

Well-known Cases, but What About the People Themselves?

Landmark legal decisions are often known by one name, that of a leading party. *Miranda. Brown. Dobbs.* But the people themselves often receive little attention, says Derek Mosley, director of Marquette Law School’s Lubar Center for Public Policy Research and Civic Education. So during the past two years, Mosley has branched out in the Lubar Center’s “Get to Know” series, hosting three “Face of the Case” programs in Eckstein Hall, providing a human aspect of major changes. Here is a brief recap of each program.



**Grant House,
February 5, 2026**

One day in 2020, Grant House was sitting beside a swimming pool with some other athletes on the Arizona State University (ASU) swim teams. House heard another swimmer say into her phone that she knew the perfect person for what the caller was looking for. What was that all about?

The caller was the teammate’s mother, a lawyer with a Seattle firm involved in legal action challenging National Collegiate Athletic Association (NCAA) rules limiting ways college athletes could get paid. She was looking for athletes who might be representative plaintiffs in a class action suit. Grant House—a national-class swimmer and an academic standout at ASU—was the perfect person, as the teammate put it.

House had not been involved in advocacy around the issue but agreed with the cause. Other students, such as musicians, make money doing what they love to do, he said, but athletes were restricted, and only in recent years were they able to receive money even for use of their names, images, and likenesses. House said he had turned down things such as sponsorship opportunities so that he could maintain his college eligibility.

He agreed to join the lawsuit, which became widely known as *House v. NCAA*. He took part in a daylong deposition at one point, watched a court proceeding in San Francisco, was interviewed by reporters, and fielded some strong (and sometimes negative) reactions to the issue. He had little involvement in the legal proceedings, but with a federal judge’s approval in June 2025 of a \$2.6 billion settlement of the class action, Grant House became part of college sports history.

During the 2026 Get to Know (Face of the Case) session at Marquette Law School, House talked about his personal background, his current training with a goal of making the 2028 Olympic team, and some of the stresses of being involved in the case. After the case made news nationwide, he received a large volume of reactions, including some from people who thought he was involved in ruining college sports.

Audience members, many of them students in Marquette Law School’s sports law program, had many questions. An audience member asked about the message of the case. “It’s all about educating and uplifting one another,” House said. So many doors were closed to athletes. He hoped the case would help athletes “to continually uplift one another and build forward.”

Another audience member asked how Marquette can compete in college sports against universities that have more money and “can buy the best athletes.” House responded that some schools with a lot of money are doing poorly now, while some with more modest resources are doing well. Success, he said, doesn’t have to come from money alone, but from the culture, character, or integrity of programs. He said universities are going to need to be innovative and forward-thinking, and the voices of athletes will need to be heard.

He expressed appreciation for the chance to talk about his background and perspective, something he hasn’t done often. His final words during the program: “Go Marquette!”

**Mary Beth Tinker,
April 24, 2025**

In the 1960s, Mary Beth Tinker was a schoolgirl whose family included her five siblings. Her father, who had been a Methodist minister in a small Iowa town, lost his position after he got involved in fighting a ban on Black people’s use of the local swimming pool. The family then moved to Des Moines. The Tinkers became involved in social causes,

including a protest following the death of four Black girls in 1963 when Ku Klux Klan members planted dynamite in a church in Birmingham, Alabama. The protest involved wearing black armbands. Mary Beth, then 12, took part.

A year later, the United States escalated its military involvement in Vietnam. A group called Iowans for Peace was launched, with members of the Tinker family becoming involved. Participants decided to wear black armbands to mourn people killed in Vietnam.



The plan was to wear the armbands on December 16, 1965. Mary Beth wanted to take part, but the principal of her school banned the armbands. “You could wear a black armband if you were sad about the football games,” Mary Beth said, “but not the war.” She said, “I was the shyest kid you could ever imagine. I was a scared little kid. I was nervous.” She was sent to the principal’s office

and told to take off the armband. She did. “I got suspended anyway,” she said. So did four other students.

A challenge to the suspensions made its way to the Supreme Court of the United States, with the Tinker name first on the Court’s opinion. On February 24, 1969, in *Tinker v. Des Moines Independent School District*, a 7 to 2 decision, the Court upheld the right of the students to wear the armbands. In a phrase that became well-known, the majority held that neither students nor teachers “shed their constitutional rights to freedom of speech or expression at the schoolhouse gate.” That right has limits, particularly related to potential or real disruption. But what became known as the *Tinker* principle remains relevant to this day.

“I didn’t know how important the case was at all,” Tinker said, until she was in college, studying to be a nurse. Her case—and name—were in one of her textbooks. “It kind of hit me: ‘Well, I guess this is a little more important than I thought.’”

Tinker, who lives in the Washington, D.C., area, went on to a career in nursing, counseling young people, and being involved in social causes. “This *Tinker* case is about controversy,” she told the Marquette Law School audience. “We have to speak up for our conscience.” There is a risk to speaking up, she said. “But it’s so worth it to live a life speaking up for what you believe in.”

