping people develop themselves into lawyers and the extended purpose of serving as a public square for addressing important issues. A place to which students and others would want to come even when they did not have to be there.

An *attractive* building in all senses of that word.

We aren't shy about saying that things have worked out well. Eckstein Hall is a most extraordinary building, and from early in the morning until late into the evening, it is clear that the goals for the building are being fulfilled.

We picked a day this past academic year—November 14, 2017—to illustrate this. Spend the day with us here.

11.14.17

ECKSTEIN HALL A DAY IN THE LIFE

6:58 a.m. Two minutes before the doors open, **Beverly Franklin** is in her seat behind the **Welcome Desk**, past which all will stream. "I'm the greeter," she says. "I'm the face of the Law School." That means the school has a knowledgeable and friendly face: Franklin, part of the Law School for four decades, knows almost everybody, greets them with "Hi, hon" or by name, and offers a few cheerful words.

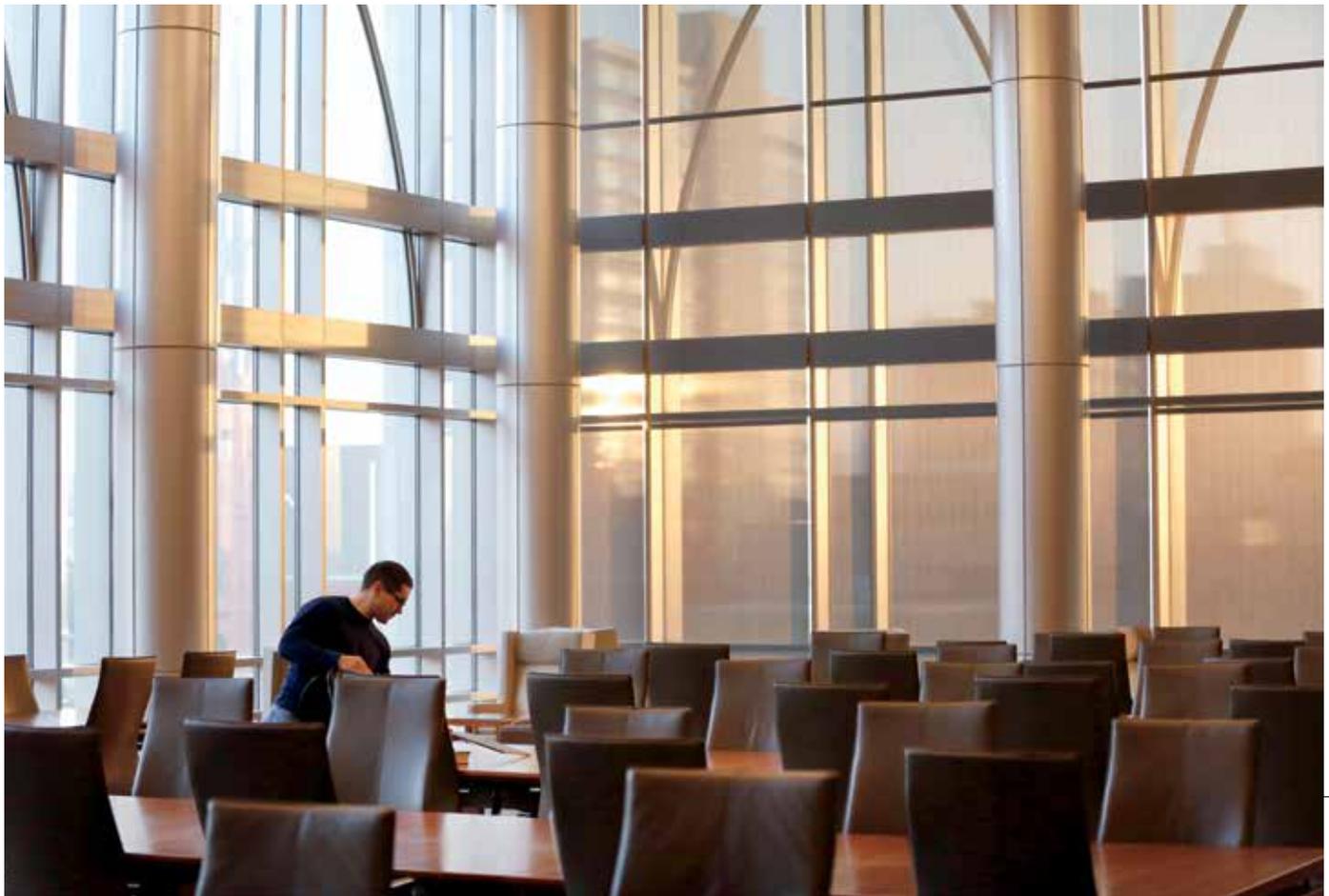
7 a.m. The first student in the door: **Luis Gutierrez**, a first-year law student from Miami, the son of Cuban immigrants. Gutierrez learned long ago not to waste time. His stepfather, a nephrologist, instilled in Gutierrez the importance of time. "Getting up early helps me get going, helps me set the tone for the day," he says. He heads for the third floor and a seat at a long table in the **Wylie and Bette Aitken Reading Room**, a grand, two-story-tall space with gorgeous views of downtown Milwaukee. Gutierrez will be in Eckstein Hall until about 9 p.m. This will include two classes, hours of studying, and a break (still in Eckstein Hall) for exercise.



Beverly Franklin



Luis Gutierrez





Megan Gajewski

8 a.m. In the **Tory Hill Café** on the first floor, **Megan Gajewski** is going over lists, checking provisions, and, to be sure, making meals. She's the chef, overseeing five full-time staff and 19 student employees. On an average day, they make 400 meals. Southwest chicken salad is the most popular item. Well, maybe the second-most popular: Gajewski estimates the café goes through 40 pounds of coffee a week.

8:30 a.m. **Andrew Tenuta**, a second-year student, sits at a table in the Tory Hill Café. He has his headphones on, reviewing a lecture in creditor-debtor law. He's also writing in his notebook, drawing up a potential class schedule for the second semester. "I want to get involved in the practical world of the legal profession," he says, ticking off classes he wants to take, including real estate transactions.



Andrew Tenuta



9 a.m. Professor Michael McChrystal is a Marquette Law School lifer. He graduated in 1975 and never left; he was deeply involved in designing Eckstein Hall. After decades of teaching the law, he still prepares for each class like it's his first. Now he is sitting in a chair by the podium in a second-floor classroom before 52 first-year students learning about torts. Most take notes on computers. Textbooks are open. They talk about car accidents, dog bites, and floods.

"Julie, tell us about *Maloney v. Rath*," McChrystal says in a soothing voice. For the next 10 minutes, Julie Leary answers McChrystal's questions. Leary was prepared. "You always have to be ready," she says later. "If not, it's embarrassing."



9:15 a.m. The day's slate of classes is in full swing. Criminal Process, taught by **Professor Patricia Bradford**, is underway, as are the American Legal History class of **Professor David Papke**, the Intellectual Property class led by **Professor Bruce Boyden**, a Contracts class taught by **Professor Ralph Anzivino**, and Immigration Law with **Adjunct Professor Joseph Rivas**.



Professor David Papke

10:20 a.m. **Nick Verhaalen** is reviewing possible jobs after graduation. He's a third-year student from nearby Sussex, Wis., and an editor of the *Marquette Law Review*. In a suite of offices on the second floor, he's going over his options with **Erin M. Binns**, director for career planning, whose nameplate reads "Wicked Awesome."



Professor Bruce Boyden

They're hunting through law firms in Eau Claire and Milwaukee, two places where Verhaalen would like to work. Binns knows the terrain well; she is a lawyer who used to practice at Quarles & Brady in Milwaukee. She pulls up law firm websites on her computer, homing in on Marquette lawyers. Binns suggests individuals whom Verhaalen should contact and prepares him for a series of informational meetings over the winter break.

Verhaalen's dad is a tool-and-die maker, and his mom is a dental hygienist. "As a first-generation lawyer, I don't know how I'd do it without the career planning center," he says. Binns assures him that with hard work and a strategy, things will fall into place.



Nick Verhaalen and Erin M. Binns

10:30 a.m. The next round of classes starts, including Contracts with **Professor Carolyn Edwards**, Water Law with **Adjunct Professor Karen Schapiro**, Labor Law with **Professor Paul Secunda**, and Real Estate Finance and Development with **Adjunct Professor Jonathan Sopha**. Also underway are workshops in Appellate Writing and Advocacy with **Adjunct Professor Anne Berleman Kearney** and in Writing and Editing for Lawyers with **Professor Jake Carpenter**, seminars in Advanced Corporations with **Professor Nadelle Grossman** and in the Law of Visual and Dramatic Arts with **Professor Kali Murray**, and an Advanced Legal Research course with **Professor Leslie Behroozi**. On the west side of Eckstein Hall, where most classrooms are located, you might think that things are quiet if you looked only at the corridors. If you peeked into the classrooms through the glass panels next to the doors, you would see the place actually is hopping.



Kylie Owens (standing) and, seated from left to right, Natalie Hood, Taylor Hansen, and Emily Young work together in a conference room.



Associate Dean Vada Lindsey (at the head of table) and Professor Paul Anderson (top right in photo)



12 Noon. A dozen first-year students have gathered with **Professor Paul Anderson**, director of the **National Sports Law Institute**, and **Professor Vada Lindsey**, associate dean for enrollment, in the institute's offices in the **Howard B. Eisenberg Suite** on the first floor. They're discussing the students' experiences at Marquette so far and ways together they can enhance the sports law program to continue to attract the best students.

"With interested students, you're not just selling the sports law program," said **Bjorn Johnson**, who is from Door County, Wis. "You're selling the city of Milwaukee." The students at the table come from across the United States—Connecticut, New Jersey, Michigan, Wisconsin, Illinois, Mississippi, Louisiana, Texas, and Montana.

Meanwhile, a student studies in front of the fireplace in the **Zilber Forum**.



Taviss Smith and Renee Jones



12:10 p.m. **Taviss Smith** is talking finals, grades, and internships during a meeting of the Black Law Students Association in a second-floor classroom. “Grades do matter,” he says. “But if the sauce is not there right now, market yourself, put yourself in a position to succeed.” Smith and **Renee Jones**, a fellow second-year student, are talking with a group of first-year students, giving advice on getting into the State Bar of Wisconsin’s Diversity Clerkship Program, which places students in internships in the Milwaukee area.

Smith and Jones discuss the power of perseverance and preparation. Sometimes, Smith says, “you have to bounce back and take it a step at a time. Build on experiences. Don’t be afraid to fail!” And don’t be afraid to talk with professors, Jones says. “This is a very hands-on place. . . . They want to provide resources and networking opportunities to thrive, not just academically but outside the school.” She calls Marquette Law School “a real homey place.”

12:15 p.m. “In the name of the Father and the Son and the Holy Spirit. . . .” **Rev. Thomas S. Anderson, S.J.**, begins Mass in the small, elegant **Chapel of St. Edmund Campion** on the fourth floor. Nine people are attending. Anderson encourages them to “take a break to listen again . . . Let’s quiet our hearts.”

From the first reading: “The souls of the just are in the hand of God, and no torment shall touch them.” From Anderson’s homily: “We can have precious relationships with God.” The Law School’s chaplain knows the value of time: Mass ends at 12:37 p.m.



Rev. Thomas S. Anderson, S.J.





Hamid Khan



12:30 p.m. In a third-floor classroom, some 20 members of the faculty consider a different religious perspective at one of the frequent faculty workshops. **Hamid Khan**, deputy director of the Rule of Law Collaborative and an adjunct professor at the University of South Carolina, discusses the differences between a jurist-based conception of law, such as the American system, and a ruler-based system, such as Islam. The two can be practiced together, he suggests. Questions will come.

12:41 p.m. Before an audience of more than 200 in the **Lubar Center** on the first floor, **Craig Gilbert** (right side of large photo), the Washington bureau chief of the *Milwaukee Journal Sentinel*, describes the views of voters in southwestern Wisconsin a year after the election of Donald Trump as president. The Law School has named Gilbert as Lubar Visiting Fellow for Public Policy Research, which means that he has several months away from his regular duties in order to work on an in-depth look at Wisconsin in the age of Trump. His pieces as a Lubar Fellow at the Law School are appearing in the *Journal Sentinel*, the newspaper with the largest circulation in the state. Today, **Mike Gousha**, the Law School's distinguished fellow in law and public policy, interviews Gilbert about what he is finding. The program is part of the decade-old series, "On the Issues with Mike Gousha."

"The rural vote is a swing vote," Gilbert says. In the part of the state he is describing, Barack Obama was the winner in 2008 and 2012, but Trump the winner in 2016. If you ask people in the area how that happened, many are glad to share their changing and often-unhappy perceptions of what is and isn't getting done in Washington. Given the centrality of Wisconsin in the 2016 election, whether their views are changing again may have significant effect on the 2018 midterm elections and Trump's reelection fate in 2020.

The audience, whose questions make up the final quarter of the program, is a diverse group of individuals from not just the Law School and Marquette University more generally but, especially, the larger community.

THE UNIVERSITY LAW SCHOOL





UNIVERSITY LAW SCHOOL

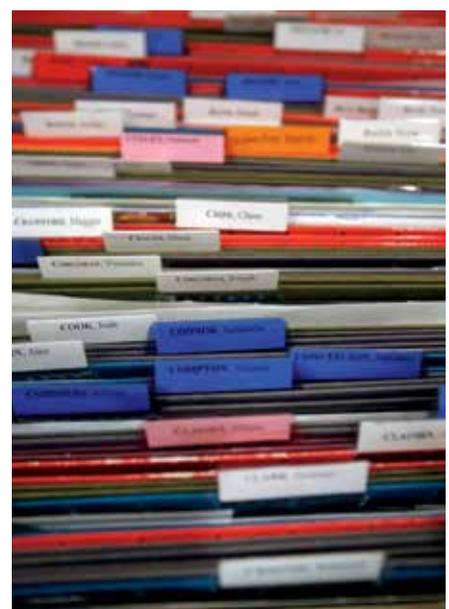




Bonnie Thomson

12:56 p.m. **Bonnie Thomson**, associate dean for administration and the Law School's registrar, sits at a table in the middle of the **Zilber Forum**, the large atrium on the first floor. A few feet away is a cluster of students waiting for turns to talk with her. On any given day, many will come to her office, but today she has come to the students, to encourage them to accomplish brief but important pieces of business. Each of the students is getting ready for the final semester of law school, and there is interest all around in making sure they reach May 2018 with all requirements met.

As each steps up to Thomson (we were there with the students' permission), she looks at the student's transcript and says how many credits and which required courses aren't yet completed. For most, it is a quick and cheerful visit—Thomson's records and their own match, and they are on track to graduate. Thomson tells one that he needs only 6 credits to graduate, but some of them are in a required area. Another needs 12; another 16. "That's exactly where I thought I was," one responds happily. Another says she has been feeling anxiety that she hasn't done something that's required. Thomson gives her the relief of knowing that she's in good shape.





2:05 p.m. If a contractor put the wrong pipe into a new house, how does it affect damages or other remedies if the error was not intentional? How does it affect the assessment of damages if the contractor said she would use one kind of pipe but purposely put in an inferior type? Fifty students listen intently in a second-floor classroom as **Professor Nadelle Grossman** leads the discussion of questions such as these in a first-year Contracts class. Most of the students have their laptop computers showing the material that Grossman provided them ahead of the class. And the conversation is animated when they break into small groups to discuss specific issues.

Class sessions have also begun in Internet Law with **Professor Bruce Boyden**, Contemporary Issues in Civil Rights Law with **Boden Visiting Professor Atiba Ellis**, and Contract Drafting with **Professor Jake Carpenter**, among several other courses.



Professor Nadelle Grossman

2:23 p.m. In the Trial Courtroom on the third floor, “Judge” **Rebecca Blemberg** is hearing oral arguments on whether surveillance by a drone that spotted evidence of illegal activity in a shed on private property was an illegal search. Should a search warrant have been required?

Blemberg is a professor, and students in her Appellate Writing and Advocacy class are presenting the arguments. “The Fourth Amendment gives people the right to be free of searches without a warrant,” says student Ian Hackett. If law enforcement officers did what the drone did, they would need a warrant, he argues. Sarita Olson, a student arguing the other side, says the evidence should be admitted. Drones are different from a physical search, she maintains.

2:43 p.m. In a third-floor classroom, **Professor Ralph Anzivino** asks the 23 students in his upper-level class on Creditor–Debtor Law about the key issues that determine why some bankruptcy plans are acceptable to a judge and some are not. A specific example involves student loan debt payments. “So what do you think?” he asks. A student suggests that the classification should be denied. As the exchange becomes more general, Anzivino says that bankruptcy trustees will often be clear about what is not going to work in a plan. And if they squawk, negotiate with them, he explains.

