

national levels. And for good reasons; folks, you know this: Our criminal justice system is struggling—some say it's broken. We have far too many nonviolent people—mostly poor, or of color, or both—incarcerated in our prisons.

We have abandoned rehabilitation, training, and treatment, and replaced it with incarceration. Reentry programs struggle under the weight of the system, and frankly, in my opinion, we have forgotten what the word *redemption* means. The good news is, odd fellows such as Kim Kardashian and Donald Trump have successfully led the efforts around the federal reform effort. Now is the time to take that on locally. Whether you are practicing criminal law, or estate planning, or nonprofit work, or focusing on corporate tax planning like my son, I encourage you to be “leaders without authority” on this issue.

This is a generational opportunity, folks. I am challenging your generation of lawyers to take this on as part of your profession, part of your spare time as “leaders without authority” and, in particular, as part of your Marquette University social justice background. So those are my two “asks.” Not simple, but important.

So you think about the big picture. As students, you've spent the past three years, maybe more, finding out in excruciating, painstaking detail that the law and justice are complicated, to say the least. You've spent countless hours navigating the nuance of law, working to understand the vast gray areas that exist between black letters on a page, and possibly resenting, but hopefully also learning to appreciate, the process it takes to get to an anticlimactic “maybe.”

But to me, the concepts of law and justice can be boiled down to something pretty simple. It's a notion that we all agree on, to be bound by a set of rules. Sometimes, when a person doesn't follow those rules and another person suffers, someone has to hold the rule breaker accountable. And when a person doesn't break the rules, someone has to make sure that that person doesn't suffer a punishment. And when a person suffers because the rules aren't fair, someone has to fix the rules until they are fair. And the “someone” in all this—that's where you come in.

As political theorist Judith Shklar wrote, “[W]hen we can alleviate suffering, whatever its cause, it's passively unjust to stand by and do

nothing.” As soon-to-be attorneys and lawyers, this is the time for change for which you are now responsible. Starting today: never stand by and do nothing when there is more you can do; do good; and alleviate the suffering of others. That's it. That's the speech. Thanks so much for inviting me. ■

Joseph D. Kearney

American Inns of Court Award

Each year, in participating federal circuits, the American Inns of Court Professionalism Award is presented to “a lawyer or judge whose life and practice display sterling character and unquestioned integrity, coupled with ongoing dedication to the highest standards of the legal profession and the rule of law.” Thomas L. Shriner, Jr., a past recipient, presented the award for the Seventh Circuit to Dean Joseph D. Kearney on May 6, 2019. The occasion was the annual dinner of the court's Judicial Conference, this year in Milwaukee at the Pfister Hotel, whose keynote was a conversation among Chief Judge Diane P. Wood, U.S. District Judge Gary S. Feinerman, and current and former Supreme Court Justices Brett Kavanaugh and Anthony M. Kennedy. Here is the text of Dean Kearney's remarks.

Thank you, Tom. Let me begin by expressing my gratitude to all involved in the Seventh Circuit Bar Association for organizing this year's conference. It is most impressive. It's also a particular honor to be recognized alongside tonight's pro bono award recipients. I very much look forward to those presentations.



Taylor Brisco, Khatija Choudhry, Ash Castro, and Anna Gage at the Hooding Ceremony



Joseph D. Kearney

My own recognition reflects the support that I receive as dean. Some of it comes from places that you might naturally expect though cannot always assume. Marquette University's president, Mike Lovell, and senior leadership team afford us the resources and discretion that the Law School needs to advance the mission of the university. My faculty colleagues and other fellow employees form the constant center of the institution. So many of our alumni—Marquette lawyers—are generous in innumerable ways. Our students—future Marquette lawyers—directly perform the pro bono work that has become associated with the Law School. And Anne Berleman Kearney, a superior

lawyer, has supported the school as a longtime part-time faculty member. She was appointed by my predecessor, Dean Howard B. Eisenberg, as I like to note, although, as a native Chicagoan, I would not have been above nepotism—if it had been necessary.

Yet our support, our lifeblood, comes not only from Marquette employees, alumni, and students (and my wife). Marquette Law School gains strength from *every lawyer and judge* whose efforts have coalesced with ours across this region. And there are so many. Take, for example, the Seventh Circuit itself, going beyond the engagement of our alumni, such as our great friend, Judge Diane Sykes, and, in their own lifetimes, Judges Jack Coffey and Terry Evans. Richard Cudahy, though not a graduate, supported us with full-time teaching in the 1960s and, in the years shortly before his death in 2015, with both philanthropy and scholarly engagement. In between, for a smaller point but one of interest to me, Judge Cudahy wrote a letter supporting my tenure as a professor. Judge Mike Brennan also is not our alum, but he may as well be, as the son of a Marquette lawyer and a former part-time faculty member himself, among numerous other connections.

There's no need for me otherwise to go beyond Marquette lawyers, whether in Milwaukee, such as Milwaukee County Circuit Court Chief Judge Maxine Aldridge White, or elsewhere in Wisconsin, such as the Eastern District's

Chief Judge William Griesbach—no need, that is, to give examples such as Judge Sarah Evans Barker, who has been a repeat visitor, or to note that Justice Elena Kagan, then-Judge Brett Kavanaugh, and Judge Paul Watford, among many others, have been with us, for substantive purposes. Our greatest interest is closest at hand: the attorneys and judges in this region—some Marquette lawyers, many not—who teach as part-time faculty, volunteer alongside students in the Marquette Volunteer Legal Clinics, or join us in our many lectures, conferences, and other programs.

Our school's primary work is to educate law students, and we are better at it because we serve as a gathering place for the profession in Eckstein Hall, in our work in the community, in the pages of the *Marquette Lawyer* magazine. We are not alone as a convener. Bar associations such as this impressive organization and the American Inns of Court also gather together lawyers and, often, law students, for both formal programs and ancillary gatherings.

You and we help weave the fabric of the profession. Such common-ground institutions have begun to fray in some other parts of society, there can be no doubt: journalism is an obvious example of a sphere where this is true. Perhaps there is some inevitability about this. "Things fall apart," the Irish poet memorably wrote 100 years ago. "The centre cannot hold." Yet we ought not assume this; in fact, to serve a society founded and grounded in the rule of law, our profession has a constant *duty to prove*—to make—that statement *false*. Experience teaches that we are better able to do our bit if we come together in great civic institutions such as our profession's schools and associations.

In short, your work and gathering inspire me. Thank you for inviting me to be with you this evening and for this recognition of the work of all who are Marquette University Law School. I am most grateful. ■

"Things fall apart," the Irish poet memorably wrote 100 years ago. "The centre cannot hold." Yet we ought not assume this; in fact, to serve a society founded and grounded in the rule of law, our profession has a constant *duty to prove*—to make—that statement *false*.