MARQUETTE UNIVERSITY

LAW SCHOOL

August 16, 2024

Dear Future Marquette Lawyer:

Welcome to the new academic year. Whatever the stage of your law study—whether you are just starting out or, rather, find yourself as an upper-level student edging or lurching or gliding gracefully closer to the practice—I hope that you are developing *helpful* professional habits and values here at Marquette University Law School. For, in all events, much of what you learn or adopt here—the *how* as well as the *what*—will be with you throughout your life in the law.

I begin with my own basic purpose and, more importantly, your defining choices. Together with the faculty and other colleagues, full-time and part-time, at the Law School and throughout Marquette University, I work to enrich the educational and professional opportunities available to you. It is on you to *seize* those opportunities. To position you to do so, we seek to keep you informed, especially via the website, the twice-weekly *Law News*, and emails. Some of this may seem almost old-school, and perhaps in your lives there is a place for TikTok or Instagram (not my own preferred media), but you are entering a profession that still depends on the legal brief and judicial opinion. In the circumstances, a letter such as this is perhaps a good way for each of us, whether by writing it or by reading it, to begin the semester. At any rate, it is my custom.

Let me turn to the updates or information. I wish to begin by introducing, briefly enough, three new full-time faculty colleagues whom we are most pleased to welcome to the Law School. Reverse alphabetical order seems a good approach.

Zoe Robinson joins us as professor of law, a position that she previously held at DePaul University, after attending the University of Chicago for law school and clerking for Judge Diane P. Wood of the U.S. Court of Appeals for the Seventh Circuit. Professor Robinson has also served on the faculty at the Australian National University. She has been widely published as a scholar and has won awards for her teaching. Her courses here will include Torts and Constitutional Law. We are glad to welcome Professor Robinson back to her adoptive Midwest and to her new hometown.

Sarah J. Fox joins us as associate professor of law. She studied law at Georgetown University, clerked for the Hon. Claire V. Eagan, a U.S. district judge in Oklahoma (next door to Professor Fox's native state of Kansas), and practiced law in New York City. More recently, she has been on the faculty at Northern Illinois University College of Law, where she received the inaugural NIU Law

Board of Visitors Faculty Scholarship Excellence Award. Professor Fox will teach Property, Local Government Law, and courses in the real estate and environmental spheres. Please welcome her also.

Rebecca Donaldson returns to us, as assistant clinical professor of law and assistant director of the Andrew Center for Restorative Justice. She is a graduate of Harvard Law School, has experience in the practice in Milwaukee (from her years as an attorney at Legal Action of Wisconsin), and, most recently, served as a law clerk in Seattle to Judge Ronald M. Gould of the U.S. Court of Appeals for the Ninth Circuit. Professor Donaldson was a member of our part-time faculty during the 2022–2023 academic year, and her teaching will include courses such as Alternative Dispute Resolution. We are delighted about Professor Donaldson's return to her hometown.

To be sure, into each life some rain must fall, as a great nineteenth-century American poet almost too memorably phrased it, and we are sad to acknowledge several retirements or departures. Professor Edward A. Fallone has retired, after thirty-two years of teaching Constitutional Law and Securities Regulation, among a number of other courses. So, too, has Professor Megan O'Brien of our law library. Yet both of them have assumed emeritus status. I am always grateful for such an interest, on a retiring colleague's part, in continuing to be part of us.

There have been a few other changes. We will very much miss Stephanie Danz, our assistant registrar since 2006, who retired this past May, and Wendy Smith, of our law library, who has taken a position with the State of Wisconsin. Ms. Danz's work was extensive and especially notable with our part-time or "adjunct" faculty, who make such invaluable contributions to the education of our students—*your* education. We have been glad to welcome Rebecca Ruesch, our new registration and records specialist, who has assumed various of Ms. Danz's duties, and we are engaged in a search for a successor in the library as well. Last semester, Chad Wheeler, an experienced Marquette colleague, joined us in our facilities and events office, and Patrick Vang, new to the university, came aboard our media and technology group, each succeeding a colleague whose departure I had noted in my January 2024 letter. Whatever a person's title or department may be, as our assistant dean of students said in a post last semester on our faculty blog, we all work in student affairs. (The full series of ten blog posts contains much useful information about student affairs at Marquette Law School and is worth a visit.)

Other "personnel moves" are somewhat less dramatic or noticeable than arrivals or departures or retirements. Mary E. Triggiano, director of the Andrew Center for Restorative Justice, and Anne Berleman Kearney, director of clinical education, now are also clinical professors of law. The new faculty title for both Paul M. Anderson, director of the National Sports Law Institute, and David A. Strifling, director of the Water Law and Policy Initiative, is associate professor of law. We are most fortunate to have such colleagues dedicated to serving and advancing the mission of Marquette University Law School.