3:15 p.m. Outside the main door of Eckstein Hall, a van waits. Two students are on board, and when the third arrives, the van takes off for the House of Peace, a social service center about 10 blocks away. The students will be working in a pro bono clinic that is part of the Law School’s extensive public service program.





Associate Dean Christine Wilczynski-Vogel



Micaela Haggenjos (left) and Chelsea Payant

3:20 p.m. When plans were being made for Eckstein Hall, focus groups of students emphasized a high priority: **Good lockers**. They got them. In pods off the building’s main atrium (the Zilber Forum), lockers that are more like closets—two feet deep and wide and six feet tall—are available to every student. On the second floor, two students are dropping off and picking up things they use. **Micaela Haggenjos**, a first-year student from Port Washington, Wis., says, “My parents joke about me living in this building. ‘Why do you even pay for an apartment?’” **Chelsea Payant**, a first-year student from Antigo, Wis., says, “I keep everything in my locker.” Both say they often spend 12 hours a day in Eckstein Hall. The contents of the lockers include everything from snacks to workout clothes to shoes to more-professional attire for when that is needed—oh, and class materials.



4:15 p.m. **Bridget Murphy**, a Milwaukee native, and **Nicole Beitzinger**, from Sarasota, Florida, are first-year students who have every class together this semester. And they like to study together, usually at a table in a quiet area on the fourth floor. With the end of the semester approaching, each is working on a “final memo” for the legal writing course of **Professor Susan Bay**. How much time do they spend in the building? “From seven to seven,” says Murphy, and sometimes more this late in the semester. The first semester of law school has been demanding, they say. “You’re never finished with anything,” says Murphy. “On-call is really stressful.” But they’re making it.



Bridget Murphy (left) and Nicole Beitzinger

4:45 p.m. Marnae Mawdsley, from Connecticut, played volleyball while she was in college in Massachusetts and had a big interest in both sports and law school. Her college professors suggested that she consider Marquette, with its sports law specialty. Mawdsley visited in June 2017 and liked what she saw. Now she's sitting in a chair with a writing arm, tucked into a nook on the second floor. She's working on a legal writing assignment for a hypothetical case involving a break-in on a boat. But she says that before she turns it in, she's going to get advice from professors in the school's Academic Success Program, who are available for just this kind of counseling.



Marnae Mawdsley



5:18 p.m. Zumba time!

Yamilett Lopez (below), a second-year student from Greenfield, Wis., leads several students in a fast-paced workout to thumping music in the **fitness center** on the fourth floor. **Anne O'Meara**, a second-year student from West Bend, Wis., arrives at Eckstein Hall by 8 a.m. most days. By the end of the day, she's glad to take an exercise break. "It's a great way to counteract stress," she says.







5:27 p.m. The day is not over, but the pace has slowed. In the all-quiet **Aitken Reading Room**, a dozen students have their noses to their computers or books. The room has a grandeur that would lead many to drop their voices to a whisper whenever they walked in, but it doesn't take any external stimulus to prompt the silence of those studying now.



6:50 p.m. In the **Trial Courtroom** on the third floor, students in the Criminal Practice Workshop, taught by **Professor Daniel Blinka** and **Adjunct Professor Craig Mastantuono**, listen to a panel discussion on achieving just outcomes. The panelists include **Milwaukee County District Attorney John Chisholm** (right).

5:31 p.m. “Consider the case of *RBC Capital Markets v. Jervis* on page 653 of your textbooks,” **John Emanuel**, an adjunct professor, says to two dozen students taking his course on Mergers and Acquisitions. In what circumstances does a corporate board fail in its duty of good faith? And in this case, can the board’s financial advisors be culpable if the board process was flawed?

5:44 p.m. Street Law, coordinated by **Adjunct Professors Katie Brizzo** and **Sheila Shadman**, is a program that brings Marquette law students to classrooms around Milwaukee to provide middle and high school students with an understanding of how the legal system works. In a small conference room on the second floor, **Evan Goyke**, who is a member of the Wisconsin Legislature, a former Street Law advisor, and a Marquette lawyer, gives a lively orientation talk to students who are considering taking part in the second semester. Mixing in some social ice-breaking silliness, he gives advice on how to attract interest from the teenagers whom the law students will teach.

7:03 p.m. Wendy and Hank were married for 30 years, and there are some thorny issues in their divorce proceedings. It may be a hypothetical case, but **Professor Judith McMullen** talks her Family Law class of about 35 students through the issues. How do you factor in expenses for two children who are out of the house and in college? Who gets the more expensive car? Wendy supported Hank for years when she worked and he was in school. Now he has a good income, and she doesn’t. In the eyes of the law, how should that shape a hoped-for settlement? Students present the positions they have developed while working in pairs assigned to the parties.



Professor Judith McMullen



7:38 p.m. Anjali Sharma has taken a short break and is heading back to the table where she is studying in the Aitken Reading Room. She's been in Eckstein Hall since 7:15 a.m., but she has the dean's Federal Courts class at 9 a.m. the next morning—and long days are normal in any event as it gets late in a semester. Sharma is a third-year student who came to Marquette from North Dakota. She is a leader in student activities—she's on a law journal, involved in the moot court program, and president of the Intellectual Property Law Society. She works in a supervised field placement (outside the building) as a law clerk.

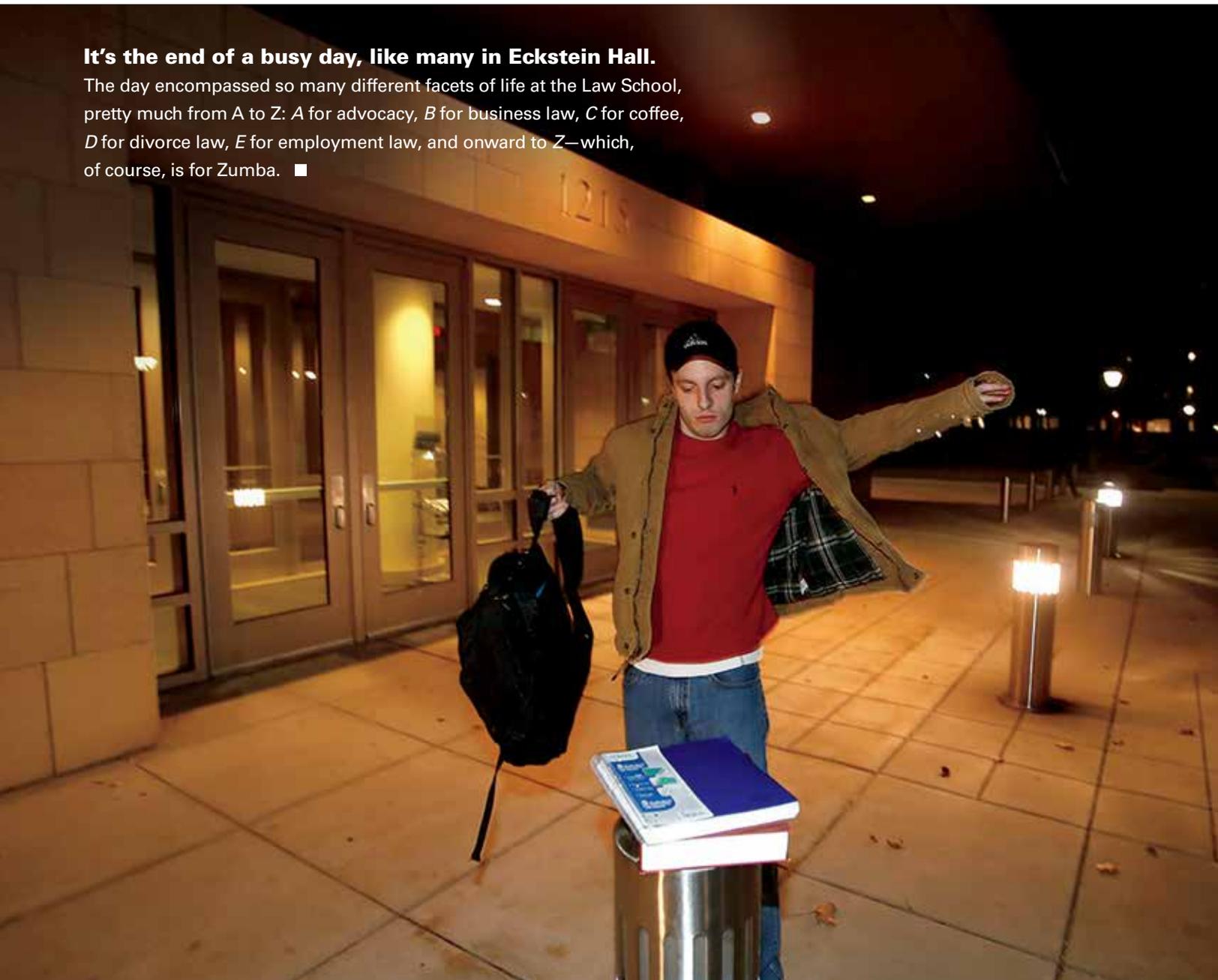
Sharma looks back on choosing Marquette Law School as a decision that worked out well for her. There were times when she felt particularly pushed by the challenges, but even that has worked out for the best, she says. There is a lot of access to professors, she says. "I think the professors make the school here."

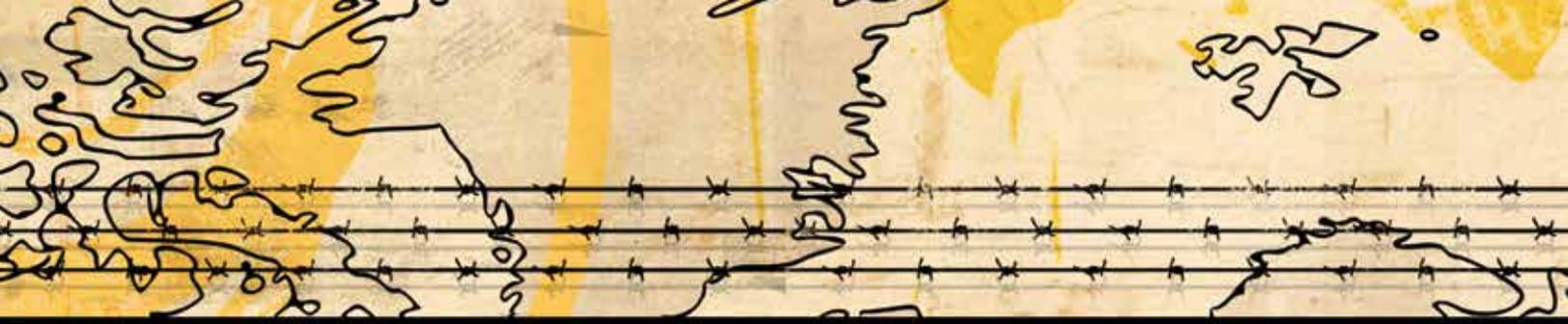
9:30 p.m. By this late in the evening, Eckstein Hall is almost still. But handfuls of students are studying quietly, including some undergrads.



It's the end of a busy day, like many in Eckstein Hall.

The day encompassed so many different facets of life at the Law School, pretty much from *A* to *Z*: *A* for advocacy, *B* for business law, *C* for coffee, *D* for divorce law, *E* for employment law, and onward to *Z*—which, of course, is for Zumba. ■





BODEN LECTURE

INTERNATIONAL HUMAN RIGHTS LAW: An Unexpected Threat to Peace

By Ingrid Wuerth

It is a great honor to deliver this lecture in honor of the late Dean Robert F. Boden. I am grateful to all of you for attending. My topic tonight is international law and peace among nations. It may seem a poor fit for a lecture honoring Dean Boden. I did not know him, but I have read that Dean Boden was passionately dedicated to teaching law students about the actual day-to-day practice of law. He believed that law schools should be focused on that sort of professional training—not on policy questions or preparing students to be “architects of society,” as one of his successors characterized his views.

International law involves lots of policy. And some international law involves structuring or building a global society of sorts. Yet it also demands outstanding technical lawyers—the very ones that we train, you at Marquette and I at Vanderbilt. Beyond that, international law addresses many topics about which lawyers and other leaders in Milwaukee and Nashville should be educated, even passionate. Those include my topic tonight. So I think that Dean Boden would approve.

In all events, the importance of peace among nations is clear as we look back in history to the devastating losses of World Wars I and II and as we

look forward and contemplate the possibility of nuclear conflict with Iran or North Korea, or the possibility of a maritime war with China, or war with Russia in Ukraine and Eastern Europe. Many foreign policy experts size up the world today and conclude that the risk of a major interstate war is significant and growing.

One threat comes from what has been termed “Thucydides’s Trap,” named after the ancient Greek historian of the Peloponnesian War. Thucydides argued that the rise of Athens and the fear this instilled in Sparta, the dominant power of the time, made war inevitable. And it has not been just Sparta and Athens. Looking over the past 500 years, scholar Graham Allison has argued that when a power rises quickly and threatens to displace a ruling power, the most likely outcome historically is war. The key variable is a rapid shift in the balance of power, generally



Ingrid Wuerth, who holds the Helen Strong Curry Chair in International Law at Vanderbilt University, delivered Marquette Law School’s annual Robert F. Boden Lecture this past fall. This is an edited version of Professor Wuerth’s lecture, which also appears (with notes) in the spring issue of the *Marquette Law Review*.

measured by relative gross domestic product and military strength. Twelve of the 16 cases in which this occurred in the past 500 years ended violently.

Today, this threat is posed by China, whose dramatic economic growth threatens to displace the dominant power: the United States. Indeed, on some economic measures, it has already done so. China is also making tremendous investments in its military, narrowing the gap between itself and the United States. History suggests that this pattern is a dangerous one.

Beyond the specifics of Thucydides's Trap, both China and Russia are revisionist powers—meaning that they are unhappy with the global distribution of power and would like to restore regional dominance. Robert Kagan, of the Brookings Institution and formerly of the State Department, warns that we might be “[b]lack[ing] into World War III.” Some of the Chinese and Russian ambition is territorial—as in the East and South China Seas for the former and in Ukraine and Eastern Europe for the latter. China and Russia both view themselves as victims of hegemonic power wielded by the West, in particular by legal power exercised through international law, sometimes in the form of unfair treaties—or, to use the term made popular in the Ottoman Empire, “capitulations.”

Both China and Russia perceive the liberal post-war order in general, and the United States in particular, as thwarting their objectives. At the same time, Kagan argues, the United States and the West have a declining will and ability to maintain the dominant place that they have held in the international system since 1945.

Other foreign policy experts argue that, despite their differences, American liberals and conservatives shared three basic foreign policy principles in the post-World War II era: faith in democracy; belief that America's security is enhanced by its broad and deep alliances around the world; and confidence that open trade brings global prosperity. A retreat from these post-World War II values means that the risk of war grows, some have warned.

But there is some good news: Despite these threats and even gathering storm clouds, today we continue to live in a period dubbed “The Long Peace”—meaning the post-World War II period in which there has been a dramatic reduction in armed conflict between nation-states, especially among great powers.

During that same period—indeed, extending further back to the end of World War I—a central, overarching goal of international law has been the eradication of interstate war. The place or the role of international law in creating and sustaining the Long Peace is neither straightforward nor uncontested, but there are strong reasons to think that international law has helped generate that peace. Unfortunately, the features of international law most likely to have contributed to peace are today under threat, in part from unexpected quarters.

Here I wish briefly to describe the international law designed to limit interstate armed conflict. Then I will offer an evaluation of whether and how international law has been successful at preventing interstate armed conflict. My last (and longest) topic addresses current threats to peace that come from changes in international law.

Prohibition on the Use of Force and the United Nations Charter

Following the devastation of World War I, the Covenant of the League of Nations sought to prevent war by requiring member states to use a compulsory system of dispute resolution. But the covenant did not prohibit war outright. In fact, war was still permitted as a method of interstate dispute resolution, just as it had been for centuries.

The Kellogg–Briand Pact of 1928 changed this. With this pact, or treaty, countries pledged that the “solution of all disputes” which might arise between them “shall never be sought except by pacific means.” That pact, which came about in large part because of the efforts of a visionary corporate lawyer from

Both China and Russia perceive the liberal post-war order in general, and the United States in particular, as thwarting their objectives.



the Midwest named Salmon Levinson, was not an immediate success. Indeed, just a decade later, World War II began. And it was started by the very countries that had signed the Kellogg–Briand Pact.

So much for international law—for a while. As World War II raged, U.S. lawyers and diplomats worked again to end war for all time, now by drafting what would become the Charter of the United Nations.

