

FOUR MODELS OF WHAT IT A MARQUETTE

At Marquette Law School's annual alumni awards event on April 3, 2019, at Eckstein Hall, Dean Joseph D. Kearney referred to the four recipients as "anomalies." In fact, he applied that term to all of the several hundred people who attended the program.

"There is no requirement that *anyone* remain involved with his or her law school, years after graduation," Kearney said. He said that he was happy to label the alumni being honored as "anomalies" who didn't float on the ebbing tide that, as time passes, carries many lawyers far away from connections to the law school from which they graduated.

The four award recipients have followed diverse career paths, each with great success. But the bond they still feel to Marquette Law School—and the ways they continue to show this—brought them together. In the words of Marquette University's President Michael R. Lovell in introducing the event, the awards "honor what makes Marquette great—that is, our graduates and the work that they do, going out to change the world." Here are edited excerpts from the presentations given about each of the recipients and the recipients' acceptance speeches.

ALUMNA OF THE YEAR JUSTICE ANNETTE ZIEGLER, L'89

From Dean Joseph D. Kearney

The Honorable Annette Kingsland Ziegler arrived to law school and the legal profession largely without *direct* examples: In particular, she had no lawyers in her family. At the same time, she brought parts of her upbringing to the endeavor: Among other things, a job in the hardware store that her parents owned outside Grand Rapids, Michigan, gave her both considerable experience in working with people and an appreciation of the value of hard work. Perhaps reflecting both of those things, when Annette Kingsland attended nearby Hope College in Holland, Michigan, her primary areas of study were psychology and business administration.

Here we come to a demonstration of how a great university such as Marquette can enrich a state in lasting ways. Upon applying to law schools, Justice Ziegler visited Marquette University and Milwaukee for the first time. She felt an immediate connection. During the ensuing three years of law school, she was proved correct in her assessment of the fit between herself and Marquette.

Asked in connection with this award to identify "a faculty member who had a positive effect on you," Justice Ziegler answered, "There were so many." One example is no longer with us: Professor Jim Ghiardi. Two others are retired: Professor Jack

MEANS TO BE THE LAWYER



Justice Annette Ziegler with her husband, J.J.

Kircher, whose Socratic method she recalls, and Professor Christine Wiseman, of whom the justice has said, “The room would resonate with her intense love of the law and pursuit of justice.” Others are very much part of the Law School today, 30 years on: “Professors Tom Hammer and Dan Blinka have an ability to make the law come to life.”

Of course, it is what Annette Ziegler has *done*, with the Marquette law degree, that prompts tonight’s recognition. She appreciated the opportunity in private practice, at the firm now known as O’Neil, Cannon, Hollman, DeJong & Laing, where she spent several years before beginning a career, truly, in public service. This began with work as a prosecutor, first as a special prosecutor for Milwaukee County and then as an assistant United States attorney. Governor Tommy

Thompson appointed her to the Washington County Circuit Court in 1997, whereupon she was duly elected and reelected. She was then elected to an open seat on the Wisconsin Supreme Court in 2007, in a contested race. For a striking fact—indeed, one without any analogue during her now 12 years on the court, which have brought eight other elections—her 2017 statewide reelection campaign was uncontested. That is powerful testimony about the estimation of Justice Ziegler within the legal community and the state of Wisconsin more generally.

Justice Ziegler has authored scores of opinions setting forth the law of Wisconsin on topics ranging from lower-profile ones (insurance or underinsured-motorist law, for example) to matters (such as criminal or constitutional law) more likely to find their way into the news.

I want to mention some things that you cannot look up in the law books. Some of it is civic service of a less-prominent sort than tenure on the Wisconsin Supreme Court. In Justice Ziegler’s case, this may be—depending on the moment—continuing education programs for lawyers or other judges, for an example that one of her colleagues on the court particularly noted in a nomination letter, or it may involve service outside the legal profession, especially in her adoptive Washington County. Or it may be her exceptional support, in a variety of forms, of Marquette University Law School. Whether it is service on the Law School Advisory Board, or frequent visits here to Eckstein Hall (and, previously, Sensenbrenner Hall) for moot court programs and the like, or much less public ways that she has supported my efforts as dean, Annette Ziegler does not merely espouse through her words but also demonstrates through her actions the importance that she places on our work. I speak for the Marquette Law School community when I say how grateful we are for that.

