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The Marquette Lawyer

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THE MARQUETTE LAWYER*

As a student and faculty member for nearly one-half of its 100 years, the Law Review editors thought me qualified to comment on the legal education at the Marquette University Law School. This is not intended to be a historical or factual chronology of the Law School. The history of the Law School would be a worthwhile project covering the six phases of the School: (1) its beginning in 1892; (2) its affiliation with Marquette University in 1908 and the World War I years; (3) its move into Sensenbrenner Hall in 1924 and its acquisition of the Diploma Privilege in the 1930s; (4) the World War II era and the return of the veterans of that war; (5) the postwar era and the period of stability; and (6) the era from the 1960s to the present. Each phase had its own successes and problems, and each contributed to the School's growth and improvement. Such a historical chronology and analysis would require time and talent well beyond that available to this author. This brief commentary will attempt to discuss, in general terms, the Law School and its end product — *The Marquette Lawyer*.

A. PHILOSOPHY

Since its inception, the principal mission of the Marquette University Law School has been to train individuals for the practice of law. Skillful professional performance includes developing analytical ability and knowledge of the law, ability to perform basic legal tasks, and diligence and ethical responsibility in the application of that knowledge and skill. In carrying out its purpose, the Law School has not been "trendy" by adopting every new concept or idea that has come along in legal education. To the contrary, the Law School has adapted to changes in the profession, while maintaining the requirements needed to accomplish its purpose of training its students for the practice of law. In fulfilling this mission, the School has always maintained a program of required courses greater than most schools in both the subjective and adjective law, while at the same time providing skills training. In training for the practice of law, the Law School has provided a climate that encourages scholarly productivity by the faculty and students. It has maintained a tradition of fostering both scholarship and skills. The School's philosophy is accurately articulated by the words of the late Dean Robert F. Boden:

There are well-recognized characteristics which distinguish the Marquette Lawyer. They can be observed in the offices and court-

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rooms, everywhere the law's work is done by the graduates of this school. These characteristics include solid grounding in the fundamentals of legal analysis and doctrine, an understanding of procedure and the means of accomplishing legal objectives legally, an appreciation for philosophical and jurisprudential values underlying the law, a strong sense of professional responsibility, and a pervading commitment to the service of fellow human beings in a useful professional context. This is what we mean by the Marquette Lawyer.

B. FACULTY AND ADMINISTRATION

The Law School faculty and administration have increased considerably from the School's initial inception in 1892 when three prominent members of the Milwaukee Bar started the Milwaukee Law Class, which then became affiliated with Marquette University in 1908. Until the 1960s, the Law School maintained a small core of full-time faculty members, two administrators, and a small support staff. The emphasis was on quality teaching. All of the core and required courses were taught by full-time faculty members (three courses a semester was the normal load), supplemented by an adjunct faculty of lawyers and judges who taught elective courses. Despite the heavy teaching loads and limited support personnel, the faculty had a remarkable record of scholarship and publication.

In the early 1960s expansion became the byword: more students, administrators, faculty members, and support personnel along with an improved "physical plant." The faculty was expanded in order to carry out the School's mission of training for the practice of law. Additional faculty members were recruited from the ranks of the profession, with emphasis on teaching ability, serious academic interests, and practical backgrounds, resulting in a faculty with diverse approaches to teaching, scholarship, and public service.

The growth of the faculty and administration coincided with a growth in the number of students and an expansion of the curriculum in the substantive, adjective, and clinical areas. In addition to its emphasis on teaching "law," the School seeks to imbue in the students a sense of professional responsibility. This responsibility requires a familiarity with the ethics of the profession as well as the lawyer's obligations to fellow lawyers, the judiciary, the legal system, the community, and the law itself. To the extent possible, the goal is to teach the students to learn to live as a lawyer while in law school. This teaching is carried out not only in the classroom, but by individual faculty members who maintain an "open door" policy for the student body.

C. STUDENT BODY

The student body at Marquette University Law School continues to increase, both in number and in diversity of backgrounds and geographical roots. The class of 1918 consisted of 20 graduates, while the class of 1990 graduated 160. The greatest expansion, of course, has been in the area of women and minorities. In the 1990-91 academic year, over 42% of all the law students were women, while 11% of the 1990 entering class were minorities. Seventy-seven undergraduate schools are represented in the 1990 entering class and 38% of the students are from states other than Wisconsin. As the strength and caliber of the School expands from its regional base to a national one, the number of students from states other than Wisconsin will continue to increase.

The original purpose of the Milwaukee Law Class was to provide the opportunity for a legal education to individuals in the "Milwaukee area." The background of the early graduates illustrates that the School provided the opportunity for students from the "Milwaukee area" to study law who otherwise would not have had such an opportunity. These were students who could not live on campus in an age when both money and transportation were in limited supply.

With the continued emphasis on a quality education and an increase in the size of the student body, a broader diversity of backgrounds became inevitable. The Law School's student body expanded from the Milwaukee area to the state of Wisconsin and eventually throughout the Midwest. With the increased interest in legal education and the continuing enhancement of the School's reputation, the Law School is now serving a national clientele while fulfilling its responsibility to the State of Wisconsin. The number of Marquette University Alumni that are outstanding lawyers, jurists, legislators, and community leaders proves that the 1892 goal has been achieved.