The United Nations Charter has as its centerpiece a prohibition on the use of force: Article 2(4), which forbids the “threat or use of force against the territorial integrity or political independence of any state.” The charter makes exceptions for self-defense and for uses of force authorized by the United Nations Security Council. The Security Council has the power to enforce the prohibition on the use of force through coercive measures, but the victors of World War II have the power to veto any such measures. Those countries are China, France, Russia, the United Kingdom, and the United States. Unlike the failed League of Nations, the United Nations has near-universal membership.

Today the United Nations has an enormous agenda of worthy causes, from protecting human rights to combating diseases such as AIDS. It is easy to forget that at its inception, its core purpose was to prevent war. Those drafting the charter rejected, for example, language that would have made human rights obligations legally binding.

Has It Worked?

So now for the second matter: Has it worked? As I have already said, we are today in a period that has been dubbed the Long Peace, meaning the post-World War II period in which there has been a dramatic reduction in armed conflict between nation-states, particularly in conflicts involving the world’s great powers. But the precise role of *international law* in reducing interstate armed conflict is not clear. To begin with, there are questions about how international law is enforced—why, in other words, would it be effective? We will return to that point. Also, factors other than international law have unquestionably contributed to peace among nations; these likely include economic integration and development, the advent of nuclear weapons, and changing norms of human behavior.

We do know that during this long peaceful period, territorial *conquests*, now outlawed by international law, have been curtailed. One recent study, a book by Oona Hathaway and Scott Shapiro, argues that in the years before World War II, an average state could expect one conquest in a human life span. Since World War II, an average state can expect some kind of territorial conquest once or twice a millennium. The period between 1928, when the Kellogg–Briand Pact took effect, and the end of World War II obviously involved lots of territorial conquests, suggesting that international law did not work.

The empirical data make two things clear: (1) War is most likely to occur when countries have disagreements about territory, and (2) war is least likely to occur between democracies.

In the end, however, most of those conquests were reversed. Why? The same study argues that the acquisition of territory by force violated international law after 1928, so that those conquests were not recognized by other nations and were eventually reversed, a pattern we do not see before 1928. Note that if Hathaway and Shapiro are correct, a Midwestern corporate lawyer trained in law at Lake Forest College had the vision and determination to push through a treaty that had a transformative effect on world affairs.

Some are skeptical about the importance of 1928 and the Kellogg–Briand Pact, however, especially in light of the devastation of World War II that followed. It is clear that some forms of territorial conquests have declined since the late 1940s when the U.N. Charter came into effect, with its prohibition on the use of force. But, as I have said, factors other than international law may have worked to generate peace among nations. Various empirical studies do show a relationship between international law and some aspects of territorial disputes, although proving causation is, again, difficult.

Let us approach the question from a different angle. Putting aside international law for a moment, what do we know about the causes of war? The empirical data make two things clear: (1) War is most likely to occur when countries have disagreements about territory, and (2) war is least likely to occur between democracies. These two findings are called the “territorial peace” and the “democratic peace,” respectively. I will focus on the former.

The territorial-peace literature tells us that if international law reduces conflict over territory, it should improve the likelihood of peace among nations. Indeed, reducing conflict over territory appears more likely to prevent armed conflict than does reducing economic or political conflict. This is an important finding: It means that to the extent international law is designed to limit territorial conflict, it is aiming at the correct target in terms of securing peace. And, as we have partly seen, international law

has put in place a variety of mechanisms to reduce conflict over territory, including not just Article 2(4) of the U.N. Charter and the ban on conquests but also a host of treaties and doctrinal rules designed to preserve the sanctity of borders and institutions tasked with reducing conflict over them.

If these legal rules and institutions make territorial conflict more costly to states—which they unquestionably do, even if we do not know *how* costly—then at a minimum they reduce the incentives to engage in conflict over territory. This, in turn, is strongly correlated with peace. To be clear, this reasoning does not prove that international law has generated the Long Peace. Rather, it says that territorial conflict is strongly associated with military disputes; that international law is designed to reduce conflict over territory; and that, as those international norms generally solidified, some forms of territorial conflicts have in fact declined.

Against that backdrop, let’s turn now to our central topic: contemporary threats.

Contemporary Threats

Although the data we have strongly suggest that the international legal system has contributed to the prevention of some kinds of armed conflict, today peace among nations is under threat from both geopolitical and legal forces. We have already discussed the geopolitical threats.

What of the threats that come from changes in the international legal system? Here you may expect me to explain how President Donald J. Trump has undermined international law. In fact, I don’t think he has (yet at least), with one exception. My target is elsewhere, somewhere you are probably not expecting: human rights.

The post-World War II international legal order has been characterized by the Long Peace, but also by the rise of international human rights law, especially since the 1970s. Human rights have purported to transform international law, in part by changing the definition of “state sovereignty” to mean not merely effective

control over territory but also the use of state power to protect and promote individual human rights.

The idea is powerful: States are not fully sovereign when they are violating human rights. Powerful, but with potentially deleterious effects for other international legal norms.

Relaxing International Law's Prohibition on the Use of Force

The transformation of state sovereignty to include respect for human rights led to an explicit call for the use of external force to prevent widespread human rights violations, sometimes called “humanitarian intervention” or (with slightly different content) the “responsibility to protect” (R2P).

The doctrine rose to prominence during and after the 1999 NATO bombing of Kosovo ordered by President Bill Clinton. The bombing was for humanitarian purposes—not, the United States said, for territorial conquest. The action violated Article 2(4) of the U.N. Charter but was defended by a few countries and by many individuals as legal on the ground that it served to protect and promote the human rights of Kosovar Albanians.

The U.N. Security Council was unable to act because Russia, with its permanent member's veto, was a longtime ally of Serbia, in which Kosovo was located. China and Russia argued that the unrest in Kosovo was a domestic issue, not one justifying international intervention. These events led to an extensive debate about the wisdom and the legality of humanitarian intervention lacking either U.N. Security Council approval or the consent of the territorial state. Russia vehemently protested the NATO action, characterizing it as “a gross violation of the United Nations Charter and other basic norms of international law”—one illustrating that “[t]he virus of lawlessness is spreading to ever more spheres of international relations” and undermining the “capacity of the Security Council to defend the United Nations Charter.” China condemned NATO's intervention for exactly the same reasons.

The Kosovo intervention, however well-intentioned (and remember, from Russia's perspective, it was not well-intentioned), has had destabilizing ramifications. The bombing campaign led eventually to Kosovo's declaration of independence from Serbia in 2008. Not surprisingly, Serbia and its allies, especially Russia, condemned the declaration of independence and do not recognize Kosovo as a nation-state, even today, meaning that Kosovo will not become a member of the United Nations any time soon.

Georgia and Crimea

Kosovo set a precedent for bypassing the U.N. Security Council and Article 2(4) of the U.N. Charter by one purportedly acting for humanitarian purposes. Despite its vehement disagreement with the Kosovo action, Russia eventually welcomed that precedent—citing it to justify Russia's use of force in both Georgia and Ukraine. Crimea, which was once part of Ukraine, is today Russian.

Official Russian explanations for the actions against Georgia and Ukraine made clear references to precedent set by NATO in Kosovo. Russia said, in each case, that it was acting to protect a Russian minority from human rights violations at the hands of the Georgian or Ukrainian government. Note that many people in Russia and even in the West did not condemn this analogy. Although sanctions have been imposed on Russia in response to the annexation of Crimea, popular support for Putin's handling of the situation in Ukraine remains very high among Russians. To domestic audiences, Putin emphasized that Western countries' interventions in Kosovo and in Libya in 2011 were conducted under “the false pretense of a humanitarian intervention.” His emphasis on the international legal basis for Russian actions in Ukraine shows his belief that the action would be more popular at home, and therefore less costly to his government and to Russia's interests, if it were viewed as consistent with international legal norms.

Today, the primary threat to peace with Russia is the increasingly militarized borders between NATO (or NATO-allied) countries and Russia—the area where thousands of NATO troops, the most since the end of the Cold War, are stationed.

In the context of Georgia and Ukraine, humanitarian intervention has thus helped generate conflict over territory by reducing the costs of intervention that can be termed “humanitarian.” And the literature about the territorial peace tells us that territorial disputes have historically been most likely to lead to militarized conflict.

Syria

President Trump's airstrikes in Syria have further contributed to the erosion of Article 2(4) of the U.N. Charter. You will recall that in April 2017, acting without U.N. Security Council authorization, President Trump ordered airstrikes in response to Syria's use of chemical weapons—a deplorable and horrific act by Syria, to be sure. Unlike the bombing of Kosovo, the Syrian airstrikes were not the effort of a regional

Many in the West assume that we—meaning the West—can set the rules for the appropriate departures from Article 2(4). Russia has made clear in Eastern Europe that it will use those departures to its own ends.

security organization such as NATO. They were not multilateral but unilateral.

Supporters of President Trump's actions from across the political spectrum—and there were many—defended the strikes as consistent with international law, arguing that Article 2(4) of the charter needs to be updated. We need, according to this view, a more nuanced approach to the use of force under international law, one that is carefully calibrated to permit the use of force in response to humanitarian atrocities.

But we must be clear about the risks. Perhaps the degradation of the U.N. Charter-based limitations will weaken the international law prohibitions on the use of force, making regional or global conflict with China, North Korea, and Russia more likely. Today, the South China Sea is often cited as the world's leading conflict-prone area. And a border dispute between China and India continues to simmer.

China, in turn, was unusually and in fact alarmingly restrained in its comments about the Syrian airstrikes. Breaking from past practice, China did not directly criticize U.S. airstrikes in Syria as violating international law. Why not? Perhaps China's territorial ambitions in the South China Sea mean that it has begun to see Article 2(4) as hindering its foreign-policy objectives.

Many in the West assume that we—meaning the West—can set the rules for the appropriate departures from Article 2(4). Russia has made clear in Eastern Europe that it will use those departures to its own ends. China may be next.

Recall that the theoretical basis for these actions is the transformation of sovereignty to include protection for human rights. China and Russia view that purported transformation as an illegitimate effort to deny them the full benefits of sovereignty—to change the rules of the game, if you will, to remake sovereignty in a way that favors Western political order.

Now for the second threat.

Sidelining and Weakening the U.N. Security Council

The use of force in Syria, Ukraine, and Kosovo, all in the name of human rights and humanitarian ambitions, also served to undermine the authority of the United Nations Security Council, as I have already mentioned, and as China and Russia have lamented.

Note, however, that the Security Council is a key forum for resolving other threats to interstate peace, such as Iran and North Korea. China, which is key to containing North Korea, highlights its constructive role in developing the U.N. Security Council resolutions designed to deter North Korean nuclear and missile programs. After all, it is international law that provides the basis for imposing sanctions on North Korea to limit its nuclear ambitions in the first place. The United States returns to the Security Council when it wants to impose sanctions against North Korea. Undermining the U.N. Charter and weakening the U.N. Security Council in the context of human rights make it more difficult to achieve these other objectives.

In the case of Iran, too, the U.N. Security Council is important to realizing U.S. goals, and international law as a whole supports the U.S. policy objectives of preventing the acquisition of nuclear weapons by Iran. Sanctions imposed by the U.N. Security Council led to the 2015 Joint Comprehensive Plan of Action, which relaxed sanctions in return for Iranian concessions on its nuclear program. Undermining the U.N. Security Council makes peace more difficult to achieve in this context as well.

The human-rights-based doctrine of humanitarian intervention allows states to sideline the U.N. Security Council, as we have seen. But there are other ways that human rights may have had deleterious effects on the U.N. Security Council. The Security Council's mandate has grown over the years to include more and more matters related to human rights. With that growth come two problems: heightened expectations that go unfulfilled ("credibility costs") and greater perceptions of selectivity and bias ("polarization costs").

Let me focus on one example: Libya.

In the case of the 2011 airstrikes in Libya, the U.N. Security Council authorized the use of force to protect civilians from the threat of massive human rights violations. Russia and China abstained from (but did not veto) the relevant Security Council resolution.

Air strikes in Libya were ultimately used by NATO to help the Libyan rebels oust Qaddafi—again, in the name of human rights. The regime-change aspect of the intervention appeared to many countries to be the use of human rights and humanitarian issues as a smokescreen for the removal of Qaddafi, a result explicitly desired by the West. As one writer put it, the use of force in Libya “fueled speculations as to which other countries are also likely candidates for intervention” by Western countries.

Cooperation between Russia and Western countries on other issues became more difficult. Consider this alarming example: When Russia effectively annexed Crimea, many nations in the United Nations General Assembly refused to condemn this obvious violation of international law. Why? They saw it as justified payback for the West’s selective enforcement of human rights law in Kosovo and even in Iraq—a war also justified in part based on human rights. This kind of response is consistent with the work of behavioral law and economics scholars who argue that states will be less willing to enforce international law if they perceive it as biased and unfair. Beyond just Libya, human rights norms cover so many topics and are so

widely unenforced that perceptions of bias abound.

The U.N.’s actions with respect to Libya also led to credibility costs. Note that at the same time as the intervention in Libya moved forward, the Syrian government was using increasingly violent measures to quell domestic unrest. The Syrian conflict escalated into a civil war, killing hundreds of thousands of people. But the Security Council was unable to take meaningful action. The expanded mandate of the Security Council over mass atrocities and other human rights violations creates a credibility problem when the council is hamstrung by political differences and, accordingly, cannot act in response to massive atrocities in violation of human rights law.

Let’s turn to the third threat.

Human Rights: Making International Law Weaker?

The problems that human rights have created for the U.N. Security Council are mirrored by problems that human rights have created for international law as a whole. First, international human rights law has expanded the core of international law itself, just as it has expanded the mandate of the U.N. Security Council.

The two primary sources of international legal obligations—treaties and custom—have become broader over the past several decades, so that more and more human rights are protected by binding international law. The success of the effort is clear in one way: International law now regulates a vast array of human-rights-related conduct. Today there



are 64 human-rights-related treaties, just counting those under the auspices of the United Nations and the Council of Europe; those agreements have 1,377 human rights provisions.

Not only are there lots of obligations, but they are often violated. One set of commentators sympathetic to international human rights law has quipped: “If human rights were a currency, its value would be in free fall.” This may or may not be good for human rights, but the point I would like to make is a different one: It involves this expansion’s potential effect on international law *as a whole*.

Widespread violations of some legal norms may make it harder to enforce others. As an analogy, consider the “broken windows” theory of crime prevention, which posits that widespread violations of law, even mundane and apparently trivial legal rules, lead to other, potentially more-serious violations of law. Similarly, widespread violations of human rights law may signal that no one cares about violations of international law as a whole. Accountability is a fundamental concern of public international law because the system lacks a centralized enforcement mechanism.

Whatever the “broken windows” argument suggests about policing, behavior that signals a lack of accountability may be especially damaging to international law writ large. As Michael Glennon writes, “The effect of inefficacy is contagion: The entire legal system is discredited when prominent rules are flagrantly violated.” It is not just that human rights law goes unenforced; enforcement is also inconsistent, leading to perceptions of bias and unfairness, which may, as I mentioned before, make countries less inclined to enforce or follow international law as a whole.

That points us back to one of the topics I raised at the beginning of the lecture: How can international law quell territorial conflict when international law lacks a centralized enforcement mechanism?

International law works by making violations costly in some way for the violator. Those costs can be in the form of sanctions imposed by other countries; internalizations of the norm, which make the potential violator unwilling to act counter to it; disapproval from the domestic constituencies within the violating country; the withholding of benefits by other countries; or even actions by the United Nations Security Council, as when Iraq invaded Kuwait. But Security Council enforcement measures can be vetoed by any one of the five permanent members, making these measures of limited effectiveness. More important, generally, are the enforcement measures taken by individual states and the concern by *potential* lawbreakers that violating international law will lead to some kinds of costs. Two things are key to this system of compliance: reputations of states for compliance and reputations of states for punishing violators.

The point about human rights is this: States’ *reputations* for compliance and for enforcing international law decrease as a whole when there are a large number of unenforced international legal obligations.

Finally, let us return to the other topic I raised at the beginning of the lecture. Recall my saying that democracies rarely go to war with each other. If international law tends to make states more democratic, then it would appear to contribute to peace among nations, at least based on what we know about the conditions under which war was likely in the past. This observation suggests that in order to secure peace among nations, international law should pursue human rights, because human rights protections are associated with democracies.

But “human rights” have only a weak relationship to “democracy” as defined in the political science literature. It turns out that “democracy” as measured by the democratic-peace literature is not the same as a human-rights-respecting regime. The term *democracy*

Human rights tear at the fabric of international law by designating as “law” many, many obligations that are not enforced and that states are not serious about enforcing—cheapening the currency of international law itself.

has three components: the ability of citizens to express effective policy preferences, institutional constraints on executive power, and civil liberties. But the empirical studies showing the “democratic peace” do not measure civil liberties at all—so the vast majority of these 1,377 international legal protections for human rights are not necessarily associated with the democratic peace.