There is an especially consistent theme here. It is reflected in one of Justice Ziegler’s favorite quotes—I know this because I have heard her share it with our new graduates at the annual bar-admission ceremonies. It is sometimes attributed to Thomas Edison: “Opportunity is missed by most people because it is dressed in overalls and looks like work.” I know from both objective and inside sources—including Marquette lawyers who have served as her law clerks—just how hard Justice

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Ziegler works to serve the people of Wisconsin. Of course, if your baseline is experience in a job under the watchful eye of your parents in the store that was their livelihood, that explains a lot.

From Justice Annette Ziegler

I really am deeply honored and humbled to be here on this stage with these other award recipients.

If you think about it, a girl who grew up sweeping the floors in her parents' hardware store, sitting here at Marquette on the stage getting this award—I find that frankly amazing.

This award really doesn't belong to me as much as it does to the people who have influenced me—especially my parents, in no small measure. They did teach me the meaning of a hard day's work, an honest day's work, trust, honesty, ethics, integrity. I grew up in a faithful household where you had to do the right thing. My parents would love to be here; I know they would. They've been married 68 years. Dad passed away last year around Christmas time. And Mom can't travel the way she used to, but I know they're here in spirit.

On a lighter note, the other day I came across an old *Saturday Night Live* skit with Father Guido Sarducci. He was offering what he called a five-minute education. His thought was that, five years after graduation, most people retain very little from what they've learned, as with, say, Spanish. At the end of the skit, he said, "I'm actually thinking about starting a one-minute law school." And I thought to myself, you know, that might be kind of the case for a lot of lawyers from a lot of law schools five years out. They don't have a lot of tools in the toolbox, not a lot of memories. But that's not the way it is for a Marquette lawyer.

We learn a lot more. We learn about serving our community. We learn about service above ourselves. You know, there's this phrase, "experiential learning," that's really popular now, but Marquette's been doing experiential learning since pretty much the beginning of time, I

think, with its clinical opportunities and the teachers and the professors and the way they go about things.

It's nothing new for Marquette.

And a Marquette lawyer leaves here with not just a profession. Really, a Marquette lawyer, I think, leaves here with a calling, a calling to serve.

This award really is for nothing that I have singularly done. I really think that it's a lot more about the people out there, the people in our class, the professors who taught us, the great lawyers with whom I've worked, the judges with whom I served on the trial bench for a decade, and my colleagues on the Wisconsin Supreme Court now.

Finally, I would say, as others have said, awards are really nice, and having an important job is really great. But the most important thing is family. Some could not be here. Bernie Ziegler, my late father-in-law, and Peg, my mother-in-law, have been amazingly supportive over the years. My stepdaughter, Keller, is in Arizona, raising three children under 10 and running a business. Laura Sommer, my niece, who used to work for Marquette, and her husband, Grant, came today. My husband is here, J. J., and I couldn't do any of this without you, honey; I just couldn't. That's all there is to it. It's one thing to have a good, supportive, kind family, but some days the robe is really heavy. And when you come home to a good family and you can check it at the door, it makes everything better. Charlie and Drew, who I know would love to be here, are our two sons.

This award is due to all of you more than me. So I hope you take a piece of it with you today. But I'm going to close with one quote that the dean didn't mention, and that's from Maya Angelou. It's one of my favorites. She would say, "people will forget what you said, people will forget what you did, but people will never forget how you made them feel." And you make me feel really great today. Thank you. ■

LIFETIME ACHIEVEMENT PROFESSOR AARON

From Dean Kearney

Aaron Twerski calls Brooklyn, New York, his home. That is reasonable enough: He has taught in the New York area for decades—primarily at Brooklyn Law School, for more than 30 years, where he serves today as the Irwin and Jill Cohen Professor of Law. And he spent more than a decade and a half on the faculty of the nearby Hofstra University School of Law, including his tenure as dean.