James Obergefell, September 18, 2024

James Obergefell was raised in Sandusky, Ohio, the youngest of six children in a blue-collar family. He became a schoolteacher in Cincinnati. He knew he was gay, but “I was deep in the closet.” In 1992, he went to a bar with a friend, who introduced him to a man there named John Arthur.

Later, Obergefell was invited to a New Year’s Eve party at Arthur’s house. “And I never left,” Obergefell said.

They decided they wanted to get married, Obergefell said. They didn’t want a symbolic wedding—they wanted “marriage and everything that came with it.” At that time, there was nowhere in the United States where gay marriage was legal. But, he said, “Our family and friends considered us married; we considered ourselves married.”

In 2011, after they had been together for 19 years, Arthur was diagnosed with ALS. His physical condition declined quickly. On June 26, 2013, the U.S. Supreme Court struck down the federal Defense of Marriage Act. Obergefell said he and Arthur immediately decided to get married. That wasn’t permitted in Ohio then. A friend suggested they go to Maryland, where it was allowed for one person to appear in applying for a marriage license. Obergefell got the license. Arthur was severely disabled by then, Obergefell said, so, with family and friends picking up the \$14,000 cost, they chartered a medical jet, flew to Baltimore, and got married on the ground without ever leaving the plane. Then they flew home.



A Cincinnati reporter wrote about the wedding. That led to Obergefell’s meeting with a lawyer, who brought him an example of a death certificate. “It broke our hearts,” Obergefell said, that he wouldn’t be listed as a spouse when Arthur died. He and Arthur filed a lawsuit arguing that getting married in Maryland meant Ohio had to recognize their marriage.

Arthur died three months after they got married. Both names were on the death certificate, pursuant to a federal court injunction shortly before Arthur’s death, but lawyers for Ohio argued that Obergefell’s name as “surviving spouse” should be taken off. The resulting court case made its way to the Supreme Court, where it was combined with other cases arguing that same-sex marriage should be legal across the country as a constitutional right.

Obergefell was present when *Obergefell v. Hodges* was announced by Justice Anthony M. Kennedy on June 26, 2015. When it became clear that the plaintiffs had won, “I burst into tears, and I could hear people around that courtroom sobbing,” Obergefell said. “For the first time in my life as an out gay man, I felt like an equal American.”

After the decision, Obergefell said, he became involved in advocacy not only for gay rights, but for rights of others more generally. And for those present at Marquette Law School’s Face of the Case program, Obergefell emphasized his realization that what he learned as a child is true: “A small group of people really can change the world.” ■

Law School Programs Highlight “Outstate” Career Opportunities

Ryan Graff, L’06, has a thriving legal practice, including interesting and big cases, opportunities for professional growth, and interaction with very capable lawyers. And there are appealing opportunities beyond work. This is how he finds life in Manitowoc, Wisconsin, on the shore of Lake Michigan, 80 miles north of Milwaukee. “I don’t think you lose anything by being in a small community,” he told about 20 Marquette law students at a gathering in Eckstein Hall on February 26, 2026.

Graff and a half dozen other lawyers with practices in rural areas or small to medium-sized cities were taking part in the Law School’s “Beyond Milwaukee” lunch program, part of a larger campaign by several legal organizations, including the State Bar of Wisconsin and Marquette Law School, to encourage law school graduates to choose careers in smaller communities in Wisconsin.

It’s not an easy sell. As is true more broadly, the pull of big urban areas such as Milwaukee and Madison is strong in the legal profession. Trends have not been running favorably when it comes to the availability of lawyers around Wisconsin. In particular, shortages of prosecutors and public defenders have made pursuit of criminal cases difficult and slow in some areas. “We need criminal defense attorneys up north like we need air,” said another participant in the program, Jessica Phelps, L’14, who practices in Wausau. “It’s dire.”

Many places offer good opportunities. “The farther north you go, the happier they will be to have you show up,” Phelps told the students. Steven Krueger, L’07, practices in Green Bay. He said that while some people in urban centers have comical ideas about what legal practice and life in general are like in less populous centers, he deals with sophisticated law firms, complicated legal issues, big businesses, and demand for his services. Plus, he said, “the earning potential is something people are often surprised by.”

And then there’s the lifestyle—panelists spoke of no-hassle commutes to work, lots of recreation opportunities, and access to more cultural offerings than many people realize. Seeking to dispel “a myth,” Scott Swid, L’96, said there are excellent cultural programs across the state. Swid practices in Mosinee, Wisconsin, south of Wausau.

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**— Jessica Phelps, L’14,
practicing in Wausau, Wis.**

Erin Binns, the Law School’s assistant dean for career planning, noted “a wealth of legal opportunities—quality opportunities—beyond the immediate Milwaukee area.”