There is, however, an additional problem with the claim that international human rights law has helped create the democratic peace. Even if *human rights* are correlated with peace between some pairs of states, the extent to which *international human rights law* generated or sustained those human rights is especially difficult to assess.

The protection of human rights is provided for in an overlapping set of domestic statutory and constitutional law around the world, as well as through binding and nonbinding international legal instruments and regional human rights instruments. The same is not true of international law that limits conflicts over territory. The cornerstone of that system—indeed, the cornerstone of post-World War II international law—is the prohibition on the use of force against the territorial integrity of another state. This is not an issue meaningfully regulated by domestic or soft international law.

That human rights are protected by many domestic and regional legal instruments means that it may be possible to safeguard human rights without using binding international law to do so. In other words, we can view the human rights movement as tremendously successful at embedding human rights into so many legal frameworks, even if we conclude that binding international law should today be used largely to serve other purposes. Some recent work on human-rights outcomes emphasizes the importance of iterative engagement with international bodies as well as the importance of domestic political conditions to securing human rights. Note that neither of these conditions necessarily requires binding international legal norms to be successful.

Conclusion

Even as the world faces global financial uncertainty, cyber-insecurity, terrorism, climate change, growing authoritarianism, and other risks, peace among nations remains of fundamental importance. Indeed, threats to peace—to say nothing of war itself—hinder our capacity to cooperate and make progress on all these other global issues.

How to ensure peace among nations? Based on what we know about the causes of war, it is likely that international law has contributed to what we call the Long Peace by outlawing territorial conquests and putting in place other rules that preserve territorial integrity and reduce conflict over borders. Today, peace among nations is under threat from the rise of China, an emboldened Russia, and the weakening of Western institutions and alliances.

But it is also under threat from an unexpected source: the rise of international human rights law. Human rights law has sought to transform sovereignty, to make state sovereignty conditional upon fulfilling states’ obligations to their own people. That objective is laudable, of course, but it comes at a price. Weakening the territorial-based system of state sovereignty unsurprisingly generates territorial uncertainty. States are less secure in their borders if human rights can serve as the legal basis for armed attacks, regime change, or providing support to separatist movements within another country’s territory.

Human rights also tear at the system of international law as a whole. By declaring a vast array of human rights to be protected through international law, the hope over the past several decades was to harness the power of law, the power of legal obligation to ensure that individual human rights are protected. Again, a laudable goal.

But international law is not a strong system of law; it depends upon decentralized enforcement, it depends upon reputations for compliance, and it depends upon the United Nations and the Security Council. These are not unlimited resources.

Human rights tear at the fabric of international law by designating as “law” many, many obligations that are not enforced and that states are not serious about enforcing—cheapening the currency of international law itself. They tear at the fabric because the enforcement of international human rights law is selective and political, leading to polarization and credibility costs. What is the overall impact on peace among nations? That’s hard to measure.

But if international law is part of what has generated the Long Peace, making international law weaker and less effective is a step away from peace, not toward peace.

To create the conditions for peace among nations, international law should refocus on a core set of legal obligations designed to facilitate international cooperation and promote international peace and security. ■

MIGRATION CHALLENGES

Trends in People's Movement to and from the Milwaukee Area and Wisconsin Illuminate Important Issues

By John D. Johnson and Charles Franklin

Marquette Law School launched the **Lubar Center for Public Policy Research and Civic Education** in 2017. Part of the Lubar Center's work is the **Milwaukee Area Project**, which aims to increase understanding of trends and forces shaping the Milwaukee region (in particular, the five-county area of Racine, Milwaukee, Waukesha, Ozaukee, and Washington). In this piece, John D. Johnson, the Lubar Center's research fellow, and Charles Franklin, the Law School's professor of law and public policy, use census data to examine population growth in the Milwaukee area and across Wisconsin.

While debates about immigration nationwide focus on the in-flow of people from other nations, immigration and emigration of a different kind also continue to have important effects on the United States. People relocating from one place to another within the country shape the social and economic life of the places they leave and the places to which they move.

Wisconsin as a whole has been a slow-growth state in terms of population. But some areas are doing better than others when it comes to attracting people. The five-county Milwaukee area (made up of Racine, Milwaukee, Waukesha, Ozaukee, and Washington counties) may provide a good window: The area's growth has been slow in recent times, which has implications for the future of jobs and businesses in the region.

Consider that as the state develops new economic centers—such as the anticipated Foxconn complex for making liquid crystal display equipment in Racine County, the distribution center for Amazon in Kenosha County, and the fast-growing Epic electronic medical records technology business in suburban Madison—the hope for economic growth rests in part on the availability of a labor force sufficient to meet the needs of employers. With a state unemployment rate of about 3 percent, and a relatively high workforce-participation rate, it is a challenge to expand the labor force.

Thus, if natural population growth is likely to remain at low levels, given long-term declines in the birth rate, the state must rely on attracting new residents to expand its workforce and economy or face a shrinking human-resource pool.

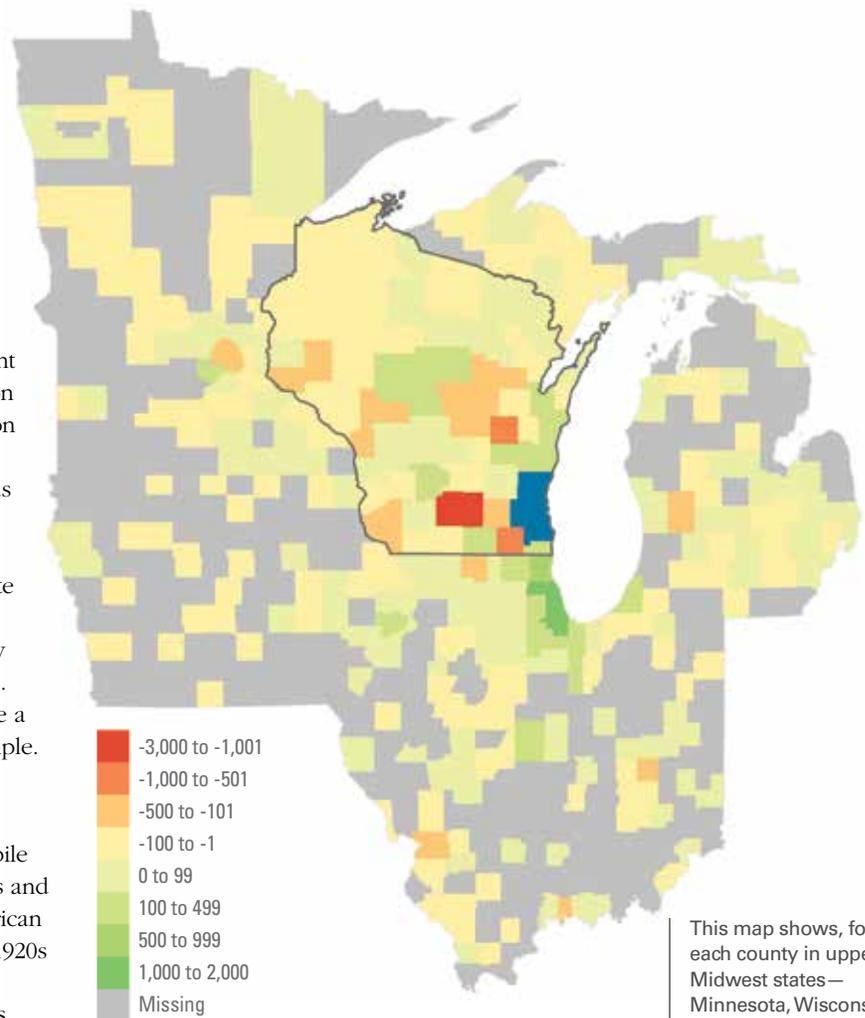
Detailed analysis of U.S. Census data sheds useful light on trends in the population flow. This analysis offers some highlights of what can be seen in those data. The focus here is on the overall numbers associated with the movement of people and not on racial, ethnic, or socioeconomic aspects of movement trends. Likewise, international immigration is an important (though much smaller) piece of the total migration puzzle. These other important aspects of migration will receive attention from the Milwaukee Area Project in subsequent analyses. Most of the census data used here are adapted from the 2011–2015 American Community Survey (ACS), a project of the U.S. Census Bureau. This provides an estimate of population flows and characteristics at small geographic levels based on a large pool of survey responses conducted over the previous five years. As with all surveys, statistics from the ACS include a margin of error dependent on the size of the sample.

Some Historical Context

The United States was once an extremely mobile population, with westward migration in the 1800s and during the Depression, the Great Migration of African Americans from the south to the north from the 1920s through the 1960s, and the explosion of suburbs in the 1950s and 1960s. That idea of Americans as extraordinarily mobile has largely become a modern myth as geographic mobility has declined in each decade since the 1980s.

To give a sense of it: In the post-war period from 1948 through 1970, an average of 19.9 percent of residents in the United States annually changed their home address. To be more specific, 3.2 percent moved to a different county in the same state; slightly more, 3.3 percent, moved to a new state; and the other 13.4 percent moved but stayed in the same county. During the 1970s and 1980s, geographic mobility began a steady decline nationally, so that from 1990 through 2017, in an average year, only 12.8 percent of the population changed residence, with 4.4 percent changing counties within the same state and only 2.0 percent changing states. Looked at in a different way: In 1970, 13,316,000 people moved to a new county. In 2017, a smaller number, 12,033,000, changed counties, even though the population of the country had increased by 60 percent in the almost half-century in between.

Wisconsin and Milwaukee have their own specific stories. For many decades, Wisconsin was a place with rapidly growing population. In the 1830s and

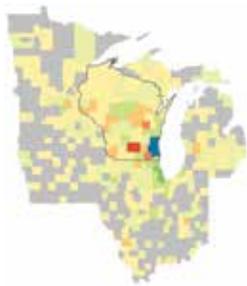


Net domestic migration per year to (or from) the Milwaukee area for other Midwestern counties

1840s, lead mining brought a surge of immigrants to the Wisconsin territory. Population increased by a factor of 10 between 1840 and 1850, from 31,000 to 305,000. By 1860, population had more than doubled again, for a total of more than 775,000. Migration from the eastern United States or from overseas at that time, predominantly by German and British immigrants, drove population upward and formed the base for a thriving economy.

Urban centers in the state grew quickly. That was particularly true for Milwaukee. From its founding as three feuding villages (Juneautown, Kilbourntown, and Walker's Point) in the 1830s, Milwaukee developed into a single city by 1846, with a population of 10,000, then as now the largest city in the state. Population boomed for the next century. In 1960, Milwaukee was the 11th-largest city in the United States.

This map shows, for each county in upper Midwest states—Minnesota, Wisconsin (outlined), Michigan, Iowa, Illinois, and Indiana—the net flow of migration between the county and the five-county Milwaukee area (blue), as estimated by the U.S. Census for 2015. For example, the Milwaukee area received a net gain of about 1,300 people from Cook County, Ill., and had net gains from most counties in the greater Chicagoland area; shades of the color green are thus used for those Illinois counties. By contrast, the Milwaukee area lost a net of 2,300 people to Dane County, Wis., which is thus depicted in red. Counties in gray had too few migrants to and from the Milwaukee area for reliable estimation. (Data source: 2011–2015 ACS.)



More-Recent Times

But the natural rate of population growth slowed over the past half century or so, which has made a big difference in demographics and economic vitality, both in Milwaukee and across Wisconsin. Milwaukee is now around 30th place in population in the country. Wisconsin's gradual decline in ranking of states by population had the effect of reducing the number of Wisconsin seats in the U.S. House of Representatives from ten to nine following the 1970 census and then from nine to eight after the 2000 census.

Since the 2010 census, while the U.S. population has grown 5.9 percent, Wisconsin has grown 1.9 percent, ranking the state 40th in the country in growth, one spot behind Alabama, which grew 2.0 percent. In contrast, Minnesota grew 5.1 percent, a rate ranking 21st in the nation, while Illinois lost 0.2 percent, ranking 49th.

Patterns of movements have differed across Wisconsin, with some areas gaining and others losing. For example, booming business in electronic medical records and biotech has given Dane County the highest rate of growth in the state since 2010. Overall, Dane County's population has grown 43,200, or 8.9 percent, since 2010. That accounts for 47 percent of Wisconsin's total population growth. Population in the five-county Milwaukee area has increased by 16,306, or 0.9 percent, since 2010, accounting for 17.8 percent of the state's growth.

Migration to and from the Milwaukee Area

Let us focus more specifically on the Milwaukee area. In 2015, about 47,000 people moved to the Milwaukee area (recall that this area consists of the five counties of Racine, Milwaukee, Waukesha, Ozaukee, and Washington). Of these people, 18,000 were from another part of the state, and 29,000 were from a different state. In the same year, 54,000 people left the Milwaukee area: 22,000 moved elsewhere in Wisconsin, and 32,000 moved out of the state entirely. Thus, net migration cost the Milwaukee area about 7,000 residents.

Gross migration flows (the sum of inflows and outflows) are a measure of the connection between places. Predictably, a substantial amount of the Milwaukee area's gross migration is with other

places in Wisconsin. As the numbers in the previous paragraph disclose, 40 percent of the five-county area's gross migration is with the rest of Wisconsin.

At the same time, a majority of the Milwaukee area's gross migration involves other states. Of the combined inflows and outflows, 12 percent involve Illinois, and 4 percent involve each of Florida, California, and Texas. Two out-of-state counties make it into the region's top 10 counties by gross migration. The first is Illinois's Cook County—home to Chicago and some 130 other municipalities. Cook County is a net contributor to the Milwaukee area's population. About 3,600 people move from Cook County to the Milwaukee area each year, compared to 2,300 going the other direction. An opposite relationship exists with Phoenix's Maricopa County. Maricopa has the eighth-largest gross-migration relationship with the Milwaukee area, but 63 percent of this exchange consists of people moving *there*, from Wisconsin. And this is not simply a flight of "snowbird" retirees. The Census Bureau estimates that 42 percent of those moving to the Arizona county are 20-somethings. About a quarter are over 54.

The people moving into the Milwaukee area come primarily from within the state and from Illinois: Thirty-nine percent of people arrive from elsewhere in Wisconsin, and 16 percent are from Illinois. California provides 4 percent, and 3 percent are from each of Minnesota, Florida, Michigan, and Texas.

Let's turn our focus to net migration. The Milwaukee area primarily enjoys *net* gains from counties within Wisconsin and from the Chicago region of Illinois. A number of counties to the north, running up to Green Bay and in the Wausau area, are net contributors to the Milwaukee area. By far, the state (besides Wisconsin itself) with the highest net flow of migrants to the region is Illinois, whose surplus of in-migration into the Milwaukee area amounts to nearly 3,000 people annually. Most of this is from northeastern Illinois: While Chicago's Cook County is the largest individual source, each of the five suburban counties surrounding Cook County sends more people to the Milwaukee area than that county receives. The net flow from Cook County is around 1,300 people, but the flow from the surrounding counties is 1,400. North Carolina

Since the 2010 census, while the U.S. population has grown 5.9 percent, Wisconsin has grown 1.9 percent. . . .

and Iowa are distant runners-up, with the Milwaukee area gaining a net of 400 from North Carolina and 200 from Iowa.