Our faculty offer courses in which you have the opportunity to develop knowledge, skills, and values essential to the work of a Marquette lawyer. As I have long said in my welcome address to first-year students, a good teacher can illuminate, clarify, and in a few instances even inspire. But only *you* as a student—reflecting the word's Latin origin in *studens*, one who is eager for—can ensure that your time, intellect, and energy are properly deployed or marshalled for you to learn the law. And if those verbs are relatively militaristic in their connotations, it is perhaps because advances in life often entail a certain amount of struggle.

This is scarcely to suggest that in your education you should regard yourself as in a struggle with other individuals. For starters, permit me to note that I have been so impressed over the years by the plainly evident extent to which Marquette law students look out for and support one another. You should not hesitate to seek help from your fellow law students. They will welcome the opportunity to serve.

Nor should you doubt the interest of faculty and staff in helping you develop in respects going beyond your knowledge of legal doctrine or acquisition of relevant skills. I do not propose here to sketch out the array of support services at the Law School, but they are extensive and welcoming. Sometimes their explicit focus is relatively specific (the Career Planning Center, for example), but in other instances their ambits are purposefully more general or broad (consider the Office of Student Affairs). Information in sessions for new students, on our website, or in your conversations with one another or any of us can steer you in the right direction. Once underway, you will find knowledgeable individuals who want to help.

I encourage you most strongly to consider yourself already to be a member of the legal profession—together with fellow students, professors, administrators, and practicing lawyers—in ways that include your activities outside of the classroom. There are so many avenues of possible pursuit. The Law School's Office of Public Service and the pro bono programs that it runs or supports in our community are a leading example. These opportunities to "do good" (as the late Dean Howard B. Eisenberg used to say) additionally provide important professional-development and social benefits. Here, too, information on our website abounds.

While pro bono service typically entails leaving the building, you may also consider professional and social opportunities inside Eckstein Hall. The Law School hosts lectures, conferences, and other events at which students are most welcome. Permit me especially to encourage you to join us at this year's Boden Lecture, which Professor Reuven S. Avi-Yonah of the University of Michigan will deliver in September. The topic is timely: "Can Tax Policy Help Us Control AI?" I am confident that the lecture will be accessible to those rather uninformed about tax law, not to mention about AI, among whom I may be surely numbered. Professor Avi-Yonah is the leading tax scholar in the United States—indeed, the world. He is

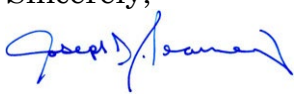
also something of an old friend—a law school classmate, whom I knew and admired, if one with whom I had not connected, until this year, in the thirty-five years since our graduation. I mention this less because I want to ensure a good crowd, true though that may be, and more as objective evidence that the construction of one's professional network may begin in law school and requires not so much relentless attention as, simply, *engagement* with peers and colleagues.

The connection with colleagues has been rather on my mind this summer as our community mourns the death, this past June, of Marquette University President Michael R. Lovell. President Lovell moved to Milwaukee in 2008 to lead the engineering school at the University of Wisconsin–Milwaukee. My own initial connection with him was through our mutual interest in helping Milwaukee develop into a hub of water technology and policy, although my wife, Anne, met him first when both he and she were teaching Sunday school classes at our local Catholic parish. President Lovell led Marquette University since 2014. Throughout his service, I was grateful for the way he appreciated our work here in Eckstein Hall and in the community. Developing this appreciation required him to *learn* things about the Law School, which he did gladly.

Yet among the things that I especially admired about President Lovell was more general or broader than anything peculiar to our discipline: specifically, his affinity for *partnerships* in the community. Such collaborations are challenging on account of the transaction costs they involve. At the same time, they can be especially beneficial and rewarding because one's reach through a good partnership almost always exceeds what one can achieve alone. The study of law can be lonely, as it necessarily involves a good deal of reading and mulling (and, often, writing), before one can participate in an intelligent discussion or collaboration to develop that knowledge—a good deal of mining before there can be refining. You will not doubt that I encourage such reading, reflecting, and writing, given their fundamental importance. Please know that I encourage as well the partnerships, collaborations, and even social outreach that I saw President Lovell promote and model. The rewards are principally down the road: To draw again on the same poet (Longfellow): "The heights by great men reached and kept were not attained by sudden flight . . . ." Education, though often benefiting from a destination, is also something of an itinerant journey in life.

On behalf of all of us at Marquette University, from Acting President Kimo Ah Yun to my newest colleagues at the Law School, let me extend good wishes and encouragement as you begin this next stage in your travels.

Sincerely,



Joseph D. Kearney
Dean and Professor of Law