At the same time, and for an admitted bit of conjecture, I believe that Professor Twerski considers Milwaukee to be his home as well. Marquette University Law School must be part of the reason for this: A member of our Class of 1965, he thrived as a student here. Indeed, it was here that he determined—early on, as I understand—that to be a law professor was his future. This he accomplished with remarkable alacrity: Upon graduation, and after a year in Washington, D.C., as a trial attorney in the honors program of the United States Department of Justice and one year as a teaching fellow at Harvard Law School, he was *Professor* Twerski by 1967. This was at Duquesne University, in Pittsburgh, where he served for four years before moving to New York.

The Marquette University law degree is not the only reason that we here feel such pride in Professor Twerski. He is a native Milwaukeean. It is here that his father, Jacob, was—and his brother, Michel, is—the rabbi of the Beth Jehudah congregation on Milwaukee's west side.

Professor Twerski's primary home, for our purposes, is the law school classroom and the legal academy—and not just the particular school at which he happens to be teaching. This man is a giant in that most important realm: the law of torts. His articles, probing, examining, dissecting, and assessing

EVENT D. TWERSKI, L'65

tort doctrines, have appeared in the law reviews at Columbia, Cornell, Georgetown, Hastings, Marquette, Michigan, NYU, Pepperdine, University of Southern California, Vanderbilt, Washington University, and Yale (I arbitrarily limited myself to a dozen, which in this instance I could multiply more than six-fold, and carefully listed them in alphabetical order, although it is a nice thing that *Yale* comes last). These various academic articles, together with a number of books, are a lifetime's work for most people, I would say.

Yet I do not believe that they even rank as Professor Twerski's primary contribution to the legal academy and profession. For he also served as co-reporter, along with Professor James Henderson of Cornell University, of the *Restatement (Third) of Torts: Products Liability*. The restatements, initiatives of the American Law Institute, are monumental projects—requiring of the reporters immense scholarship and not much less political skill. As much as its predecessors—indeed, perhaps even more so, given the increased fragmentation and divisions in views of substantive law in recent decades, as in so many other spheres of life—the Third Restatement of Torts is a towering accomplishment.

I expect that this affords some window into the estimation and repute in which the legal academy and profession hold Professor Twerski. Quite apart from my having adduced *evidence* to support the characterization, you may see it supported by the *judgments* of others: In 2016 the Association of American Law Schools presented Professor Twerski with the William L. Prosser Award, which recognizes outstanding contributions in scholarship, teaching, and service in the area of torts and compensation systems. This followed the American Bar Association's honoring Professor



Rabbi Aaron Twerski is joined at the alumni awards event by family members from Milwaukee. From left: Rabbi Dovid Kossowsky, principal of Yeshiva Elementary School; Rabbi Sholem Horowitz; Rabbi Michel Twerski, leader of Congregation Beth Jehudah and Aaron Twerski's twin brother; Rabbi Aaron Twerski; Rabbi Benzion Twerski of Congregation Beth Jehudah and Michel Twerski's son; and Rabbi Chaim Twerski of Congregation Beth Jehudah and Benzion Twerski's son.

Twerski, in 2009, with the Robert B. McKay Award, which recognizes a law professor in the fields of tort and insurance law who is committed to the advancement of justice, scholarship, and the legal profession.

Nor should there be any misimpression that his expertise is simply academic. To give only a leading example, Professor Twerski was appointed as a special master in the federal 9/11 cases concerning the injuries suffered by those involved in the cleanup of the World Trade Center site after the attack on the United States. There is a host of civic and other activities in service of communities of which he is part. Suffice it to say that they are as extensive and impressive as you would expect of someone with Professor Twerski's intellect and humanity.

Professor Aaron Twerski, for a lifetime of teaching, scholarship, and service in the law and, if I may, for your unsurpassed representation of the Marquette University mission of excellence, faith, leadership, and service, it is a great and humbling privilege for me to ask you to please accept the Law School's Lifetime Achievement Award.

From Professor Aaron Twerski

I owe a whole lot to Marquette Law School. Not only was I mentored here by two giants in the profession, Professors Jim Ghiardi and Ray J. Aiken, but I have a story to tell. When I graduated law school, someone who looked like me was not going to get hired. Marquette stood behind me.