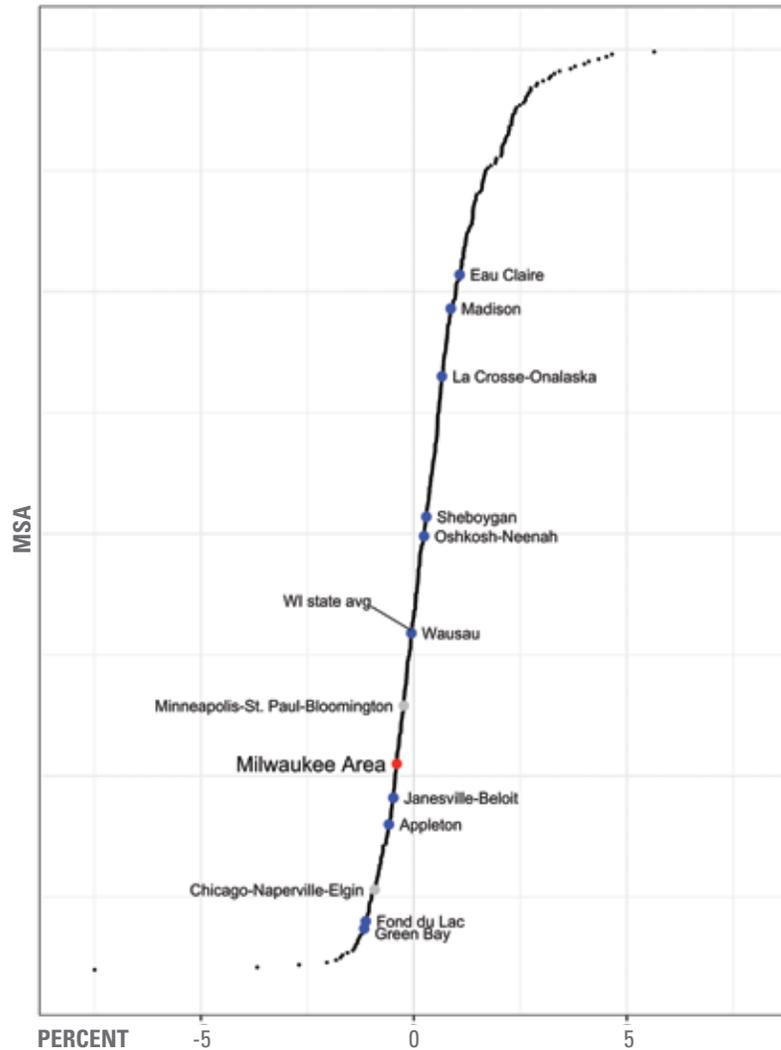
The Milwaukee area's greatest net loss from migration is to Dane County. About 4,500 people move to Dane from one of the five Milwaukee-area counties each year, while 2,200 move the other way. This net loss of 2,300 residents is nearly three times greater than the region's next-largest losses, which involve Winnebago and Walworth counties.

Metropolitan Area Migration Patterns

To attract migrants, the Milwaukee area competes with other metropolitan areas nationally and in Wisconsin. For the most part, the competition is difficult.

We compare the performance of the five-county Milwaukee area to each of the country's other census-designated metropolitan statistical areas (at the time in question there were 379 other "MSAs") by calculating net domestic migration (newcomers minus leavers) for each one and dividing this number by the MSA's total population. The Milwaukee area is divided into two MSAs by the census, but we combine them into a single measure for this analysis.

The Milwaukee area lags both the state and the national averages of all MSAs in net migration, losing about 0.4 percent of its population annually. By this measure, the region still performs better than the MSAs of Green Bay, Fond du Lac, Appleton, and Janesville-Beloit, but it performs worse than the state's six other MSAs. Of these, the MSAs of Madison and Eau Claire perform the best, growing by 0.8 percent and 1.1 percent respectively as a result of net migration. La Crosse-Onalaska, Sheboygan, and Oshkosh-Neenah posted more-modest gains, while Wausau nearly broke even. Nationally, the Milwaukee area ranked 295th among metropolitan statistical areas.



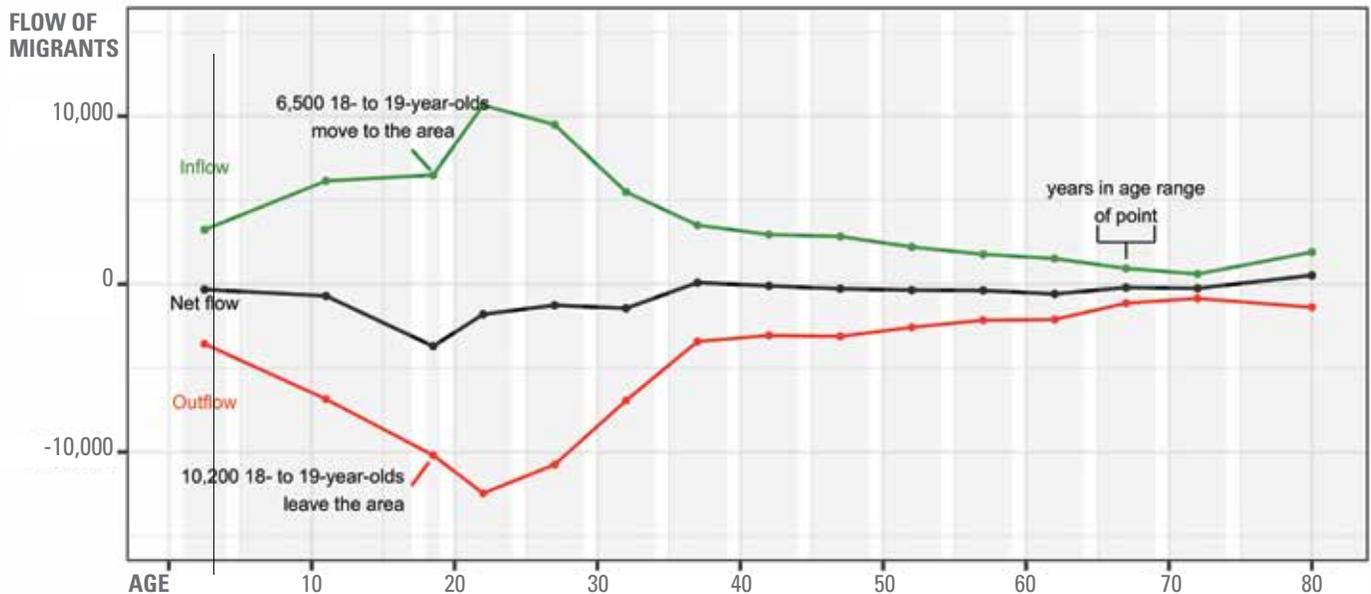
Net domestic migration as a percentage of total population

All U.S. Metropolitan Statistical Areas

When the measurement is as a percentage of a local area's population, areas such as Eau Claire, Madison, and La Crosse-Onalaska are among the bigger gainers from the movement of people in and out, while Racine and the Milwaukee-Waukesha-West Allis Metropolitan Statistical Areas (combined here as "Milwaukee Area") have more people moving out than in, putting them much lower in national rankings. (Data source: 2011-2015 ACS.)

Migration patterns within the state disproportionately favor counties outside the Milwaukee area, with Winnebago, Portage, Eau Claire, and Dunn counties enjoying more than their share of in-state movers. Milwaukee County trails proportionately as a destination for migrating Wisconsin residents who move from one county to another. Racine and Washington counties also receive fewer intrastate migrants than their populations would suggest, while Ozaukee and Waukesha attract slightly more.

The situation changes when migrants from other states are considered. Sixteen percent of the people who move from out of state come to Milwaukee



Inflow, outflow, and net domestic migration by age, five-county Milwaukee area

The net outflow of 18- to 19-year-olds from the five-county Milwaukee area is notable. Among people older than that, the trends, as shown in the chart above, are toward less movement both into and out of the Milwaukee area, with the net numbers moving closer to zero (meaning equal numbers of people coming and going). (Data source: 2011–2015 ACS.)

County, just one point less than the county’s share of population. Racine and Waukesha counties perform slightly worse. In all, the five-county area contains about 31 percent of the state’s population and attracts 27 percent of the new residents coming to Wisconsin from out of state. By comparison, Dane County contains 9 percent of Wisconsin’s population, but it attracts 16 percent of interstate migration.

Age and Geographic Mobility

The crucial ages for geographic mobility are the late teens and early 20s. These are the years that large numbers of young adults leave home, whether to attend college, to begin working, or for other reasons. In that initial burst of movement (ages 18–19), the Milwaukee area does not fare well. The region draws in about 6,500 people per year in this age group, but it loses 10,200, for a net loss of 3,700. The region improves among those 20 to 29, but still loses (net) in the neighborhood of 3,000. For those 30 to 34, there is a net loss of some 1,400. After these volatile years, the Milwaukee area’s migration trends stabilize at a net loss of a few hundred people per year across each older age group (aside from a slight population gain among those 75 and older).

In other words, the crucial part of the area’s population loss to migration comes among people from 18 into their early 30s. These statistics are for the entire five-county region. Inflows and outflows

of migrants by age vary dramatically from county to county within the region because some communities are higher-education hubs while others are not. Likewise, some areas are more congenial to young professionals, while others are more popular with people establishing families.

Consider the area’s two largest counties, Milwaukee and Waukesha. Milwaukee County is home to more than a half dozen universities and colleges, and this is reflected in its net positive migration among the college-aged. This positive balance turns net negative, however, among those in their 20s and especially among those in their early 30s, after which the county shows a stable, though slightly negative, migration trend. Waukesha County, in contrast, shows a different pattern. About 3,400 people aged 18 to 19 leave the area from Waukesha County alone. Of these, only about 600 move to Milwaukee County, while most move out of the five-county area. Waukesha County loses smaller numbers of people in their 20s and achieves small net growth among 30-somethings—a group Milwaukee slips with.

Changes in Migration Patterns over Time

In the 2000 decennial census, U.S. residents were asked where they had lived in 1995. The information gathered shows that Milwaukee County lost an average of 9,600 more people than it gained to migration each year during the late 1990s. Over

The fact that no county was able to break even (let alone grow) in net regional migration is a reason not to celebrate yet. Still, there are positive signs.

the same time period, a net of 1,800 people moved to Waukesha County each year; Ozaukee and Washington posted smaller gains; and Racine averaged a loss of about 800 annually.

By 2015, circumstances had changed. During that year, the Census Bureau estimates that Milwaukee County lost only 3,700 people in net migration—more than a 60 percent improvement from a decade and a half earlier. While Milwaukee's losses were stemmed, Waukesha's growth had slowed. Only 300 more people moved in than left.

The fact that Waukesha's growth slowed as Milwaukee's migration health improved is not a coincidence. In fact, Waukesha's comparatively robust late-1990s growth did not represent regional health at all. Waukesha was not attracting large numbers of migrants from elsewhere in the country. It was mostly collecting people leaving Milwaukee.

This is clear when we look at net migration in and out of the five-county region instead of in and out of each county. In the late 1990s, about 3,800 more people each year moved from Milwaukee County to somewhere beyond the five-county region than vice versa. About 2,100 more people from Waukesha left the five-county area than entered the county from outside the region. Ozaukee lost 400 people annually to regional net migration, Racine lost 1,000, and Washington lost 900. In other words, none of the five counties managed to attract more migrants from *outside* the region than it lost. The positive net migration posted by the individual WOW (Waukesha–Ozaukee–Washington) counties would instead have been negative but for their gains from Milwaukee and Racine.

Regionally, the situation has improved, if only a little. From 1995 to 2000, the five-county region as a whole lost around 8,000 people per year to net migration. Forty-six percent of the loss came from Milwaukee County. By contrast, in 2015 the region lost slightly fewer—7,000—people to net migration. Regional migration losses increased in Ozaukee and Racine, but they decreased in Waukesha, Washington,

and Milwaukee. Milwaukee County's improvement has been the most significant, accounting for only 34 percent of this loss. Waukesha County contributed 27 percent. The fact that no county was able to break even (let alone grow) in net regional migration is a reason not to celebrate yet. Still, there are positive signs. The five-county region's net losses have declined in both absolute terms and as a proportion of the total population. The greatest improvement has come in Milwaukee County, where the number of people leaving has dropped to a level such that it now contributes an amount of the region's leavers similar to Waukesha's. Along with similar trends in employment and commuting, this suggests that structural differences between the region's counties have declined.

Conclusion

The Milwaukee area has improved its migration performance over the past decade and a half—most notably in Milwaukee County itself. But the area still falls behind other metropolitan areas of the state in attracting new residents. In terms of migrants from out of state, the Milwaukee area faces stiff competition, especially from Dane County. And much of the migration *within* the state goes disproportionately to neither Dane nor Milwaukee but rather to smaller metropolitan counties.

To the extent that the Milwaukee area seeks to expand its population and workforce through attracting migrants to the state, it may first look to Illinois, which is a net provider of new Wisconsin residents from the Chicago area. In fact, state officials recently began marketing in the Chicago area to encourage people to move to Wisconsin, a step that has stirred some controversy in both Wisconsin and Illinois.

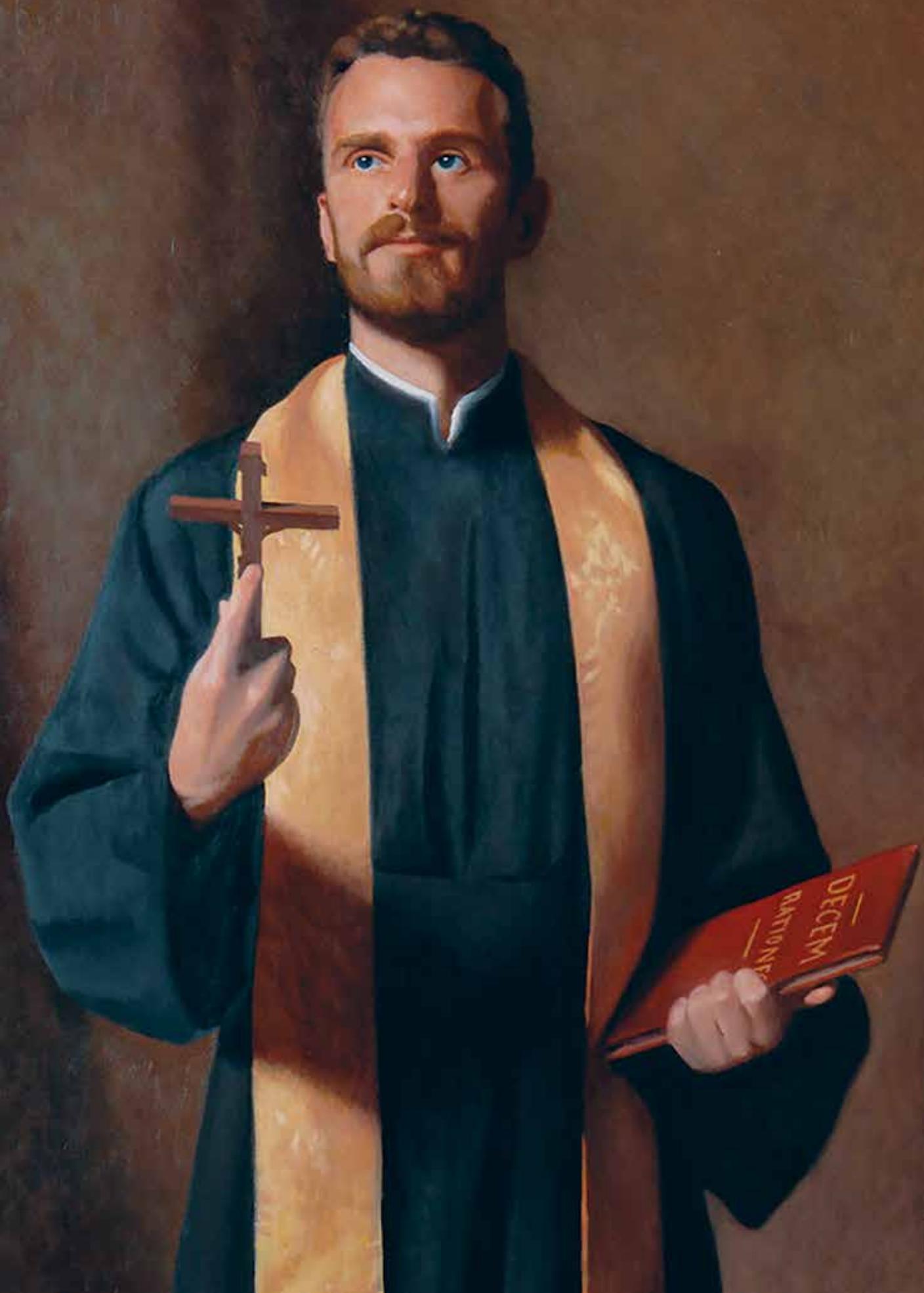
In all events, Wisconsin's relatively slow population growth in recent years may limit the workforce that it can provide unless migration into the state, and specifically into the five-county Milwaukee area, improves further—indeed, becomes net positive. ■



John D. Johnson



Charles Franklin



An Unveiling and a Blessing

On October 25, 2017, Marquette University Law School held an unveiling and blessing of a portrait to be hung in its Chapel of St. Edmund Campion. The story of the portrait and its suggestive significance can be found in the remarks at the event, variously by Dean Joseph D. Kearney, the Hon. Paul D. Clement, Henry Wingate, and Rev. Thomas S. Anderson, S.J.

Dean Joseph D. Kearney

Good afternoon. It is a great privilege for me to welcome all of you to Ray and Kay Eckstein Hall. We are very grateful for your presence today. In opening, I am tempted to ask, “How did this gathering come to be, or how did we arrive here?” Yet it would not be within my comparative advantage, as a mere *lawyer*, to take that as a sort of almost-existential question. So, while reserving a somewhat broader reflection for my closing remarks, here I will give only the essential context—the proximate cause, if you will—of this ceremony to unveil and bless a particular portrait.

