MARQUETTE UNIVERSITY
LAW SCHOOL

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Dear Marquette Law Student,

Welcome to a new semester. It is good to have you back from the semester recess and feel your energy and anticipation within the building as we begin a new term. My purpose in this letter is somewhat different from the "Law School Update" letter that I sent you at the beginning of the first semester. This letter is more in the nature of a reflection on legal education and Marquette Law School; it contains matters that I believe are important and that I hope will be of interest.

Grades. Permit me to begin with a brief observation about grades, a matter very much on many of your minds. I will not suggest to you that grades are unimportant. I do maintain—because it is true—that they are assuredly not a reflection of your worth as individuals or even some unerring predictor of your economic or professional success as lawyers. The more important point for most of you is upon your graduation to have learned enough about the law and to have soaked up enough of the legal culture that you are knowledgeable concerning, skilled at communicating about, and seriously interested in the law and the undertakings of lawyers.

I should note as well that it is possible for grades to be part of the learning experience (even if we legal educators are not especially adept at using grades toward this end). For example, there is value in asking to review your exams, and it might be instructive to spend time thinking about such varied matters as how one's answers might have been different and what one's study habits were. It is a responsibility of faculty to be responsive to exam-review requests.

Facilities. I will speak again of the matter of responsibilities, but first will talk about the relatively concrete. One matter that has been occupying an increasing amount of my attention over the past year and a half is Marquette Law School's physical facilities. I have begun the complicated and difficult process of working with others in the larger University to recognize the extent of our facilities needs—most critically, a shortage of space—and to help us in solving them. I mention this to you not because some solution is imminent or could be realized in your time here, but rather because you are part of the Marquette Law School community and are invested in its future and its success. Thus, I wish you to know that we are aware of the desirability of the school's improving in this respect and are working to accomplish that.

The timeline for any sort of comprehensive solution, such as an additional building, should not discourage you about your own days and evenings here. A building is a detail (this is not empty rhetoric, for anyone who has seen my office can testify that I am often indifferent to my physical surroundings). A superior education can be provided in an inferior building. When I attended St. Ignatius for high school in Chicago, one of the two main buildings was a survivor of the Chicago Fire in 1871, and the other, built in 1895, was still referred to as "the new wing." It was no hindrance. Similarly, I believe that the education that Marquette Law School provides today is likewise superior and occasionally spectacular.

A certain indifference to facilities is good training as well for the practice of law. A member of the Class of 2000 with whom I recently discussed this matter asked me to underscore this to you, and I cannot improve upon her words. "Law is practiced everywhere: excellence can and should be pursued with the same tenacity irrespective of whether you are in a tiny dingy conference room with cracked plastic chairs or a grandly decorated courtroom, a million-dollar conference room with a view or a warehouse full of dusty filing cabinets and yellowed documents."

Before I leave the topic of facilities, I wish to note one other thing. You may have noticed, outside our "smart classrooms" (so-called simply because they contain certain technology), there are keypads that require card access. The decision to install these, which was prompted by some security problems in other buildings, was made by the central administration of the University for the entire campus, and I did not participate in it. When I learned of it, I was really quite unhappy with it, as both its apparent intent and effect were to keep students out of rooms in which they did not have a class. When I was in college and law school—not so long ago, even though there is a rumor that I turned forty over Christmas break—I would frequently study in (or use for such purposes as moot court practice) any empty classroom that I could find. As Dean of Marquette University Law School, I have a strong interest in ensuring that, within reason, you have this same ability. Thus, I am pleased to report that, with the assistance of Professor Thomas J. Hammer, we have persuaded the University (a) to leave the rooms unlocked during times of heavy usage and (b) to permit law students' ID cards to unlock the doors at other times. I understand that this will not be the case at other buildings on campus, but *you remain as free as ever to commandeer law school rooms not reserved for class or other purposes.* Perhaps you will take this as some evidence that I am paying attention to your current facilities interests as well.

Marquette Interchange Work. You are all undoubtedly aware of the massive, ongoing project by the State of Wisconsin to tear down and reconstruct the Marquette interchange. There will be inconveniences to all of us from this construction work. For example, we should all assume that the work will affect commuting times; it is even possible that the nature of the demolition and construction work will affect the extent to which we are able to use certain classrooms in the building.

While no one can dispel these inconveniences or even aggravations, the University is going to considerable lengths to ensure that the disruption to the Law School from this work is as small as the rather extraordinary nature of the work will permit. Thus, the University is not merely monitoring but actively participating in aspects of the planning, to the extent that it is allowed to do so; it is not a coincidence, for example, that the Wells Street bridge was torn down last month at night (i.e., when no exam was being given). The Law School, primarily through the persons of Professor Hammer and Dean Bonnie M.

Thomson, is part of the University's efforts. We will be sure to keep you apprised of important details as soon as we learn of them. If it is any consolation, my conversations with alum-ni suggest that it is the rare cohort of Marquette lawyers whose legal studies were not accom-panied by either freeway work or some tearing up of Wisconsin Avenue; perhaps the experi-ence is an inherent part of becoming a Marquette lawyer.

