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THE DEDICATION OF ECKSTEIN HALL

Marquette University dedicated Ray and Kay Eckstein Hall on Wednesday, September 8, 2010. This past semester thus has been the first in the Law School’s new home, and the available evidence of the lived experience suggests that Eckstein Hall is all for which the Law School community could have wished. The purpose here is nonetheless retrospective. In the tradition of this journal, whose pages have chronicled the opening of the Law Building in 1924 (later to be known as Sensenbrenner Hall) and the groundbreaking for Eckstein Hall, it is appropriate to provide an account of the dedication. There follows as an appendix a project history that appeared in the program for the dedication.

In light of the large crowd—some 1,600 individuals attended—the dedication took place in a massive tent just north of the building, in the large parking lot immediately south of the Church of the Gesu and Johnston Hall. This encompassed the spot where until 2010 there had stood—for longer even than Sensenbrenner Hall—the converted house that served for decades as the office of Marquette University’s president: O’Hara Hall, “of sometimes blessed memory,” as Dean Joseph D. Kearney remarked in presiding at the dedication.

The bells of Gesu were sounding two o’clock as a group of seven individuals, led by Dean Kearney, strode from Eckstein Hall to the tent: Shirley S. Abrahamson, Chief Justice of the Wisconsin Supreme Court; Antonin Scalia, Justice of the United States Supreme Court; Robert A. Wild, S.J., President of the University; Timothy M. Dolan, Archbishop of New York (and formerly of Milwaukee); Diane S. Sykes, a Marquette lawyer and Judge of the United States Court of Appeals for the Seventh Circuit; and Phoebe Weaver Williams, also a Marquette lawyer and a Marquette law professor.

With the faculty seated on either side of the small stage, Dean Kearney welcomed trustees of the university, all seven members of the Wisconsin Supreme Court (“from A, here on the stage, all the way to Z, the latter being Justice Annette Kingsland Ziegler, our alumna”), federal judges and other public officials, colleagues at Marquette

1. Dedication of the Law Building, 9 MARQ. L. REV. 52 (1924); see also V.W. Dittmann, History of the Marquette Law School, 8 MARQ. L. REV. 298, 302-03 (1924).
University, friends, family ("and, to judge from the crowd, not just my family and the Eckstein family"), Marquette lawyers and other members of the bar, "and finally, but scarcely least, Marquette law students—which is to say, we all hope, future Marquette lawyers." The dean remarked to all assembled, "Your presence here is a powerful testimony to a great university and its law school: their history, yes, but their future possibilities, even more."

Citing the broad and varied contributions to the venture, Dean Kearney termed Eckstein Hall "a community project" and stated:

Quite how to symbolize adequately that phenomenon in this program is a bit challenging, especially given the memorable experience of the groundbreaking. There, of course, we all grabbed shovels, and in front of the flags of the country, the region, and the university, we literally broke ground. Later that day, in Father Wild's office in the now bygone O'Hara Hall... I committed that, when the day came for this dedication or figurative ribbon-cutting, we would not follow the suggestion that one had made at the groundbreaking of handing out 800 pairs of scissors.

Citing the interest, nonetheless, of full participation in the event, the dean asked all to rise and join in the singing of God Bless America, led by Chelsey Foscato, a Marquette undergraduate, and accompanied by Nick Contorno's orchestra.

Professor Williams thereupon introduced the first speaker, Chief Justice Abrahamson. She noted not only the chief justice's many honors and awards, during her thirty-four years (and counting) on the Wisconsin Supreme Court, and her national renown but also her contributions to the Law School, including her remarks at the Eckstein Hall groundbreaking ceremony.

After recognizing various individuals, Chief Justice Abrahamson began her remarks with this observation: "Only one word can describe this building, and Ray Eckstein said it at lunch. He said, 'Wow!'" The chief justice noted the presence of all of her colleagues on the Wisconsin Supreme Court: Justices Ann Walsh Bradley, Patrick Crooks, David Prosser, Patience Roggensack, Annette Ziegler, and Michael Gableman. She especially welcomed Justice Scalia back to Wisconsin. She noted that "[o]nly one United States Supreme Court justice has in recent years had any significant roots in Wisconsin," that being "Chief Justice Rehnquist, who grew up in Shorewood, about six miles from here." Chief Justice Abrahamson stated as follows: "With Chief Justice
Rehnquist's passing, we in Wisconsin lost a friend. Today, we are adopting Justice Scalia as the state's *ex officio* justice."