Part of the story is our being home to the St. Edmund Campion Chapel. It is an elegant room, just a hundred feet or so from here, though unable to fit a group of this size. If you have never seen it, let me suggest that you stop by there later this afternoon. And please come back—as soon as tomorrow, by which time the painting will be hung.

So we have the Campion Chapel. We have it because we wanted—insisted upon—a Catholic chapel when we were designing Eckstein Hall some 10 years ago. The *name* is a bit of an homage to Ray Eckstein, our great benefactor, along with his wife Kay: Ray was a graduate of Campion High School, in Prairie du Chien, Wisconsin, before enrolling at



Rev. Thomas S. Anderson, S.J.

Marquette University in 1943. Indeed, shortly after our receiving word of the Ecksteins' extraordinary gift to the Law School, I allowed to our then-president, Rev. Robert A. Wild, S.J. (who is here this afternoon), that if Campion had not closed in 1975, perhaps the Eckstein gift would have gone there, in which case the Law School would still be in Sensenbrenner Hall. You will permit me to note, in referring

to Ray Eckstein, that his great-grandson, Michael Behrens, also is here with us this afternoon: Michael is a freshman at Marquette University and so in his first semester on campus. He is the grandson of Teresa Eckstein and a most welcome guest this afternoon as a representative of the Eckstein family.

What else immediately occasions our being here today? In 2013, we at Marquette Law School had the great privilege of welcoming, for our annual Hallows Lecture, the Hon. Paul Clement. Mr. Clement is, it's not too much to say, the nation's leading advocate before the Supreme Court of the United States. He is a partner at Kirkland & Ellis in Washington, D.C., and his career has included service as the solicitor general of the United States, from 2005 to 2008. Between his government service and his years in private practice, Mr. Clement has argued more than 85 cases before the Supreme Court. To call that number “extraordinary”

only begins to hint at its unusual nature. Mr. Clement's Hallows Lecture here was outstanding.

Yet Paul Clement has very high standards. Upon returning home after the lecture, he told me that Eckstein Hall had a single flaw. There seemed to me only two possibilities. One was the fact that we have only two fireplaces—one in the Aitken Reading Room and the other between the Zilber Forum and the Tory Hill Café—whereas we had wanted three. (The third would have been between the café and the outside.) But then I remembered that the president at the time told me that in fact we *have* three fireplaces—the one between the forum and the café being two-sided and thus counting as two. That seemed a bit, well, Jesuitical to me, but I am respectful of presidential authority and so have regarded that matter as resolved. (To be sure, I mean the matter of how many we currently have, not whether we should ever add another.) So, once I recalled all that, I realized that Mr. Clement must mean that we needed a portrait of St. Edmund Campion in the chapel. The fireplace point being unavailable as a matter of law, this seemed the only deficiency in the building. I was correct, and, better yet, Mr. Clement said that he wanted to commission and donate such a portrait.

Such is the proximate cause, as I have said. So permit me to yield the podium to Paul Clement, whose professional work I have already mentioned, although I might note that he is a graduate of Cedarburg High School, Georgetown University, and Harvard Law School. I would add only that I am grateful to Pope Paul VI for his canonization of Edmund Campion in 1970 on this date. The pope was very kind, even years in advance, to select a date that would come *between* the October and November argument calendars of the Supreme Court of the United States and thus would not directly conflict with our future benefactor's professional obligations.

Please welcome back to his hometown and Eckstein Hall the Hon. Paul Clement.

Hon. Paul D. Clement

Thank you, Dean. It is a great pleasure to be back here in Milwaukee and to be back at the Law School. It is my pleasure today also to say a few words about St. Edmund Campion, S.J.—how fitting it is that the chapel at the Law School is named for him and what a wonderful opportunity it is for us to have this portrait of the saint.

In saying that I think St. Edmund Campion to be a wonderful namesake for the chapel at the Law School, I do not mean to suggest that it was the most obvious choice. Certainly, for a Catholic law school chapel, one might think that St. Thomas More—that other English martyr—might be a slightly more obvious choice. He was, after all, a lawyer and, more to the point, is the patron saint of lawyers. Now, I think that there is something to be said for taking the obvious choice in naming things—maybe that is because every Sunday I go to church at St. Mary's. But I do think, in this case, that this far-from-obvious choice was truly inspired, and I want to suggest a few reasons why that is the case. Before I do, though, just so that everyone is on more or less the same page, so to speak, I want to offer a brief outline of the saint's life.

Edmund Campion was born in 1540, in England, to relatively middle-class means, and he was martyred 41 years later, in 1581. His early life, I think it fair to say, did not suggest its end. He was a very popular scholar at Oxford University and nominally a deacon in the Anglican Church. He was also—based on a performance that he gave when Queen Elizabeth visited Oxford—a favorite of, perhaps not the queen, but at least some of her closest advisors. But at the same time that he was a deacon in the Anglican Church and rising in Elizabethan society, Campion never lost his Catholic leanings—and his Catholic faith grew at roughly the same time that the repression of the Catholic Church in England was growing.

“The Jesuits are less part of my students’ lives
than they were for me growing up. . . .
But [these students] are part of the
Catholic, Jesuit tradition, too. . . .”

Joseph D. Kearney



Various members of the Marquette University Jesuit community flank the portrait after the unveiling (left to right): Rev. Joseph G. Mueller, S.J.; Rev. William S. Kurz, S.J.; Rev. Robert A. Wild, S.J.; Rev. Thomas S. Anderson, S.J.; Rev. G. Thomas Krettek, S.J.; Rev. John A. Schwantes, S.J.; and Rev. John D. Laurance, S.J.

The confluence of those two events caused Campion to leave England, first to Ireland for a couple of years; then, when the oppression reached Ireland, he fled to the Low Countries, where he spent some time at an English college there, studying for the priesthood. But after a couple of years at the English college, he had a different calling, which was to join the Society of Jesus. So he became a Jesuit, spent roughly six years in Prague as a scholar and a priest, and then had his calling to go back to England, on a mission of near-certain martyrdom.

Campion took up that mission, and while back in England—essentially preaching to an underground Catholic Church—he wrote two very famous tracts. One was referred to (not by him but by the English authorities at the time) as “Campion’s Brag”: It explained the nature of his mission in England.

The other was a more theological book called *Ten Reasons*, which was a defense of the Catholic faith. He was eventually captured, essentially in the midst of offering the Mass at a private home. He was brought to the Tower of London, tortured, and put to death at the Tyburn in London (near where you now see the marble arch in present-day London).



Jean Clement with her son, Paul Clement

Evelyn Waugh, the famous British author of such works as *Brideshead Revisited*, penned a biography of Campion, and he divided it into four chapters, or phases, of the saint’s life: the scholar, the priest, the hero, and the martyr. So, with apologies to Waugh, I would like to borrow from that formulation and essentially offer four reasons why I think that St. Edmund Campion is such a wonderful namesake for the chapel at the Law School.

THE SCHOLAR

Campion was, by all accounts, a great scholar at Oxford. And so, in a sense, from that alone, it is fitting that this scholarly institution has named its chapel for him. Yet I think that the point ultimately is less his scholarship at Oxford than the fact that upon returning to England he wrote the two tracts that I’ve mentioned.

Justice Antonin Scalia, for whom both the dean and I clerked a couple of years apart, gave a number of speeches that have recently been collected in a volume called *Scalia Speaks*, which I highly recommend. One of the speeches is about civic education. Justice Scalia recounts there a proverbial (I believe) incident involving

“The saint was, in this sense, a victim, not just of religious persecution, but of a distortion of due process and the rule of law. And so, I think, for lawyers and law students, what better reminder of the importance of honoring the rule of law at all times than the martyrdom of St. Edmund Campion?”

Paul D. Clement

a crusty old secular scholar. When confronted with the suggestion that Jesus was one of the greatest people in history, this crusty old scholar retorted, “Ah, Jesus—what has *he* written?”

Now, I think that one does not have to go quite that far to say that the measure of a scholar is the writing he or she left behind. But the reality is that there were many, many English priests who were martyred during the time of this repression, and the reason, among others, that we remember St. Edmund Campion is these writings—which gave great inspiration to the Catholics in England at the time, even as they also gave reason for the crown and the realm to seek him out and persecute him. So Campion, the scholar, is one reason to remember him here.

THE PRIEST

For these purposes in particular, I think it to be important that, as I noted, St. Edmund Campion was not just a priest but a member of the Society of Jesus. It is uniquely appropriate, of course, for a Jesuit law school to have a Jesuit saint as the namesake for its chapel. But I think it is also worth remembering what it meant to be a member of the Society of Jesus at that time, particularly for an Englishman. At that time, the society was just 33 years old, so its founding was fresh in the memory of everyone—as was its connection with Spain, which at that point was the greatest rival to England. Of course, that meant *Catholic* Spain. For an Englishman to join the Society of Jesus made him uniquely dangerous from the perspective of the crown, but in some ways it also made him uniquely inspirational to underground churchgoers in England. He represented a real break from the parish priests of the past: he was in the society that was at the vanguard of the Counter-Reformation.

So when he undertook his mission to England, he really was a source of great hope. Just to give you

a little sense of this, I will quote just one paragraph from “Campion’s Brag,” referring to sort of the spirit of the Society of Jesus at the time. He wrote to his persecutors:

Many innocent hands are lifted up to heaven for you daily by those English students, whose posteritie shall never die, which beyond seas, gathering virtue and sufficient knowledge for the purpose, are determined never to give you over, but either to win you heaven, or to die upon your pikes. And touching our Societie, be it known to you that we have made a league—all the Jesuits in the world, whose succession and multitude must overreach all the practices of England—cheerfully to carry the cross you shall lay upon us, and never to despair your recovery, while we have a man left to enjoy your Tyburn, or to be racked with your torments, or consumed with your prisons. The expense is reckoned, the enterprise is begun; it is of God; it cannot be withstood. So the faith was planted: so it must be restored.

Let me give two more reasons why I think this is such an excellent choice for the Law School.

THE HERO

Now, there is obvious and undeniable heroism in the return by Campion to England, fully knowing that his death as a martyr was nearly certain. But what was, I think, so hard for the rest of society to understand was his willingness to die for an idea. Waugh recounts an incident after Campion has already been held in the Tower, where he is brought before Queen Elizabeth and her top advisors, and they offer him not just the opportunity to avoid death but to become an Anglican priest, probably a bishop, and restore himself to society. Of course, he declines, and, for this, the queen and her courtiers just cannot understand his thinking. As Waugh captures it, “From

earliest youth, among those nearest them, they had been used to the spectacle of men who would risk their lives for power, but to die deliberately, without hope of release, for an idea, was something beyond their comprehension.”

Now, I do not mean to suggest that any law student or lawyer really has an analogue to that kind of heroism, but there *are* things lawyers should do that are very difficult for the rest of society to understand. To defend somebody who is obviously guilty, to work tirelessly to get him acquitted, even though you know better than anyone that he is in fact guilty, is a very difficult thing for nonlawyers to understand. To keep a client's confidence—even though the client, truth be told, is hardly honorable—is something very difficult for nonlawyers to understand. Although there is a great difference between the heroism of this saint and the heroism of a day-to-day lawyer, I think it is possible to draw that analogy and that inspiration.

THE MARTYR

Now, most of the serious lessons of martyrdom are of course religious, and I will follow the good dean's lead by suggesting I will not go near those. But I will offer two lessons that are of a more secular nature for lawyers and law students.

One is that the martyrdom of St. Edmund Campion has to remind all of us of the capacity for religious repression. We tend to think of the repression of religious minorities as something that happens in countries where there are immigrants or a small sect of the population that can be discriminated against. But think about England in 1581: Fifty years earlier, the official state religion was Catholicism. It had been a Catholic country, no less than Spain. Within the course of half a century, Catholicism went from being the official state religion to its being a felony of high treason, punishable by death, for a priest to offer reconciliation or for an individual to seek reconciliation from a priest. I believe that lawyers have a special office to protect religious liberty, and I think that the saint and his martyrdom are a reminder of how important that is and how quickly things can change for the worse, if religious liberty is not fought for on a daily basis.

The other lesson—and this, I think, is less obvious: The saint was

a martyr not simply on account of his religious practice, but because he was convicted of high treason for conspiring against the realm and aiding foreign countries. Under the law of England, it would have been sufficient to prosecute St. Edmund Campion simply for being a Catholic priest—that was punishable by death. But England was dealing with lots of other countries, including Catholic countries, and the diplomatic difficulties for England of putting someone to death simply for being a Catholic priest were not something desirable.

So, instead, the government trumped up charges of high treason and arranged for perjurious witnesses to testify against Campion—in the very courts of England from which we all draw inspiration as the font of due process. That all happened, and of course he was convicted. He was not afforded a lawyer in the process, but he was afforded an opportunity to object. And we are told that he objected at one point, “These matters ought to be proved and not urged, declared by evidence and not surmised by fancy.” The saint was, in this sense, a victim, not just of religious persecution, but of a distortion of due process and the rule of law. And so, I think, for lawyers and law students, what better reminder of the importance of honoring the rule of law at all times than the martyrdom of St. Edmund Campion?

It is now my distinct pleasure to bring to the podium Henry Wingate, the artist who has worked with us in putting together the portrait of the saint of whom I have been talking, in order that we may unveil it. Thank you very much.

Mr. Henry Wingate

Speaking at this unveiling gives me a good chance to thank Paul Clement for his idea of having this painting done for the St. Edmund Campion Chapel



Henry Wingate, the artist of the St. Edmund Campion painting

here in the Law School, and for his generosity. Also, thank you, Dean Kearney. It has been a pleasure working with you and Father Tom Anderson on this project, which has been a long one—taking about four years. I have found that these projects usually are a slow process.

As for the process, I will say a few words about that. I like to work from life, meaning that I have a live model at whom I look when I am painting. The color is much better, working from life, and the form—that is, the three-dimensionality—is better than in simply copying a photograph. I also use natural light, which

I find softer and more beautiful than artificial light. I have a studio that has a north-facing window, giving me consistent natural light. It's facing north so that the light is always ambient, the sunlight not coming in directly. The light stays constant throughout the day.

My first challenge was to find a good model that I thought fitting for St. Edmund Campion. In fact, it took me four models before I found the right one. The model posed, and I would do drawings of him in different poses, in different garb. I knew the saint would be wearing a black cassock of a Jesuit and a stole, so that was not complicated. But the pose—there were a lot of options in that respect. I did many different drawings and finally came up with the pose used for the painting. I was very pleased when I did find this pose. I like the way the saint is looking off in the distance, and the way he is holding the crucifix. It is as if he were contemplating the crucifix and just looked up deep in thought. The gold and red of the stole add some color to the painting. The red on the stole and the red of the book are reminders of the saint's martyrdom. The book is a fitting addition because St. Edmund Campion was one of the leading scholars of his day. He wrote *Decem Rationes*, or *Ten Reasons*, which defines why he was a Catholic, while he was secretly serving as a priest in England.

One thing I learned about the saint involved when he was in Prague, not long before he was captured, tortured, and martyred. He had been assigned to go back to England, and he knew—I think everybody knew—that he was most certainly going to be martyred. A fellow priest wrote Campion's name above his door more or less thus: "Edmund Campion, S.J., Martyr." So before he even went to England, they knew and he knew that he would be martyred. What tremendous courage and faith St. Edmund Campion possessed. It was my goal to try to portray some of these traits in the painting. I hope that the painting is a good addition to the chapel and that it will hang there for many years to come.

Thank you for the opportunity to do this project. It has been a blessing being able to paint this saint's portrait.



“What tremendous courage and faith St. Edmund Campion possessed. It was my goal to try to portray some of those traits in the painting.”

Henry Wingate

Dean Kearney

Thank you. Let me ask our chaplain—he has many duties at Marquette University, but we think of him as our chaplain—Father Tom Anderson, of the Society of Jesus, to bless this wonderful new portrait.

Rev. Thomas S. Anderson, S.J.

From the *Book of Blessings*: On the occasion of the unveiling of this beautiful new image of St. Edmund Campion for public veneration, we must be properly disposed and have a clear appreciation of the meaning of this celebration. When the Church blesses a picture and presents it for public veneration by the faithful, it does so for the following reasons: that when we look at the representation of those who have followed Christ faithfully, we will be motivated to seek the city that is to come; that we will learn the way that will enable us most surely to obtain complete union with Christ; that, as we struggle along with our earthly cares, we will be mindful of the saints, those friends and coheirs of Christ, who are also our brothers and sisters and our special benefactors; that we will remember how they love us, are near us, intercede ceaselessly for us, and are joined to us in a marvelous communion.