The academic standards for admission to the Law School continue to be strengthened. The old tradition of "look to the left and look to the right since two of you will not be here at the end of the year" is no longer the practice at the Law School. The number of failures and dropouts has been reduced, resulting in a stable and improved student body. This allows the students to concentrate on their studies and enjoy the many opportunities for learning in extra curricular and community activities.

While improving the standards for admission, the faculty and administration did not turn entirely over to the computer the determination of the future composition of the legal profession. Admission procedures allow for the intelligent exercise of discretion in admitting students with a potential

for improvement in addition to those with a record of prior academic success.

D. PHYSICAL PLANT

The most visible change at Marquette Law School has been the "plant." The Law School started in the Mackie Building, a remodeled residence, before moving into Sensenbrenner Hall. The present Sensenbrenner Hall was opened in 1924 at the corner of 11th and Wisconsin Avenue, where it exists today. Expansion continued with additions in 1968, 1972, and 1984. Today, its physical plant is one of the best in the country, an ideal place to learn, teach, and research. Its clinical facilities, faculty offices, classroom areas, and library, equipped with electronic means for research, preparation of memoranda, papers, and briefs, are outstanding. As alumni return to the Law School they continue to marvel at what has transpired on the corner of 11th and Wisconsin Avenue. Today's students take for granted the well-appointed and spacious nature of the physical plant. However, like an old closet, its contents continue to outgrow its space. The Law School, like any growing and promising enterprise, has a need for additional space to house its clinical offerings, institutes, faculty, administration, and law-related activities.

E. CURRICULUM

The Law School, in carrying out its main mission to "train for the practice of law," has consistently had a strong core curriculum. Until the mid-1950s and early 1960s, the majority of courses offered at the Law School were required, while the number of elective courses was somewhat limited. However, with the increased faculty and student body, as well as the improved physical plant and library, the School expanded the curriculum and reduced the number of required courses. The expansion of the curriculum has included seminars, limited enrollment courses, advanced courses to implement and supplement the basic required courses, and more clinical and skills-based offerings. Today, slightly over 50% of the courses are required and, with an increasing number of courses, students have a much broader choice of electives. Although specialization is not a curricular goal, students have the option to take courses in their specific areas of interest which complement the basic core requirements.

The Law School's carefully monitored growth has allowed for expansion while at the same time avoiding the "large class syndrome." All first-year required courses are sectioned, with two teachers assigned to the course. Additionally, the first year legal writing courses are comprised of groups of only 25 students. Although sectioning, legal writing, seminars,

and limited enrollment courses place a heavy burden on the School and its faculty, this burden enhances the School's philosophy of giving "teaching" a priority role.

Writing and research skills are stressed much more in the curriculum today than in previous years. Students are required to take courses that will enhance their writing and research skills, and faculty emphasis on the student's writing skills is readily apparent. Some critics say a greater emphasis is needed in this area because of the poor quality of writing skills resulting from today's elementary, secondary, and undergraduate schools. Writing and research skills are needed more than ever in today's legal profession; this is the motivating factor behind the legal writing emphasis at the Law School.

Research skills have always been a basic requirement for a lawyer. As the amount of printed material, cases, legislation, and regulations increases, the old system of digest and "seat of the pants" research is no longer sufficient. New electronic means of research are heavily emphasized. The use of WESTLAW, LEXIS, and other state-of-the-art research techniques are now taught to all the students. Personal computers are available to all students and most become quite proficient in their use so as to better equip themselves for modern-day office procedures.

Marquette University Law School has consistently emphasized skill and clinical training. As early as 1917, Marquette seniors were required to contribute their services to a free legal aid bureau which was established under the direction of a faculty member. However, it was not until the 1970s that clinical training became popular throughout the legal education world. At that time, Marquette University was in a position to expand its existing offerings and to employ more clinical professors. Unlike many schools, the clinical faculty was not isolated; it was assimilated into the full-time faculty, with the appropriate rank and tenure opportunities. The expansion of the clinical programs, both live and simulated, has been such that every student at the Law School now has an opportunity to participate in several diversified clinical programs.

Professionalism has been stressed since the School's inception. The student, both in specific courses and throughout the curriculum, is taught that the practice of law is a profession with standards and ideals to be cherished by its members, and that the new lawyer has an obligation to live up to and perpetuate these standards and ideals.

As a result of the Law School's strong required core curriculum, numerous electives, broad-based clinical programs, and emphasis on professionalism, the Marquette law graduate is able to quickly assimilate what has been

learned to the practice of law upon graduation and thus become a more valuable attorney and member of the legal community.

F. LAW LIBRARY

The Marquette University Law Library has met the required accreditation standards since such standards were initiated. The library's improved space and expanded holdings have made it a full-fledged research center. Until the 1950s, the library was staffed solely by a full-time librarian and several student assistants. Today, the library staff consists of eight professionals, four of whom have Juris Doctor degrees in addition to their Library degrees. Three of the librarians are also members of the faculty. In addition, the library has a large full-time support staff and many part-time student workers.