When I was at the Department of Justice, I received a call from Harvard Law School asking me to come for an interview. How did that happen? An adjunct professor at Marquette, Bill Kiernan, who is no longer alive, taught Conflicts of Law. It was the time when New York decided *Babcock v. Jackson*, and it was the rage. I sat there in the front row of his class and shook my head once or twice—or throughout the semester—and he would say, "Twerski, what's wrong?" And I would tell him.

He reminded me of a great Talmud teacher that I had, Rabbi Menahem Sacks of Chicago, when I was a youngster. I would ask a question, and he would say, "Twerski, you're 100 percent right. But I'll show you where you're wrong." And that's what Bill Kiernan did with me.

In any event, unbeknownst to me, Bill Kiernan wrote to Harvard, saying, "You ought to look into this fellow." And that was the start of my teaching career. I would not have been able to make it in a teaching career if not for what Bill Kiernan did without even telling me that he was doing it. So I am indebted to Marquette Law School in a way that I cannot even begin to express.

I have lots of family here, and many from the Milwaukee community of my brother, Rabbi Michel Twerski, are here. I'm grateful to them for showing their support.

Marquette Law School is a great place. ■

THE HOWARD B. EISENBERG SERVICE AWARD

LISETTE KHALIL, L'07

From Dean Kearney

This award remembers my great predecessor, whose service to the larger society and the profession would be *legendary* except for the fact that it actually happened, even within the memory of many of us (Dean Eisenberg died in 2002). To be sure, the Marquette Law School tradition of service well antedates Dean Eisenberg. It is a timeless aspect of our mission.

Lisette Khalil's professional activity comes not in the courtroom or so much in the legal profession per se as it does in the larger civil society—in the world of nonprofit leadership. She serves as operations director of the Wisconsin Women's Health Foundation in Madison. Her work involves helping create innovative programs to provide health education and direct services to women and families across the state. The description sometimes sounds rather general or high level: For example, Lisette frequently is asked to sit on steering committees and planning groups that shape state health goals and public health initiatives. In this, we will not doubt that her pre-law-school background, which includes a master's degree in public health, helps her see the big picture.

Yet Lisette is a *lawyer*. So it will not surprise you that her work is attentive to—or more accurately, grounded in—the *particulars*, or the details. Competition for funding in the health sector insists on evidence-based practices. To be successful, this requires someone who will patiently sift through and compile the evidence. Yet the lawyer's activity involves not just such patience and care. It entails *art* in presenting the evidence. Lisette

attributes much of her affinity for grant writing to her law school education—more specifically, to her first-year legal writing classes. The ability to write concise, persuasive arguments, responsive to specific questions, has been a central component of her success in a highly competitive sphere.

In all of this, Lisette is, in the words of one of her nominators, thoughtful, strategic, creative, and driven. Her skills include the ability to process information quickly, summarize facts, and lead conversations. This last aspect of her activities speaks to the emotional intelligence—as it is sometimes called—upon which Lisette draws in her work. One of her nominators pointed not just to the talented colleagues whom Lisette has hired but to her *support* of them—resulting in low turnover and, more substantively, better reporting and data analysis for the Wisconsin Women's Health Foundation's funders and improved opportunities with its partners. Some of her previous positions have helped Lisette develop these abilities—including her work while in law school addressing family violence, as a specialist at Catholic Charities Child and Family Ministries, and her service here in Milwaukee, for two years, upon graduation as executive director of Centro Legal por Derechos Humanos.

Lisette, your work for the Wisconsin Women's Health Foundation, part of your leadership in the increasingly important world of nonprofit organizations, has distinguished you, even as it has symbolized for us the extraordinary service skills and opportunities available to lawyers and recalled to our minds the contributions of my predecessor as dean.



Lisette Khalil, with her husband, John

From Lisette Khalil

Being recognized for service work in any capacity would be a true honor, but being recognized by Marquette is especially meaningful. I've always appreciated how Marquette and the Jesuit tradition are able to interconnect faith and service, and that's what made me feel welcome here when I was a student. That is also what makes this recognition very meaningful but also overwhelming.