So, let us pray. O God, source of all grace and holiness, look kindly on your servants who have erected this image of St. Edmund Campion, the friend and coheir of Christ. He is for us your witness to the life of the Gospel and stands in your presence to plead for us. Grant that we may benefit from his intercession. We ask this through Christ, our Lord. Amen.

Dean Kearney

I want to thank all of you for being with us today. I am especially grateful to those who have spoken this afternoon—Paul Clement, who has generously forged a lasting connection with Marquette Law School; Henry Wingate, who, as an artist, leaves a piece of himself here with us; and Father Tom Anderson, who is ever part of the Law School as chaplain.



I earlier suggested the *proximate cause* of our event. Yet it is hard to trace such things precisely—or, to put this in terms borrowed from an expert on such matters, the late Justice Benjamin Cardozo, “[t]he springs of conduct are subtle and varied.” A fuller exploration of the causes underlying this event might include a disclosure that my late uncle, Patrick Grogan, attended Campion High School in the 1940s. In fact, my late mother, in her memoir, described how “another world opened up for me” upon her older brother’s enrollment at Campion. From her family’s visits to the school, she recalled, among other things, “[t]he priests’ surveillance and the ‘tight wraps’ they kept on the campus”—and she attributed this largely “to the town of 4000, which had thirty taverns on its main street.” My mother had various memories of Campion, the school, and shared those with us growing up.

Yet when my mind has turned to Campion, I have often thought of a different story involving my mother. Again in her memoir, she recalled, in the 1990s, going back to her childhood home at 82nd and Green streets on the South Side of Chicago. Let me relate a particular recollection from her, involving her own mother (and more):

Many years later, after the house had been long sold, I went back with my brother and my niece to make a visit. Most startling was that the built-in ironing board . . . was now covered with cabinets. It was at the kitchen table next to this board where I had sat while Mom ironed her seemingly endless linen cloths and I read my school assignments to her during high school and college [at Loyola University in the 1940s and early 1950s].

There we had discussed [Evelyn Waugh’s] *Brideshead Revisited* after I read it aloud to her. She had told me that certain scenes like the seduction scene on shipboard would have

been considered risqué in her era. Pressed for a comment on *Brideshead Revisited* in Father Weyand’s class [at Loyola] the next day after my mother’s remark, I sputtered out what my mother had said as an example of how sensibilities had changed. Father Martin D’Arcy was visiting our class that night in 1951 as a guest of Father Weyand. Father D’Arcy had been Rector of Campion Hall, Oxford, and had baptized Evelyn Waugh. The other students in “Catholic Renaissance” felt rather sorry for me when I blurted out my rather parochial comment, but Father D’Arcy fixed his deep-set eyes on me and said, “Your mother would have made an excellent critic. That is the only scene I asked Waugh to leave out. But he didn’t agree, and I didn’t press the point.”

Just to wrap up the story (and to leave no doubt as to where I got some of my own tendencies), my mother concludes that particular recollection by saying, “I knew I had my ‘A,’ and I blessed Father D’Arcy every time since when I have passed the Martin D’Arcy Art Gallery at Loyola.”

The Jesuits are less part of my students’ lives than they were for me growing up. I could count on hearing stories from my parents of Father Thomas Bryant, Father Martin Carrabine, Father Stewart Dollard, Father Charles Doyle, Father William Finnegan, Father Ralph Gallagher, Father Joseph Hogan, Father Edward Surtz, and others yet, especially of Loyola University midcentury. And I can feel a sort of connection with even Father D’Arcy or Edmund Campion. Our students are not likely to have had such an opportunity. But they are part of the Catholic, Jesuit tradition, too, and this elegant portrait of Edmund Campion—visible even as one draws near the chapel—will help express that to them.

Thank you all for being part of this ceremony. ■

JUSTINIAN SOCIETY REMARKS

What Binds Us Together and Makes Us Good Citizens

At its annual Columbus Day banquet on October 13, 2017, the Wisconsin Chapter of the Justinian Society of Lawyers honored three people: two Marquette lawyers and the dean of Marquette Law School. Kelli S. Thompson, L'96, Wisconsin state public defender, was honored as the "Citizen of the Year"; Dean Joseph D. Kearney as "Italian of the Year"; and the Hon. William W. Brash III, L'78, judge of the Wisconsin Court of Appeals, as "Jurist of the Year." Here are edited versions of their acceptance remarks.

State Public Defender Kelli S. Thompson

My sincere "Thank you" to the Justinian Society of Lawyers in Wisconsin for this honor. This recognition is very meaningful to me, especially knowing the others who are being recognized tonight.

I was fortunate to be raised in a household that taught me the value of giving back and of public service. We were taught that everyone has an inherent responsibility to contribute to one's community. I saw my parents' commitment to public service, and I feel blessed to have had my own opportunities to contribute. I am thrilled that a number of my family members are able to be here with me tonight to share in this honor.

The lawyers of the Justinian Society are leaders in our justice system and in our communities. You are dedicated to giving back, and you take your responsibilities

to your community seriously. I work for an organization—the Office of the State Public Defender—that also shares the same heartfelt values. In fact, when I was starting my career as a public defender, I appeared professionally before many of the people in this room, and I want to recognize their valuable teaching and mentorship—which, at times, included some eye rolling (and more).

Being a public defender in Milwaukee was an instance of "trial by fire," and while the judges may have let out some exasperated sighs, I learned that being a public defender meant standing up for my clients and their legal rights. And numerous judges—including Judge John DiMotto, who presented this award—always demonstrated the absolute necessity of being respectful to everyone in the courtroom, including the defendants, our clients.

The State Public Defender has offices all over the state—from Superior to

Kenosha, from Peshtigo to Lancaster, and, of course, here in Milwaukee. Our staff members are dedicated to their clients, to the justice system, and to their local community. We work with the poor who are facing criminal charges. We listen to them, stand next to them in the courtroom, and—oftentimes for the first time in their lives—tell their stories. We work with them in a respectful way that represents their legal interests and also speaks to their dignity as individuals. Their lives are often tragic: They don't have control of where they came from, and they often have limited control over where they are going. But we all agree that their due process and other constitutional rights are critical to our legal system and to our society.

The public defender staff and the private bar represent defendants in 130,000 to 145,000 cases each and every year. These lawyers are amazing. As they go about performing their jobs—which typically stretch into nights and weekends—they still find the time and the energy to give back. Whether it involves giving a school talk and pointing out the consequences of bad decisions, discussing with business leaders at a Rotary the value of our work, or assuming leadership positions on local boards, our staff members are giving back. They inspire me always to do more. I am thrilled that some of my colleagues are here tonight to share in this honor.

A famous quote by Aristotle reads: "It is not always the same thing to be a good man and a good citizen." The people in this room all have a proud tradition of taking those extra steps that make good people become good citizens. They are stepping up and getting involved.

One lesson that life has taught me is that we learn from each other. If I am a good citizen, it is because I had—and continue to have—good role models. And I hope I am able to be a good role model for my children. So tonight, with so many of these role models here in attendance, I say very proudly, but very humbly, "Thank you."

Dean Joseph D. Kearney

No one should ever expect an award, except perhaps my well-deserving fellow recipients this evening, but I especially did not anticipate receiving an award as “Italian of the Year”—this year or ever. That is, of course, not for any lack of connection with the Justinian Society or this annual Columbus Day dinner. I began attending this dinner a number of years ago, as a new dean, for two reasons, either of which seemed sufficient: One is that the organization provides an annual scholarship grant to a Marquette law student and asks me to present it. We are most grateful. The other is that the now-late Jim Ghiardi, professor emeritus and (with apologies to my predecessors as dean) *the* legendary figure in the history of Marquette Law School, seemed to expect me to be here. Even as dean, and even with him in an emeritus role on the faculty, one did well to do what Jim Ghiardi expected.

After some 13 consecutive years of gladly attending this dinner, law school business required me to be in Washington, D.C., on Columbus Day weekend last year. Perhaps the dinner organizers selected me for this award this year to ensure that I resumed my attendance—which, I assure them and you, I would have done regardless. Either that, or the Sicilians and various other groups could not agree on whose turn it was for this award.

For let there be no doubt that, so far as we know, I have no Italian blood in me. And we do seem to know—inasmuch as all eight of my great-grandparents emigrated from Ireland. Yet the matter is perhaps not too unusual: It assuredly is not the first time that an Irishman in the United States benefited because internal strife within other ethnicities caused them to divide their vote. It is true that I studied classics in college, majoring in Latin and thus coming to know something about Italy—at least the land and modern Italy’s political and linguistic precursors. So I qualify by affinity if not sanguinity.

Yet no one would doubt, as was noted in introducing me, that it is my connection

with the late Justice Antonin Scalia that gives me my best claim on your loyalties. Certainly, he was a great Italian American. His mother, Catherine Panaro, was the daughter of Italian immigrants: Her family had arrived to America—first New York City and then Trenton, New Jersey—in 1904. Of his father and his family, one of the justice’s biographers (Joan Biskupic) writes, “Salvatore Eugene [Scalia] was seventeen when he came through Ellis Island in December 1920. With his father, Antonino; his mother, Maria; and his younger sister, Carmela, he had left the village of Sommatino on the island of Sicily, sailing out of the Port of Palermo on the *Duca d’Aosta*, a 476-foot-long steam vessel carrying 1,800 passengers.”

Out of the subsequent marriage of Salvatore and Catherine would come a single child. Antonin Scalia was born in 1936 and, some 50 years later, in 1986 sworn in as the first Italian-American justice of the Supreme Court of the United States. To have been selected as his law clerk—one of many over the years, let me be quick to note—was a great privilege. To have been able to welcome him to Milwaukee and Marquette Law School on two occasions—including one in 2001 where he received a commendation from this organization—makes for abiding memories.

It is easy to recall Justice Scalia. Within the past month or so, there has been published a wonderful collection of his speeches—*Scalia Speaks: Reflections on Law, Faith, and Life Well Lived*, it is called. I received my own copy this week, hopeful that it would provide some inspiration or at any rate material for my remarks tonight. I did not have to look far. The second entry is titled “Italian View of the Irish.” The boss had some basis for a view, having

married Maureen McCarthy, with whom he had, as he once said, four and a half Irish children (he was speaking to a group of Irish Americans, so he did not mention of his nine children that the other four and a half were Italian). In his speech, Justice Scalia held forth at some length about the qualities of the Irishman and Irishwoman (or *Homo hibernicus*, to use his term), including bluntness, constancy, lightheartedness, and quickness of intellect. Here is what he said on the last point:

Now I must admit that on this point you Irish may be better judges of yourselves than an outsider like me would be.



Clockwise from left: Kelli S. Thompson, Judge William W. Brash III, and Dean Joseph D. Kearney

Because the Irish have all sorts of ways of seeming to be knowledgeable when they are not. One, of course, is lying. Any other group would take offense at that—but I am sure that this gathering will proudly agree that nobody in the world can tell a glorious, toweringly false tale as well as an Irishman. An Italian lie is often more subtle and deceptive, more likely to be believed. But if it is *not* believed, it is seen as a sneaky, unworthy, disreputable thing. The wonderful thing about a proper Irish lie is that it does not *matter* if it is believed. It is such a bold, courageous, imaginative invention that, even when you see through it, you are so impressed with the quality of mind that could concoct such nonsense that it is impossible to have anything but admiration for the author. That is the great strength of the Irish lie: It does not matter whether it is believed or not.

To this I would simply say, to judge from your proclaiming me the “Italian of the Year,” my own sense is that Justice Scalia was incorrect: The Italians yield nothing to the Irish on the bold, courageous, imaginative *invention*.

So I enjoyed the second entry in *Scalia Speaks*, and I could not resist sharing part of it with you. Really, though, for my ultimate point tonight, I had no need to go beyond the very first entry in this lengthy and engaging book: a speech that the justice gave to the National Italian American Foundation one month after joining the Supreme Court. He celebrated his and his audience’s common Italian heritage, it is true, noting four characteristics that in his estimation Italian immigrants to the United States possessed to a particularly high degree: a capacity for hard work, a love of family, a love of the church, and a love of the simple physical pleasures of human existence (good music, good food, and good wine, he specified). He honored Italian Americans, Democrat and Republican alike, who had paved the way for him and others. He acknowledged that there have been instances and periods of discrimination

“What makes an American, [this country] has told us, is not the name or the blood or even the place of birth, but the belief in the principles of freedom and equality that this country stands for.”

Justice Antonin Scalia

against Italian Americans, and he encouraged pride in Italian heritage.

But, at some level, it was a sport for Justice Scalia. Here is what he said late in the speech: “While taking pride in what we have brought to America, we should not fail to be grateful for what America has given to us. It has given us, first and foremost, a toleration of how *different* we were when we first came to these shores. What makes an American, it has told us, is not the name or the blood or even the place of birth, but the belief in the principles of freedom and equality that this country stands for.”

So I close by thanking you for recognizing what binds us together. I am truly humbled to be considered an honorary Italian, but most fortunate to be your fellow American and Milwaukeean. Thank you.

Judge William W. Brash III

I want to thank the members of the Justinian Society for bestowing upon me the honor of Jurist of the Year.

Let me begin by congratulating tonight’s other honorees: First, Kelli Thompson, as Citizen of the Year, who has worked tirelessly in her current position as state public defender. Kelli assumed that position and the related responsibilities in 2011 and has worked to advance the stature of her office and the quality of the legal representation to countless individuals throughout the state. And, second, Dean Joseph Kearney, the Society’s Italian of the Year—or should I say Northern Italian of the Year? While I believe that historians would agree the Roman Empire never conquered Ireland,

they did have a commercial and cultural relationship.

I also want to take a moment to recognize former Governor and Secretary Tommy Thompson, whom the Wisconsin Law Foundation recently honored with the Charles L. Goldberg Distinguished Service Award for his service to the legal profession and to the public.

While these individuals have varied backgrounds and experiences, they all share at least one thing in common: They are all involved in programs and endeavors that serve to better the community.

While growing up, by the time I reached 17, I had lived in six different locations and three different countries. Every three or four years, I started to pack my bags in anticipation of our next move. As I matured (for many, still a doubtful matter), I realized that, while I truly enjoyed the anticipation of a new adventure, there is also a lot to be said for being in a good place and connecting to the community. We first moved to Wisconsin when I was 12. I moved away, but ultimately returned. So while I was not raised in Wisconsin, it is now my home.

We are all part of great traditions. Through the Justinian Society, we recognize the work of Justinian the First in compiling the *Corpus Juris Civilis*, and we also celebrate the creation of the legal profession. The Greeks were apparently the first to recognize individuals who could be described as “lawyers,” but it took the Romans, under Emperor Claudius, to be the first to allow lawyers to practice openly and charge a fee for their services.

The opportunity to serve in this capacity, to work as a lawyer, is both a privilege and a tremendous responsibility, not just for the judiciary but also for all of those who serve in the legal community. In our various roles, we serve as the guardians of democracy and as the people who work to preserve the system of checks and balances that is paramount to the preservation of our society.

Current historians have looked at legal institutions as complex systems of rules, players, and symbols and have seen these elements interact with one another and the larger society to change, adapt, resist, or promote certain aspects of civil society. As I thought about this evening and what it represents, I looked back at a few others who had thoughts that seem to be applicable to our own place and time. One person stood out to me.

Abraham Lincoln delivered his first inaugural address in March 1861. The Civil War had not officially begun, but the lines had been drawn. Toward the end of his address, he said, “We are not enemies, but friends. We must not be enemies.” He continued, “Though passion may have strained it must not break our bonds of affection. The mystic chords of memory, stretching from every battlefield and hearthstone all over this broad land, will yet swell the chorus of the Union, when again touched, as surely they will be, by the better angels of our nature.”

In his second inaugural address, in March 1865, a little over a month before the war ended, Lincoln, again in closing, stated, “With malice toward none, with charity for all, with firmness in the right, as God gives us to see the right, let us strive on to finish the work we are in, to bind up the nation’s wounds, to care for him who shall have borne the battle, and for his widow, and his orphan, to do all which may achieve and cherish a just, and lasting peace, among ourselves, and with all nations.”

Let us recall those words. Thank you again to the Justinian Society for this honor and to all of you for being here tonight. ■



Illustration by Robert Neubecker

The Person on the Other Side of the Table

MICHAEL J. GONRING, L’82, executive director of the Legal Aid Society of Milwaukee and former partner at Quarles & Brady, was presented with the Faithful Servant Award at a dinner following the St. Thomas More Lawyers Society of Wisconsin’s annual Red Mass on October 5, 2017. Retired Milwaukee County District Attorney E. Michael McCann presented the award. Here are Gonring’s remarks in accepting the award.