The chief justice stated that September is a month for the rule of law, recalling that it was in September (of 1787) that the framers signed the Constitution and in September (of 1789) that Congress enabled the Supreme Court, created the first lower federal courts, established the position of attorney general, approved the first dozen proposed amendments which were to become the Bill of Rights to the Constitution, and sent these amendments to the states for ratification. It seemed especially appropriate to recall all this, she suggested, because she had little doubt that, a week or a decade hence, Dean Kearney "will remind us that the rule of law and lawyers are central to economic activity in Milwaukee[,] that Milwaukee is central to the economic well-being of the state of Wisconsin," and "that Eckstein Hall is a symbol of the university's role in Milwaukee's civic life."

Chief Justice Abrahamson pointed to Eckstein Hall's architecture, which she characterized as depicting the massiveness of the law but allowing light to shine through and illuminate. "This space connects us to the sky and the lake and the light, to the clutter and hum of the city, and, most importantly, the building connects us one to the other. The building embodies the American dream, the notion that anything is possible through hard work no matter who you are or where you come from. This dream unites us; it guides us." She expressed her confidence that the building will inspire academic achievement and legal scholarship, that graduates of this law school will be judges, governors, legislators, school board members, parents, "and, like former Dean Howard Eisenberg, pro bono defenders of poor people accused of crime." She concluded with an appeal for the defense of the principle of judicial independence and by thanking Dean Kearney for inviting her.

Judge Diane Sykes had the privilege to introduce the keynote speaker, Justice Antonin Scalia of the United States Supreme Court. She noted that "Justice Scalia is no stranger to Jesuit education," as he "attended Xavier High School in lower Manhattan and then Georgetown University in Washington, D.C.,” before earning his law degree at Harvard and, in due course, returning to the legal academy to teach. Reflecting on his more than two decades on the Supreme Court (he was appointed in 1986), Judge Sykes explained that "Justice Scalia's influence on the law can scarcely be overstated":

So we are fortunate, indeed, that this history-making justice has joined us here today as we make a little
history of our own. When Dean Kearney unveiled the plans for this beautiful building two years ago, he famously declared that Eckstein Hall will be “noble, bold, harmonious, dramatic, confident, slightly willful, and, in a word, great.” It certainly is. And with the possible exception of harmonious—Justice Scalia has been known to say that one of his charms is that he likes to tell people what they don’t want to hear—the dean’s description of this distinguished and splendid building might likewise be applied to our distinguished and splendid visitor. So, ladies and gentlemen, please join me in welcoming the noble, bold, dramatic, confident, slightly willful, and, and in a word, great Justice Antonin Scalia.

After expressing concern about having to live up to that introduction, Justice Scalia got to work. He included this early remark: “The strength of America lies in the vigor and diversity of its private institutions. Imagine a developed country without private universities, where all higher education belongs to the state. You don’t have to imagine it, come to think of it: It’s called France.”

Justice Scalia directed “[s]ome [of his words] to the faculty, some to the students, and some to the friends of this institution.” To the first group, he began by saying, “I used to do what you do, and I miss it.” His primary purpose was to encourage the Marquette law faculty to avoid the mistake toward which he described himself as tending during his later years as a full-time academic, before being appointed to the bench: viz., reaching the point “where I would begrudge the time that I had to take away from my research and writing, to devote to teaching class and to the preparation for class—which, if you do it right, is even more time-consuming.” Contrasting the shelf life of a law review article with the lasting impact that one can have through his students, Justice Scalia allowed, “What a fool I was.” He recalled recent encounters with students whom he had taught while a law professor at the University of Virginia and the University of Chicago. “In fact, I occasionally encounter students who were taught by my father at Brooklyn College in the 1940s and ’50s, who come up to tell me what a terrific teacher he was and how he affected their intellectual life.”

Without denigrating research and writing, Justice Scalia said that “the reality is that the part of your academic career that will have the most lasting impact and that will be remembered after you are long gone is those hours that you spend producing a living intellectual legacy in the
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classroom.” He concluded: “I hope Marquette will always be a teaching law school.”