The Matter of Responsibilities. The foregoing may give a small sense of the seriousness with which we take our responsibilities as legal educators and stewards of Marquette Law School. We seek to learn the right thing to do and to do it. Admittedly at times we fall short in one or both of those respects. We are human, flawed, and fallible. But as long as I am Dean of the Law School, all of us at the school will take our responsibilities seriously, and I know that the Law School's second-in-command, Associate Dean Peter K. Rofes, shares this commitment equally with me.

I say this not merely because I intend it as a pledge, but also because if there is one quality or characteristic that I hope that all of you already possess and further develop at Marquette Law School, it is that of being responsible individuals. "Responsibility" is a fairly prosaic word—it certainly does not have the ring of "Duty, Honor, Country"—but I think that it is the essence of being a lawyer. And may you never lose sight of the fact that to be someone's lawyer is an extraordinary thing. It is to be a person's agent, and the acts of an agent (such as you, once you become a member of the bar) typically bind the principal (such as your clients). It can also include serving as a counselor and playing an active role in guiding a client's decisions. These are truly awesome responsibilities, and I would encourage you to pause every so often and self-consciously reflect on them.

In the meantime, you are responsible for your educations. I mean that quite literally. The faculty can guide, highlight, clarify, and even inspire. But I think that legal education in many important respects must be self-directed. The self-discipline of requiring yourself to spend considerably more hours on your coursework outside of the classroom than inside of it must exist for you truly to advance in your legal educations. This, too, is a matter that requires your attention. My own view is that there are few things more important to success in life than one's habits—that which one does, not because he or she makes a *de novo* assessment in each instance of what recommends the deed, but simply because it is *what he or she does*. To the extent that you develop good habits in law school—to read and reread material would be only an obvious example—I assure you that they will remain with you in practice, to your and your clients' advantage.

I do not mean to suggest that legal education outside of the classroom should altogether be a solitary undertaking. In fact, I note with regret what seems to be something of a decline at Marquette Law School of the traditional concept of the study group. I did not really focus on this until I had the occasion last fall to interview Aaron D. Twerski, L'65, who is the Francis Newall Devalpine Professor at Brooklyn Law School and one of our most prominent alumni in the national legal academy. Professor Twerski cited the prevalence of study groups at Marquette in the early 1960's as one reason that the students from that era feel a particular bond with one another, and another Marquette lawyer (Professor Janine P. Geske, L'75) has made similar observations. Even when I was in law school elsewhere in the mid to late 1980's, the study group was still reasonably common. Professor Twerski attributes what appears to be its declining incidence to the rise of the laptop computer. Whatever the

cause, its decline has been an unhelpful development. To the extent that you are not discussing the law with your classmates, you are not getting as much as you might out of your legal education or adequately preparing yourself for the frequently collaborative nature of the practice of law.

You have responsibilities beyond your coursework. If you read Section 901 of our Academic Regulations, you will note that certain undertakings constitute misconduct for which academic discipline (including expulsion from law school) may be imposed; these include the not specifically defined category of "conduct demonstrating a lack of the character and fitness required for admission to the practice of law." One of my less happy duties as dean is to review complaints of misconduct and determine whether to commence the disciplinary process, in which case the matter essentially leaves my hands and goes to a faculty committee. I have had to do so three or four times in my eighteen months as dean; that is not a dismaying number of instances, but I would prefer never to have to do so. You should always recall—for your own sake—that poor decisions can have lasting consequences; as aspirants for admission to the practice of law, you will be held to a higher standard than others. This is not to suggest that a single misstep or mistake, of any sort, will be fatal to one's bar application. Indeed, along with a habit of responsibility, candor and honesty are the most significant traits by which you will be measured for bar admission.

I believe that you have responsibilities beyond even all of these. While it might not be set forth in the Academic Regulations or likely to arise in a review of a bar application, a decent respect for others—a certain kindness towards those with whom you interact professionally, whether they are judges, clients, opposing counsel, or support staff tomorrow, or your fellow students today—is another character trait or habit by which many will and should judge you. Such associated characteristics as open-mindedness and susceptibility of reason can also make you a better lawyer and counselor.

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Please know that we are glad that you are with us and believe that we can learn from you as well. Towards that end, I expect in the very near future to place a suggestion box outside the door to my office, which will be available to you as a complement to your using my e-mail address at the top of this letter or seeking out me or another Marquetter in person.

I speak for the entire faculty and staff when I say that it is a privilege to teach you law (or to preside over and facilitate your self-education in law). I have never doubted this, but the point has become even clearer to me since it became part of my job, after six years here on the faculty, to go out and preach and advocate to alumni—that is, as dean to represent the school to our graduates. The idea of a Marquette lawyer consistently has been held in the hearts and reflected in the actions of our graduates for scores of years. You will add to this legacy, perhaps even along the way redefining for yourselves and for the next generation what it means to be a Marquette lawyer. This is one of your greatest responsibilities.

Sincerely,



Joseph D. Kearney
Dean and Professor of Law