Thank you so much, Mike, for your nice introduction. But you left out some background I need to share.

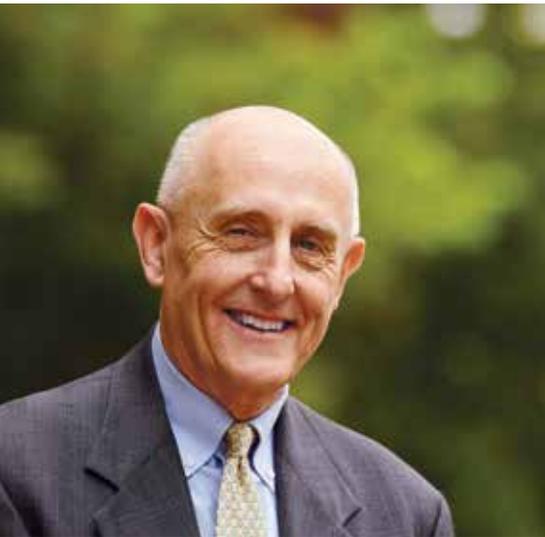
The first and only political campaign I ever worked on was Mike McCann’s first campaign for district attorney, in 1968. It was that or write a term paper in my political science class at Marquette, so I said, “Sure. I will campaign for this guy, whoever he is.”

So I went to VFW halls, American Legion halls, Kiwanis meetings—any place there was a meeting—and talked about

what a great guy Mike McCann was. Which he is, of course. I just didn’t know it at the time. I must have given 25 speeches.

And he won. So I figure he pretty much owes everything to me.

I am humbled by this award. I have been fortunate to have landed in places where I had the ability to use my legal training to accept or, on some occasions, to create opportunities to help others. Quarles & Brady gave me the freedom to help the poor in any way I wanted and



Michael J. Gonring

to develop programs to encourage others to help the poor. Even in the brief time I was retired, before joining the Legal Aid Society, I was able to continue to do that.

When I met with Judge Beth Hanan a couple of weeks ago, she asked me what I wanted to talk about this evening. I told her I would talk about how my faith influences the pro bono work I do, and she said, “That’s great.” And then I had this immediate conversation in my head: “Wait. What? Talk about your faith in public? What are you thinking?”

That sort of public discussion does not come readily or easily for me. When you sit around in a circle at a retreat, and all the participants give their deep and personal description of their faith journey, and it gets to me, I say, “What they said.”

But with your permission, I will step out of my comfort zone for a couple of minutes and talk about how a change in approach—a conversion of sorts, really—made pro bono work more meaningful for me.

I always was enthused about helping the poor with their legal problems, or creating programs that helped the poor, but I was in it for the fight, if you will. It was pretty much all about the legal problem I had to deal with, the bully who was causing the legal problem, the process that was ahead of me.

What’s your problem? Well, here’s the law, and here’s what’s going to happen, and let’s go get ‘em.

But at some point, I started to weary of the issues and the problems and thought to myself, “How can that be? These people need your help. You can’t be tired of it.”

And what I realized then was that by focusing so hard on the legal issue that the poor person brought to the table, I was ignoring the person. I lacked true compassion for those sitting across from me. I was not walking with them. I was not making myself sit with them on their side of the table, understanding that there really was no barrier between us, that we were one and the same. I needed to realize that their struggles were my struggles, their life was my life.

That type of compassion does not come easily for me. I was a private-practice litigator, accustomed to dealing primarily with issues, solving legal problems. The clients were almost secondary to the process.

So I prayed daily for the ability to be compassionate. For a long time. And I waited for it to happen.

And then one Wednesday evening, at the Marquette Volunteer Legal Clinic on the South Side of Milwaukee, a poor Hispanic woman sat down across the table from me. Spoke little or no English. No job. Looked 15 years older than her real age. She had a three-year-old daughter with her and was seven-and-a-half months pregnant. And her husband, her anchor in this relatively new and strange country, had just moved out and served her with a petition for divorce.

I had heard it before, unfortunately. I am not a family lawyer, but I have walked many poor people through Chapter 767 of the Wisconsin statutes. Custody, placement, visitation, support, property division. This was going to be no different.

But then she said something in Spanish and said it in such a sad and forlorn tone that it caused me to interrupt and turn to Mary Ziino, my interpreter. I asked her, “What did she say?” And Mary said, “She is asking you, ‘What happens to me now?’”

And I suddenly knew she wasn’t asking me about what pleading she had to file or whether she would have to go to court or how long the process would take. She wasn’t really asking me anything at all. She was talking to herself, from the depths of her despair. She truly had no idea what was going to happen to her.

And I got her despair. I felt it. I despaired with her. There was no table between us anymore. No barrier. We were in the same place.

True compassion is still a work in progress for me. And now I’m at the Legal Aid Society, and my job is to help the people who help the people. I do not really deal directly with the poor anymore. I miss that. I will be back there someday.

But the lesson I learned, and pardon my generic reference, is that we are not only meant to be people for others; we are meant to be people with others. When we are that, when we do that, this work becomes much more meaningful.

And that’s enough self-reflection to last me about 10 years. Thank you again to the St. Thomas More Lawyers Society for this wonderful award. It is very special to me.

“But the lesson I learned . . . is that we are not only meant to be people for others; we are meant to be people with others. When we are that, when we do that, this work becomes much more meaningful.”

Michael J. Gonring

CLASS NOTES



Frank J. Daily



John E. Flanagan



Maxine Aldridge White



Raymond J. Manista



Kathleen A. Rinehart



Meghan C. O'Connor

68 Frank J. Daily has published a book based on his father's travel journals, titled *My Trip Abroad: Europe in 1936*.

72 Michael F. Hupy, Hupy & Abraham, Milwaukee, received the Salvation Army Chaplaincy Program Outstanding Individual Award at the 69th Annual Crime Prevention Awards Luncheon, hosted by Safe & Sound and LISC Milwaukee.

84 John E. Flanagan, a partner at Laffey, Leitner & Goode, in Milwaukee, will manage a new mediation and arbitration practice for the firm.

85 Maxine Aldridge White, chief judge of the Milwaukee County Circuit Court, has been elected to the board of the National Association for Presiding Judges and Court Executive Officers (NAPCO) and appointed to NAPCO's strategic planning committee.

88 Wendy A. Selig-Prieb received the 2017 Distinguished Achievement Award presented by the Tufts University Athletics Department.

90 Raymond J. Manista has been elected to Marquette University's board of trustees. As executive vice president and chief legal officer (and secretary of the board) of Milwaukee-based Northwestern Mutual, Manista is responsible for the company's law, communications, compliance/best practices, and government relations departments.

93 Laura Crivello has been named by Gov. Scott Walker as a judge of the Milwaukee County Circuit Court. Crivello has served in the Milwaukee County District Attorney's office for more than 20 years.

Mary J. Koshollek was recognized as a distinguished alumna by the University of Wisconsin–Milwaukee School of Information Studies. She practices at Godfrey & Kahn in Milwaukee.

Kathleen A. Rinehart has been appointed the eighth president of Cardinal Stritch University in Fox Point, Wis.

97 Cyrus A. Behroozi has been named chief program officer for child welfare for SaintA, a human services and child welfare agency in Milwaukee.

02 Erika L. Mielke joined Arbor Investment Advisors, Winston-Salem, N.C., as an investment advisor and principal of the firm. She provides wealth management guidance to private clients.

Dillon J. Ambrose has been promoted to the rank of commander in the United States Navy Reserve. An attorney with Davis & Kuelthau in Milwaukee, he is a drilling reservist in the U.S. Navy Reserve Judge Advocate General's Corps.

03 Tara R. Devine, a partner with Salvi, Schostok & Pritchard, Waukegan, Ill., helped win a record \$148 million verdict on behalf of a young woman who was paralyzed when the pedestrian shelter she was standing next to outside of O'Hare International Airport collapsed onto her in 2015.

10 Meghan C. O'Connor has been named partner and chair of the health and life sciences practice group of the Milwaukee office of Quarles & Brady. Her practice consists of issues related to data privacy and security, data breach, health information technology, and the Internet of Things and connected devices.

Douglas J. Hoffer, an assistant city attorney for Eau Claire, Wis., was named 2017 Brad D. Bailey Assistant City/County Attorney of the Year by the International Municipal Lawyers Association. The award recognizes excellence in the practice of law, outstanding service to the public, an exemplary reputation in the legal community, and the highest ethical standards.

MARQUETTE LAWYERS named by the *Wisconsin Law Journal* as 2018 LEADERS IN THE LAW

Richard Jones, L'89
Assistant State Public Defender (Madison)

Tracey Klein, L'84
Reinhart Boerner Van Deuren (Milwaukee)

Steve Krueger, L'07
Conway, Olejniczak & Jerry (Green Bay)

Ann Maher, L'88
Husch Blackwell (Milwaukee)

Robert Mulcahy, L'76
Michael Best & Friedrich (Milwaukee)

Nicole Willette, L'11
Franklin Energy Services (Port Washington)

Matthew Zuengler, L'96
Hager, Dewick & Zuengler (Green Bay)

CLASS NOTES



Jenna E. Rousseau



Sara C. Mills



Michael L. Riopel



Matthew S. Stock



Amy Rogan-Mehta



David J. Tamburrino

Jenna E. Rousseau was promoted to shareholder of Strang, Patteson, Renning, Lewis & Lacy, in Green Bay, where she practices primarily in the areas of school and higher education law, municipal law, labor and employment law, and civil litigation.

Alyssa D. Dowse joined Foley & Lardner, Milwaukee, practicing in the areas of employee benefits and executive compensation.

Sara C. Mills was named a shareholder with Crivello Carlson, Milwaukee, where she focuses her practice on defense litigation with an emphasis in civil rights, professional malpractice, commercial liability, and appellate practice.

11 Matthew T. Kleine has been promoted to director of baseball operations for the Milwaukee Brewers. He joined the organization as an associate scout in 2007 and most recently served as manager of baseball operations.

12 Michael L. Riopel joined the Milwaukee office of Husch Blackwell as a member of the firm's financial services and capital markets team, where his practice focuses on the structuring, documentation, and negotiation of complex financing, real estate, leasing, and business transactions.

Susan V. Barranco is a partner in the law firm of Hennessy & Roach, Milwaukee, where her

practice emphasizes defense of workers' compensation claims.

Matthew S. Stock joined Gerbers Law, Green Bay, where he represents banks, businesses, and individuals in business and civil litigation.

Amy Rogan-Mehta was named associate dean for administration at Chapman University's Dale E. Fowler School of Law in Orange, Calif. Before joining Chapman, she was the associate dean for student development at Marquette Law School.

13 Michael G. Koutnik has been elected a shareholder at Fox, O'Neill & Shannon, in Milwaukee, where he focuses his practice on real estate, transactional, and corporate law.

15 David J. Tamburrino was named director of corporate marketing for the Milwaukee Brewers.

Mario D. Falsetti has opened a tax consulting firm, Falsetti Legal Services, in Elm Grove, Wis.

Employment data for recent classes, including 2016 and 2017, are available at law.marquette.edu/career-planning/welcome.

JESSICA POLINER describes herself as passionate about gender inclusion in the workplace. The introduction to a recent book she coauthored lists some of the problems that she has confronted as a professional who is a woman, including "[t]he difference in gender pay, the different language used to reference women in career and performance discussions, and the number of smart, talented women opting out of the workforce or leadership."

The problems aren't always created intentionally. Poliner says that she has often worked with men who want to do the right things in professional terms, but who, in one way or another, fall short.

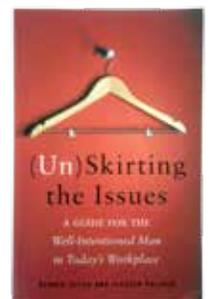
That led Poliner, L'06, and Bonnie Fetch, a colleague, to write a book aimed at such men. *(Un)Skirting the Issues: A Guide for the Well-Intentioned Man in Today's Workplace* was published in 2017 by Lioncrest Publishing.

Poliner and Fetch offer advice and observations to help WIMs—their term for "well-intentioned men"—handle gender-related issues better. The purpose of the book, they write, "is to make unconscious gender bias more conscious. . . .

It is only when we make bias more conscious in our daily interactions that we can make a dent in its troubling impact in the workplace."

Poliner grew up in the Milwaukee area. After graduating from Marquette Law School, she worked for a law firm and in corporate law offices where she said gender bias was subtle but present. She transitioned into executive positions in the construction equipment industry. She rose within Caterpillar, Inc., to a leadership position in its Latin American business. In 2017, she became vice president and general manager of Thermo King, an Ingersoll Rand company, in charge of transport of refrigerated cargo in Latin America. She is now on her way to Brussels to run a global business for Ingersoll Rand.

Poliner sees herself on a mission to reduce the presence and impact of gender bias in the workplace. She is passionate about the subject and is hopeful that the book will help individuals and organizations engage with it.





RACHEL LINDSAY: NOT JUST *THE BACHELORETTE*

Millions of people know Rachel Lindsay as “the bachelorette” in the spring 2017 season of the popular reality-television show of that name. But if you look at her LinkedIn profile online, she is identified only as “Attorney at Law at Cooper & Scully”

in Dallas. And for many who were her teachers or classmates at Marquette Law School, she is Rachel Lindsay, L’11.

In two recent visits to Eckstein Hall, Lindsay made clear her commitment to continuing to be a practicing attorney, not just a reality-television celebrity.

In a program in Eckstein Hall on November 27, 2017, for interested law students, Professor Andrea Schneider interviewed Lindsay about how her legal skills helped her negotiate and deal with her television appearances.

Lindsay described her contracts with ABC and how she approached her family (her father is a federal judge) and her boss at Cooper & Scully about taking time away from the practice and the firm, first as a contestant on *The Bachelor* and then as the star of *The Bachelorette*. She said she told her boss that she was committed to her legal career and that being on the show would help promote the firm. He was supportive.

At the invitation of Professor Paul Anderson, Lindsay returned to Eckstein Hall on February 28 to be one of the judges of the National Sports Law Institute’s annual intramural negotiation competition and to speak with sports law students. One of her fellow judges was Bud Selig, commissioner emeritus of Major League Baseball and longtime distinguished lecturer in sports law and policy at Marquette Law School.

Lindsay, who is from Dallas, attended college at the University of Texas at Austin. She told Schneider that she chose Marquette for law school because she wanted a more intimate education setting and had a strong interest in sports law. On her initial visit, she hit it off with Marquette professors she met. Her connections with the Law School remain warm after seven years of practice and a rise to nationwide celebrity.

MARQUETTE LAWYER APPOINTMENTS

Three Marquette lawyers have become shareholders at Davis & Kuelthau:

Aaron Hall, L’06, litigation team, Milwaukee

Anthony J. Steffek, L’06, labor and employment team, Green Bay

Elizabeth K. Miles, L’09, litigation team, Milwaukee

In addition, **Ryan M. Wiesner**, L’12, and **Danielle S. Snyder**, L’17, have joined the firm’s litigation team and corporate team, respectively, as associates.

Godfrey & Kahn has announced the following:

Andrew J. Schlidt III, L’95, has joined the firm as a shareholder and member of the corporate practice group; he leads the firm’s technology law team.

Andrea F. Cataldo, L’07, and **Krisztina L. Ebner**, L’07, have become shareholders. Each practices in the firm’s corporate practice group.

Three members of the Marquette Law School Class of 2017 have joined the firm’s corporate practice group as associates: **Dana L. Hall**, **Alex J. Stein** (Appleton), and **Brian Vogt**.

Six Marquette lawyers have joined Reinhart Boerner Van Deuren in Milwaukee as associates:

Rebecca M. Lindstrom, L’11, health care practice

Kelsey E. Bailey, L’15, trusts and estates practice

Sara C. McNamara, L’17, banking/bankruptcy practice

Christopher (CJ) Rundell, L’16, health care practice

Daniel J. Balk III, L’17, health care practice

Karyn J. Durkin, L’17, employee benefits practice

WHOM DO WE SERVE? EVERYBODY.

EXHIBIT A: Our students

Marquette Law School's timeless goal is to help students develop themselves into lawyers. A key facet of this is to prepare them to serve their communities. In May, 162 students will receive their hoods as graduates—and more than half will wear honor cords for pro bono service as students.

EXHIBIT B: Law professors

Hundreds of law professors, especially those focused on legal writing, will head to Eckstein Hall for the Legal Writing Institute's biennial national conference July 11–14, 2018. We are honored to host this conference focusing on a core component of legal education and one of our academic strengths.

EXHIBIT C: The public

The Marquette Law School Poll is the gold standard for measuring public opinion in Wisconsin. Turn to the poll for insight into the election races and sentiment on public policy topics, especially as November approaches.



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