“Next,” Justice Scalia said, “to the students.” Noting that Chief Justice Abrahamson had anticipated that he would warn against classes characterized as “law and ice cream” and recalling that students at Harvard in his law school days used to be told that the law is “a stern mistress” (and allowing that “that formulation is sexist, if not, indeed, unlawful today”), Justice Scalia stated, “[Y]ou get the point”:

The sheer body of law that there is to learn increases mathematically every year. And large portions of that corpus ought to be known at least in its general outlines by any member of the profession, whatever the particular specialty he or she practices. You cannot negotiate resolution of a contract dispute, for example, unless you know the strength of your client’s position, which involves not only knowing contract law, but also knowing the law of evidence, since points that cannot be brought forward in litigation—the moment of truth, so to speak—are points that are useless. You cannot negotiate a settlement of a tort claim, unless you’re familiar with the law of contracts (and probably federal income tax as well).

Justice Scalia noted that the result of his own not taking certain courses in law school is that “I feel deeply the existence of some gaps in my education as a lawyer, gaps that I will never be able to fill,” elaborating thus: “If you haven’t taken bankruptcy, as I, alas, did not, later in life you will get thrown at you one isolated provision of the code, and you’ll be asked to decide or to advise a client how it applies. You will always have the feeling, as I certainly do, that you are not quite sure what will be the overall consequences of coming out this way or that. You’re not quite sure what this particular string you’re pulling is attached to at the other end. I have to judge that by reading the predictions made by the briefs for both sides and deciding which of them exaggerates the more. So I advise you students to make the best of your time here and not to give short shrift to that aspect of legal education that the law schools do best: the conveying of a systematic body of knowledge concerning discrete areas of the law.”

Justice Scalia spoke, “[f]inally, to the friends and supporters of the law school.” He noted the gradual estrangement over the decades of the academy from the practicing bar: “To confirm it, all you have to do is to compare the lead articles in law reviews today to those of forty or
fifty years ago. The ones today contain a much higher proportion of philosophy and a much smaller proportion of case analysis and empirical inquiry, resolving some small but thorny problems of securities law or contracts or tax law.” Justice Scalia suggested that alumni and other supporters of law schools should pay “attention to just what sort of legal education is being supported.” He had no doubt that “the job of keeping the academy close to the bar must fall largely to the bar itself,” stating further: “And the bar should take that seriously. Take a law professor to lunch. (That's the faculty applauding over there.)”

Justice Scalia concluded, “having lectured everybody here, except perhaps my security officers . . ., by expressing, again, the great delight of the legal community at witnessing the flourishing of this great institution in Wisconsin, and also my pride at being made by the Chief Justice of the State an honorary—what do you people call it?—cheesehead.” His final hope: “[M]ay this wonderful new building someday be replaced, 100 and 150 years from now, with progressively greater ones.”

Dean Kearney returned to the podium, for the first time since the introduction of the event, to thank both Justice Scalia and Chief Justice Abrahamson and to introduce “the person most responsible for this project,” Robert A. Wild, S.J., President of Marquette University:

Father Wild not only provided us the room to explore the initial possibility of a building project when it would have been so much easier simply to say “No,” but it is also he whom Ray Eckstein called in 2007. Father Wild announced last spring that this would be his final year as president, and among his legacies will be a campus whose landscape has been extraordinarily enriched not only by Eckstein Hall. But today, as we focus on the law school in particular, let us note as well that he will leave a school, the law school, whose relationship with the larger university and whose outreach to the community and whose possibilities in just about every sphere have been transformed on his watch.

The assembled throng greeted Father Wild with a standing ovation.

Father Wild began with a “warm welcome on behalf of the whole university community to everyone who’s here.” He recalled the groundbreaking “barely more than two years ago,” where “[e]ach of those present [would] be handed a shovel to help with the digging.” The university’s honored guests that day were Ray Eckstein and Joe Zilber, both of whom “sat up here in front, no less ready than anyone else to dig
a little dirt.” At the dedication, Father Wild noted, “we are fortunate to have not just Ray, but also Kay Eckstein in the front row and numerous members of the Eckstein family.” Nor did Father Wild “have [any] doubt that our good friend Joe Zilber, very proud of the fact that he was a double Marquette alumnus, is looking down on our ceremony and saying, ‘Yes, it’s done—great. It’s a wonderful project, but I still prefer helping law students with scholarships!’”