The Beyond Milwaukee event was part of an effort to promote “outstate” legal positions, Binns said, using the common Wisconsin term for areas at least outside the Milwaukee and Madison areas. This summer will be the third year of the State Bar of Wisconsin’s Rural Clerkship Program, which places students after their first or second year of law school in private law offices and state public defender locations outstate. The positions are paid, and the students have substantial involvement in legal work.

Another part of the effort was a program titled “Let’s Get Criminal” on February 16, 2026, in Eckstein Hall, in which eight representatives of district attorney’s offices and the state public defender’s locations across Wisconsin described their work, how to prepare for jobs such as theirs, and potential career trajectories. The program was supported by the Law School’s Nathan Fishbach Student Development Fund.

Binns said the Law School also hosted a recent luncheon for students, facilitated by the state bar, which included a virtual panel discussion with lawyers describing their practices in rural areas around Wisconsin. “We encourage students, and we’re working with employers to promote outstate legal careers,” Binns said.

Wisconsin Supreme Court Chief Justice Jill J. Karofsky pointed to the statewide needs in a “Get to Know” program at the Law School, hosted by Derek Mosley, director of the Lubar Center for Public Policy Research and Civic Education, on March 4, 2026. “We have a crisis here, for all you law students,” Karofsky said. She said lawyer shortages had slowed criminal proceedings in some areas. “We’re going to have to do everything we can to try to move the needle a little bit.”

The Law School’s efforts aim to help do that. ■

Families, Educators, Leaders—and Money

Two Lubar Center programs emphasize that all are needed for reading reform to succeed.

“All hands on deck”—that’s what it will take to succeed in making a lot more children capable readers. This was the message from Maya Payne Smart to an audience in the Lubar Center of Marquette Law School’s Eckstein Hall. “Parents, families, communities, we have to do our part,” along with educators themselves.

The Law School’s Lubar Center for Public Policy Research and Civic Education, partnering with the Marquette University School of Education, is playing a part in that effort as a convener to promote public awareness of and engagement with the problem of too few children learning to read well. Two programs during the 2025–2026 school year continued the longstanding commitment to making education issues one of the focal areas of the Lubar Center’s public policy initiative.

Smart is the author of the 2022 book, *Reading for Our Lives: A Literacy Action Plan from Birth to Six*. She is an affiliated faculty member of the Marquette University College of Education and the chair of the newly formed Milwaukee Reading Commission. She came to Milwaukee in 2021 when her husband, Shaka Smart, became the Marquette men’s basketball coach.

In a program on November 12, 2025, Smart said that when their daughter was young and Smart was checking out early childhood programs, she paid close attention to what she saw. Did the place look safe, clean, and inviting? Now, Smart said, she urges parents not only to look but to listen. Are the people running the center talking with the children, including babies? Are they doing things that build a child’s intellect? Even more important, are parents engaging in these things at home? These are valuable steps in child development.

“We need to have parents who recognize they are not only providing food and a roof over the heads of their children,” Smart said. “They are really their first teachers and their first educational advocates.” She also encouraged enhanced teacher training. “None of this works if the child arrives in a classroom with a teacher who doesn’t know how to teach them,” Smart said.

Building the skills of teachers was also the theme of a Lubar Center program on December 2, 2025, in which four Wisconsin education leaders described work on implementing a 2023 state law seeking reform in literacy education.

Barb Novak, head of the Wisconsin Department of Public Instruction’s Office of Literacy, said, “My heart wants every single kid to be a competent reader. . . . My brain knows that that happens through building systems.” That process has started, but she said that broad success is going to be expensive, requiring more than the \$50 million that the state has appropriated to this point.

Gabriela Bell Jiménez, academic superintendent for literacy for Milwaukee Public Schools (MPS), is at the center of work to improve reading proficiency among Milwaukee children, which, as a whole, is among the weakest in the nation. She compared what it will take to succeed to what it takes to make an ice sculpture from a large block of ice, saying you have to melt the block bit by bit, carefully and patiently. “Change is difficult, but we are making progress,” she said. A recent update of the MPS reading curriculum, she said, was an expensive but important step.

Rep. Robert Wittke (R-Caledonia), a member of the Wisconsin Legislature since 2019 and a former president of the board of education of the Racine Unified School District, said he would have preferred a much larger appropriation—\$150 million or \$200 million—to support the 2023 reading law. He emphasized professional development for teachers as a priority. “We took a step in the right direction with \$50 million,” he said, even as more will be needed.

Carrie Streiff-Stuessy heads a community organization, Forward Scholars, that places trained volunteer tutors in 10 Milwaukee schools. It has seen good results, albeit with a relatively small number of students. Overall, “I do really see that there are changes happening,” she said. But it “can’t happen fast enough without the resources.”

Engagement, commitment, and resources were themes at both Lubar Center programs. Marquette’s commitment includes continuing to put literacy issues in the spotlight. ■



Maya Smart encourages parents and caregivers to take effective steps, beginning with very young children, to develop literacy abilities.