I need to thank my fantastic colleagues and friends and mentors who took the time to be here. I think we all know that none of us works in a vacuum, and any impact that I've been able to have is directly related to the incredible caliber of people who've been surrounding me both professionally and personally for the last 20 years.

And then, last, I need to thank my family. Some of you may know that I get to live in a house with three awesome guys. My husband, John, is here, and our oldest son, Jack, is here. Our youngest, Charlie, wanted to come, but he's five, and Jack wisely advised to the contrary. But all three of them, even Charlie, have been incredibly supportive and understanding and genuinely helpful. I couldn't do this work if they weren't on my team. ■

THE CHARLES W. MENTKOWSKI SPORTS LAW ALUMNUS OF THE YEAR AARON HERNANDEZ, L'13

From Dean Kearney

No program at Marquette University Law School attracts students from across the country more than the sports law program. Aaron Hernandez was such a student. He came to us in 2010 from El Paso, Texas, by way of Notre Dame, where he had graduated with high honors. We sent him back to Indiana upon graduation, but as a Marquette lawyer, and to Indianapolis, as I shall describe.

In his years as a student here, Aaron made the most of our possibilities, not only completing the sports law certificate but also serving as a research assistant to two of our professors writing in the field. It has been six years since he graduated, and yet sometimes I forget this, so frequent a presence is he here. Within the past week, for example—just this past Friday—I almost bumped into Aaron on the fourth floor here. He was back in town, yet again, this time to talk to admitted students—individuals on the other end of the law school process, people considering in the first instance whether to join us as Marquette law students. That sort of effort is a significant contribution to the school.

Yet it is Aaron's work at the NCAA in Indianapolis over the past six years to which we primarily point this evening. He focuses on enforcement in football development. On its face, that involves close attention to dense rules and regulations, and no doubt that is true. Nonetheless, like the law more generally, this activity is a human endeavor. When he is on the road—as he very often is—Aaron meets with “sources” of information. That is to say, he meets with *people* who, to put it

in Aaron's terms, “reach out to me for help.” “That help can be needed for a variety of reasons,” he has told us: “They are being harmed by a recruiter, their son is being treated wrongly, their family member has been physically harmed. . . .” This is difficult work but gratifying: “I never could have imagined,” Aaron has said, “how many ways I could help people when I started this job, and helping these people keeps me motivated to conduct my business at the highest level every day.”

This is, of course, what lawyers do, most basically: they help people. Sometimes it is to solve problems; other times, more affirmatively, it is to help realize opportunities. The latter is certainly what Aaron does so often with Marquette law students: For a particular example, along with Professor Paul Anderson, Aaron has led the development of an extensive internship program with the NCAA, in which Marquette law students take, well, a disproportionate part. Aaron is a dispassionate professional; he *equally* is an unapologetic partisan for his successors as Marquette law students. Such alumni loyalty makes a significant difference to the Law School.



Aaron Hernandez

Charles W. Mentkowski, whom we remember by this award, took great pride in the sports law program, the geographic and other diversity that it fostered for his alma mater, and he was a great supporter of it. Aaron Hernandez, your work at the NCAA is a leading example of what the Marquette lawyer can do to advance the appropriate interests of student-athletes and their families in the arena of college sports, and we admire the energy and professionalism that you bring to it.

From Aaron Hernandez

I have a wonderful group of people right here up in front, and I just want to thank you all so much for coming. Bobby Ollman, Adam DeJulio, Lizzie and Ryan Payne. There are a bunch of Marquette alums here, by the way—Donny and Katie Jankowski, it's a big honor to have them with me. Jake Augustine is here. So is my mother, Yvette Hernandez, from El Paso, Texas—she is celebrating her third year of remission from breast cancer.

In the mafia we have going on right here, we have Paul Anderson—thank you so much for your leadership, Professor Anderson; Professor Vada Lindsey, for all the work that you've done in recent years for the National Sports Law Institute; and Professor Matt Mitten, for your leadership also. Associate Dean Christine Wilczynski-Vogel and Dean Kearney, thank you so much for hosting this wonderful event. We have absolutely, bar none, the best sports law institute, not in the country, but in the world, and I will always continue to be a very, very partisan Marquette lawyer. Thank you all so much for coming. “We are Marquette!” ■