

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

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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.

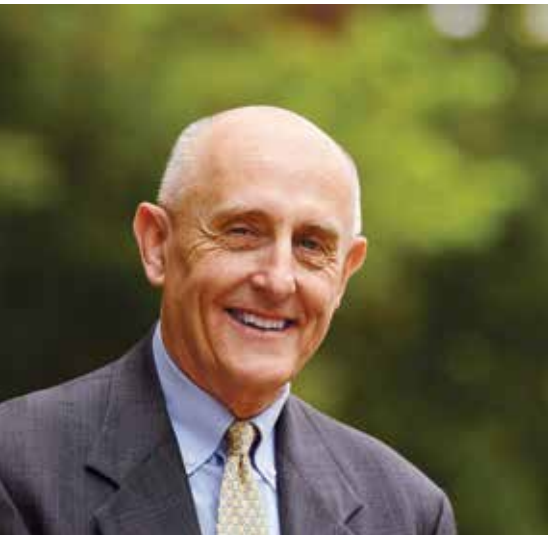
The first and only political campaign I ever worked on was Mike McCann’s first campaign for district attorney, in 1968. It was that or write a term paper in my political science class at Marquette, so I said, “Sure. I will campaign for this guy, whoever he is.”

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.

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Michael J. Gonring