In the dedication and blessing of Eckstein Hall, Father Wild stated, “[W]e underscore the commitment of this Catholic, Jesuit university to serving the legal needs of our country by educating men and women for others: in this case, succeeding generations of Marquette lawyers with the training and skills to participate effectively in the process of creating and defending the laws and procedures that guide every person, every business, and every profession.” Father Wild observed, “We are inspired ultimately, however, by an even loftier purpose: as I’d underscore this one more time again, we are in the final analysis committed to this ad maiorem Dei gloriam, for the greater glory of God, and for the good of our human family.” None of this was to ignore that “a great deal of work had to be done on this project, even before we dug the first shovelfuls of dirt,” he stated. “This history-making building began with study, continued with advocacy, benefited from wide collaboration, and secured its future with Ray and Kay’s historic gift of $51 million.” This gift not only “remains one of the two largest in history to an American law school and one of the largest made to any Wisconsin institution, [but] inspired unprecedented energy and excitement among the alumni and alumnae of our law school and among the members of the Milwaukee and Wisconsin legal communities generally.”

Father Wild, whose presidency was credited with transforming the Marquette campus,3 lingered only briefly over the building itself, which he saw, for all its beauty, as instrumental as well:

The architecture is splendid. The facilities rise above even our most-hoped-for expectations. And, most importantly, the many wonderful features of this building will aid us mightily in delivering an even better legal education to our students and in serving more effectively as a resource for the public-policy needs of our city and our region. After all, how better to say thanks to all

those who have participated in bringing this project to completion than by helping our students to become well-prepared, capable, caring lawyers committed to the pursuit of justice, mindful of the needs of those on the margin of our society? As Dean Kearney, University Architect Tom Ganey, and the law school faculty conceived and shaped this facility, those concerns were paramount in their minds, and the needs of our students are reflected in every detail. But the Law School reaches beyond this direct and central educational mission, and Eckstein Hall also reflects that. We gave considerable attention to creating within Eckstein Hall a premier forum for the discussion and debate of the most pressing public policy issues of the day. Today, then, Eckstein Hall, now Marquette University’s law school building, becomes the symbol of Marquette’s commitment to both quality legal education and the communities that we serve. To all of our benefactors, my thanks, my heartfelt thanks. Your generosity inspired us to strive for excellence. You will see the results in that building.

Father Wild concluded, saying, “[M]ay our gracious God abundantly bless each and every one of you.”

Dean Kearney then introduced “His Excellency Timothy Dolan, now Archbishop of New York,” who had committed to participation in the event while Archbishop of Milwaukee: “So we could not have known that, in addition to the Chief Justice and Justice Scalia, we would be inviting another New Yorker.” Archbishop Dolan asked his Milwaukee successor, Archbishop Jerome E. Listecki, to come to the stage and help in the blessing.

The blessing follows:

On this eve of Rosh Hashanah, during this holy month of Ramadan, on this day the Church commemorates the Birth of the Blessed Virgin Mary, the mother of our Lord and Savior Jesus Christ, the way, the truth, and the life, we gather to praise our loving God, to thank almighty God for generous benefactors, and to ask a blessing upon our new law school.

So we begin in the name of the Father, and of the Son, and of the Holy Spirit.

[Amen.]
May God, the source of all wisdom, Christ the Lord, His Word incarnate, and the Holy Spirit of Truth be with you all.

[And also with you.]

The all-knowing God moves us in many ways to deepen knowledge of him. This afternoon we ask God's blessing on Eckstein Hall, housing Marquette University's Law School. We ask that those entrusted with forming men and women in this institution may teach their students how to yearn for virtue and righteousness so that they will be able to pursue justice and practice it in their lives. We ask the Lord as well that the students will find in their studies a place where "wisdom has built her house," so that, enriched with both human and divine learning, they will in turn be willing and ready and able to enlighten and assist others.

Listen now to the word of God in the Book of Deuteronomy: "You shall not judge unfairly; you shall show no partiality; you shall not take bribes, for bribes blind the eyes of the discerning and upset the plea of the just. Justice, justice shall you pursue, that you may thrive and occupy the land that the Lord your God is giving you."