The primary mission of the law library is to support the curricular and scholarly activities of the students and faculty. It also serves as the main repository for law-related information for the entire Marquette academic community and as the largest legal research facility in southeastern Wisconsin, serving the bench and bar of the State with increasing frequency.

Today, the library is truly a service arm of the Law School, assisting and training the students, assisting the faculty in their research, and providing community services. The integration of the law library, with its many facets, into the Law School curriculum has redounded to the benefit of the School and the improved training of its students.

G. SUPPORT SERVICES AND STAFF

The traditional Law School consisted of a faculty, an administration, and library personnel. As the curriculum expanded and the legal profession became more complex, there was a recognition that support services and staff were essential.

In the early years and until the 1950s, secretarial services for faculty were minimal. Today, the faculty has secretarial services, research assistants, and aid from the library and the University to assist them in teaching, research, and writing. As a result of a more realistic teaching load and the necessary support services, the scholarly publications of the faculty are more numerous, more frequent, and more vital to the profession, resulting in an enhanced reputation for the School in academic and legal circles.

H. DIPLOMA PRIVILEGE

For the first one-third of its existence, the Law School did not have the benefit of the Wisconsin Diploma Privilege. Until the mid-1930s, this privi-

lege was the exclusive privilege of the University of Wisconsin. In the 1930s, the Privilege was extended to the Marquette University Law School so that its graduates could be admitted, on motion, to practice law in the state of Wisconsin. The Diploma Privilege has resulted in an improved academic atmosphere, particularly for third-year students. The third year is truly a learning year. Seniors can take courses based on their interest and need rather than topics covered by a bar examination. However, it is recognized that the School's graduates practice in other jurisdictions where a bar exam is required and these students are given the necessary assistance and counseling to successfully complete any bar examination. The success rate of the graduates of Marquette University Law School taking bar exams in other states has been excellent.

The Diploma Privilege imposes on the School and faculty the obligation to stress professional responsibility. This is done in cooperation with the Wisconsin Supreme Court to maintain a high level of legal education in Wisconsin. With the expanded national interest in legal education, many states are faced with the problem of marginal and/or non-ABA approved law schools. Wisconsin does not have that problem. It has two full-time day law schools that have accommodated the increasing demand for legal education by expanding their student body, faculty, and physical plants. Marquette's student body has increased from 165 students in 1917 to between 450 and 500 students today. This has been accomplished by a long-range program of increased faculty, expanded physical plant, library holdings, services, and curricular offerings.

I. ADMISSIONS, PLACEMENT, AND EXTRA-CURRICULAR ACTIVITIES

The early Law School involved primarily classroom instruction and library work, with modest moot court opportunities. Extra-curricular opportunities were generally limited to the Law Review, student newspaper, and law fraternities. These opportunities continue on an expanded basis today. For example, the first volume of the Law Review of 1917 contained 203 pages, while volume 71 contains 851 pages. The opportunities for service have increased to include the Student Bar Association, the Black Law Students Association, the Hispanic Law Students Association, the Association for Women in Law, Project Outreach, and a host of specialized societies and groups. Student participation in the State Bar of Wisconsin and the American Bar Association is active and on the rise.

Scholarships and student financial aid continue to expand and increase. Whether the increase can keep up with inflation continues to be a concern for both the students and the administration. Financial concerns of the students are eased to the extent that the School's location provides to stu-

dents the opportunity for employment as law clerks during both the school year and the summer vacation period. These clerkships also serve as valuable practical learning experiences which enhance the students' appreciation for their law school studies.

The admissions office is staffed with a full-time director and several assistants, and is aided by a Director of Minority Affairs. The latter, in conjunction with the Director of Legal Writing, assists the students with their studies, research, and writing. Personal counseling assistance is provided by a Jesuit priest and members of the faculty.

Since the end goal of the Law School is to train its students to "practice law," it becomes essential that an opportunity to do so be provided. Since 1948, a formal placement office has been in existence at the Law School. Originally staffed primarily by students, it is now staffed by a full-time career counseling office with appropriate staff and secretarial assistance. The placement success of the Law School has been very good. With the increasing number of law graduates and the possibility that the market may become saturated, the Law School continues to develop, improve, and expand its career counseling services.

J. CONCLUSION

Changes in the legal profession are legion. Legal issues are more complex, the economics of the practice of law is more demanding, and ethical issues that face the members of the bar are ever increasing. Throughout its history, Marquette University Law School has emphasized professional responsibility for its faculty and students. This is evident not only by the required course in professional responsibility, but also by the emphasis given to it by the faculty in the academic and skills courses. In addition to preparing its students for the practice of law, the School emphasizes training for living in a community where the lawyer has privileges and responsibilities. The aim is not only to teach students the law, but to instill in them a sense of responsibility to their clients, society, and the profession. The goal of the Law School continues to be the training of the "Marquette Lawyer" who is the epitome of the "brilliant" lawyer and a model of what every member of the bar and citizen in the community aspires to be!