Now I ask us all to stand and join in your hearts as Archbishop Listekcki and I pray these words of blessing. Lord God almighty, in your graciousness hear our prayers. We dedicate this building to the education of the study of the law, and to learning. Make it a center where students and professors, imbued with the words of truth, will search for wisdom, pursue justice, and learn to know you, the source of all truth.

We ask this through Christ our Lord.

[Amen.]

And may the all-knowing God who is Lord show us his ways; may Christ, eternal wisdom, teach us the words of truth; may the Holy Spirit, the blessed light, always enlighten our minds, so that we may learn what is right and good and in our actions carry out what we have learned; and through the intercession of Mary, our mother, St. Ignatius Loyola, the founder of the Jesuits, and St. Thomas More, the patron of attorneys, may the blessing of Almighty God, the Father, the Son, and the
Holy Spirit, come upon Eckstein Hall and the Marquette school of law and remain with us forever.

[Amen.]

After this prayer of blessing, the archbishop concluded by sprinkling holy water, including in the direction of Eckstein Hall, and invited Archbishop Listecki and Father Wild to do the same.

With Gesu's bells ringing the three o'clock hour, Dean Kearney returned to the podium for a final time. He began by allowing to Archbishop Dolan, with reference to his blessing in the direction of Eckstein Hall (some 40 yards to the south), “I’m not suggesting that your arm has become stronger since you made it to an American League city and have been practicing from Yankee Stadium, but that was a pretty good throw.” The dean thanked various individuals, including especially Ray and Kay Eckstein—“surely we cannot do so often enough”—and expressed the hope that everyone would enter Eckstein Hall.

He also allowed that he had mentioned “all of the members of the Building Committee, save one: my colleague, Mike McChrystal, who has been as responsible for this project as anyone (save only the Ecksteins and Father Wild).” The dean continued: “Today is Mike’s birthday, as he happily noted to me last year, when I called him once the September 8 date had been set. So I say, ‘Happy Birthday, Mike,’ and I ask that you do the same when you see him.” The dean suggested, “It is the fact that I am only slightly willful (not entirely willful)—and my desire to keep the focus on the Ecksteins—that preclude me from asking Ms. Foscato to come back up here, in order that she might lead us in singing Happy Birthday to Mike.”

The dean then concluded:

At the groundbreaking, I recalled Lord Coke’s observation, “Out of the ould fields must spring and grow the new corne.” Eckstein Hall now stands where we stood that day, on an “ould field” of sorts, for this was once the site of the immigrant neighborhood of Tory Hill (improbably named, given that it was the Irish living there). And this new law building, Eckstein Hall, bears a reminder, carved in stone, of an even older legacy, in the address of 1215. Truly, even almost 800 years later, we are in the shadow of the Magna Carta, rights secured in an English field. But Eckstein Hall is not itself the corn that this field of ours will yield. The crop is, particularly, the next generation of Marquette lawyers, and it is my
colleagues on the faculty who are especially responsible for tilling the field. So let us move into Eckstein Hall, but let us do so in a way that is both orderly and symbolic. The faculty will lead, with Jim Ghiardi, professor emeritus and a Marquette lawyer of our Class of 1942, and Susan Bay, our newest faculty member, themselves leading the way, followed by the stage party, and then followed by the rest of the faculty.

And so it concluded—or began, or, perhaps most accurately, continued.

APPENDIX (TAKEN FROM DEDICATION PROGRAM)

Ray and Kay Eckstein Hall

A project history

Ray and Kay Eckstein Hall is the result of the integrated leadership, talents, and commitment of Marquette University Law School, the University, and the broader community. To tell its story in any succinct form is necessarily to omit important details and individuals. Nonetheless, here goes.

During 2003-2004, Professor Michael K. McChrystal, Law '75, chaired an Ad Hoc Facilities Advisory Committee charged with inquiring into the Law School's existing space. Follow-on conversations within the University prompted the president, Rev. Robert A. Wild, S.J., to mention in his November 2004 State of the University address the possibility of the Law School's someday expanding to O'Hara Hall, the small and aging office building, just south of Sensenbrenner Hall, that had long been home to the President's Office. Father Wild called for a broader conversation concerning the needs of the campus before any decision might be made on any building matter.

Dean Joseph D. Kearney responded as one might expect of an appellate lawyer: with a seven-page, single-spaced memorandum, entitled “The Physical Future of the Law School.” It maintained that the Law School’s facility was “adversely affecting every aspect of the Law School.” Dean Kearney sought authority to work with colleagues within the University on a program study concerning a building project (whether an expansion or an entirely new facility) and a feasibility study concerning fundraising. He (somewhat) apologized to Father Wild for having changed his view of a few years earlier, in applying for the deanship, that a building project would not be a priority for his deanship. In any event, the Law School committed to underwrite these studies out of discretionary funds that alumni and friends had donated.

After consulting with Senior Vice President Gregory J. Kliebhan and then-Provost Madeline Wake, Father Wild gave the requisite permission. Thomas P. Ganey, now University Architect, and Julie A. Tolan, Vice President for University Advancement, led the program statement and the feasibility study, respectively. Father Wild frequently reiterated the need for substantial fundraising.

The Law School community—including faculty, administrators, staff, students, alumni, and the larger legal community—participated in a rigorous program-study process led by Mr. Ganey and facilitated by Shepley Bulfinch Richardson & Abbott. The result was a fall 2005 study recommending that a concept design be prepared for an entirely new law facility
on the Marquette University campus. Father Wild adopted that recommendation and instructed Mr. Ganey and Dean Kearney to move forward with a concept design. They created a steering committee whose members included (in addition to Professor McChrystal and Vice President Tolan) James F. Janz, Law '64, Trustee of the University; Louis J. Andrew, Law '66, then-Chair of the Law School's Advisory Board; Jean Kenney Dole, Assistant Vice President for University Advancement; and Kathy Kugi-Tom, Project Manager. Mr. Janz made clear that the expectation—the requirement—was nothing less than the design of the best law school building in the country.

In 2006, the steering committee selected Shepley Bulfinch and, in particular, Ralph Jackson of the firm to prepare the concept design and Opus North Corp. as the construction architect in the event of an eventual decision to proceed. The steering committee recommended the site of Tory Hill, in the southeastern corner of campus, provided that “adequate parking associated with the law program” was constructed there (another memorandum). Father Wild approved the recommendation, making clear that a substantial lead gift would be required for the project to become a reality. Throughout 2006, a concept design was prepared and discussed with alumni and friends in the community.

The primary question then became fundraising. In early 2007, the Lynde and Harry Bradley Foundation announced a donation of $1 million to support the construction of a new law facility. This was an historic gift for the Law School. Then, on March 30, 2007, Ray Eckstein, Law '49, called Father Wild to relate that he and his wife, Kay Eckstein, Sp '49, would make a gift of $51 million to ensure the construction of a new law school facility. This was (and remains) the second-largest gift ever made to an American law school. Several months later, Joseph J. Zilber, Law '41, announced that he would make a $30 million gift to the Law School, with five-sixths of that amount to form an endowment to support student scholarships and the other sixth to support the construction of Eckstein Hall. Christine Wilczyński-Vogel, now Associate Dean for External Relations, Events, and Facilities, and John G. Novotny, Director of Law School Development, helped to lead the fundraising effort.

Planning continued. The stated goal for the exterior of the building, particularly the southeastern façade facing the Marquette interchange, the most prominent intersection in Wisconsin, was that it be “noble, bold, harmonious, dramatic, confident, slightly willful, and, in a word, great” and, for the interior, that it be “open to the community” and “conducive of a sense of community.” Members of the Law School community worked to help plan the building. Hundreds of alumni and other friends of the Law School committed gifts and pledges to the building—to date totaling almost $74 million of the $85 million cost of the building. The University, led by Vice President for Finance John C. Lamb, prepared to issue bonds to finance the project.

On May 7, 2008, the University’s Board of Trustees approved the project, and on May 22, 2008, some 800 individuals gathered—each with a shovel—on Tory Hill to break ground for Eckstein Hall. Hundreds of workers participated in the construction of the building, with design decisions being made throughout the process. Support from across the University, including Provost John J. Pauly and all of the vice presidents beyond those previously mentioned (viz., Arthur F. Scheuber, Stephanie J. Russell, L. Christopher Miller, Patricia L. Geraghty, Cynthia M. Bauer, and Rana H. Altenburg) has been constant and indispensable.

Today we dedicate Eckstein Hall, and we seek to do it with the same inclusive goal and spirit that have characterized the project from its inception. We are grateful that you are participating in this program.