

Gargoyle

VOLUME 38 NO. 2

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Working toward

a more just world

After the Shooting:

UW Law Students Help Community Heal

Same-Sex Marriage

and the Future of the LGBT Movement

Everett Mitchell '10:

Building the Beloved Community





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Why Gargoyle?

In 1963, when the existing Law School was demolished to make way for a new building, Law School Dean George Young found and rescued a sandstone gargoyle from the rubble. This figure and its departed twin had sat on the roof of the 1893 building for almost 70 years. While one of the pair perished in its fall, the second landed unscathed.

That rescued gargoyle, which is now permanently installed in the Law School's atrium, gives its name to this magazine, representing the indomitable strength and spirit of our University of Wisconsin Law School and its many graduates.

For an illustrated history of the Law School's gargoyle, see law.wisc.edu/about/lore/gargoyle.htm.



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dean's view

Dear Friends,

While we're part of a great university at the Law School, we live not in some remote ivory tower, but in the real world of law and justice. That's always been true. Our "law-in-action" approach to teaching and learning has helped us, and our students, to focus on how the law works in practice, bringing to that study sophisticated analytical insight and cutting-edge research.

This issue tells several stories that show how many of our students, faculty, and graduates are living their commitment to justice. In it, you'll read about how a group of our students responded to the police shooting of Tony Robinson with a community education project. You'll meet Everett Mitchell '10, who serves both as the UW's director of community relations and as a pastor at Christ the Solid Rock Baptist Church. He talked with us about the challenges of addressing racial justice in Madison. And you'll learn about how Wendy Ward, a 2001 graduate of the Law School, came to (successfully) argue a pro bono case before the US Supreme Court. Our students and graduates, whatever their career choices, devote themselves to making the world a more just place. We're very proud of them and of what they do with the life-changing education they receive here.

But they couldn't do it without you. We remain committed to ensuring that students from all walks of life have access to a transformative UW Law School education, and that means we need to help them with scholarships. The university has just launched a comprehensive fundraising campaign, and at the Law School, our first priority for that campaign is scholarship support. Scholarships help us attract great students, keep their debt manageable, and support them on the path to exciting careers.

If you're already giving to the Law School, thank you! You should find your name in the donor honor roll that is published in this issue. If we didn't get your listing right (or if you should be there and you're not), please let us know. We work hard to acknowledge your giving and let you know how much we appreciate it.

If you're not giving, maybe some facts about our alumni support will be interesting to you. I often hear from our alumni about how much they love UW Law and value the education they received here, but the enthusiasm of our graduates does not align with our alumni giving percentage. Less than 7 percent of our graduates made a gift to the Law School last year, which is lower than many of our peers. As one example, more than half of law alumni at the University of Virginia — that's 50 percent — participate in annual giving in any given year. We'd love to see that kind of committed participation from our graduates, and it would tell the world something very meaningful about how much you value your law school.

You may feel that unless you can make a large gift, your gift doesn't have an impact. But that's very clearly not the case. Last year, our median annual fund gift was \$150. In the aggregate, we raised more than \$720,000 to ensure that our students get a great educational experience. Gifts in any amount not only help our students; they also protect the continued quality and reputation of the Law School and thus sustain the value of your degree. I hope you'll consider a gift at some point during the campaign. And if you'd like to think about a scholarship gift, let us know. You can be part of making the world a more just place — one law student at a time.

My best,



Dean Margaret Raymond





Two UW Law students were offered the exceptional opportunity to argue in front of the US Court of Military Appeals, the nation's highest military court. When the court made a special visit to UW Law School last May, it permitted a student to argue on behalf of each side of the case as a friend of the court.

“Challenge yourself
not just to practice law,
but to master it.”

— Bridget Brennan '83,
2015 Commencement Speaker

Badgers

GIVE BACK

Almost as soon as they arrived, first-year law students engaged in community service by volunteering at nonprofit organizations throughout Madison. On their second day of orientation, students participated in Community Outreach Day, traveling to locations around the community, where they took part in activities such as building an outdoor learning area for a local elementary school.



Recently retired UW Law professor **Ralph Cagle '74** isn't exactly resting on his laurels. This summer, Cagle became the State Bar of Wisconsin's 60th president. As president, one of his goals is to help lawyers prepare for changes in the practice of law, beginning with

listening to what lawyers themselves identify as challenges, pressures, and opportunities.

Professor emeritus **Herman Goldstein** was honored with the Distinguished Achievement Award in Evidence-Based Crime Policy by the Center for Evidence-Based Crime Policy this fall.



Cheryl Weston '71 received the 2015 Women in the Law award, presented by the *Wisconsin Law Journal* in June. Weston is a senior lecturer at University of Wisconsin Law School. The award is given annually to women

who have achieved excellence in their legal careers and who have influenced other women to pursue legal careers. Seven other UW Law alumnae also received the award: Kristin Bergstrom '79, Patricia Gibeault '80, Ann Murphy '79, Denasha Scott '97, Susan Sheeran '86, Deborah Tomczyk '94, and Dorothea Watson '86.

“Student support is essential. We’ve always been a place that accepted students from all walks of life and offered a transformative legal education.”

Dean Margaret Raymond

SCHOLARSHIPS PUT LEGAL EDUCATION WITHIN REACH

PROVIDING STUDENT SUPPORT

By Dennis Chaptman

When Lucie Butner submitted her application to the University of Wisconsin Law School, she had a part-time job in Appleton, an unemployed husband, two small children, and a passion for the law.

But she also had the backing of scholarship donors to the Law School, whose vision helped put Butner’s dream within reach.

“I decided to go for it, in a leap of faith,” says Butner, now a second-year law student. “I was driven. I just really wanted to pursue law school. The scholarship that I received made that decision possible.”


Butner received the Angela and Jeffrey Bartell Scholarship, provided by the two UW Law graduates to aid promising students who face economic circumstances that are a significant obstacle to studying at the Law School.

Last year, the Butners moved to an apartment in Fitchburg; Lucie’s husband, Sean, landed a job at Epic Systems; and Lucie began juggling school and family while building toward a career in public interest law.

“I’m interested in criminal law, and I want to help people who don’t have resources. Having the scholarship on top of the affordable, in-state tuition is just amazing,” says Butner, who worked with the Wisconsin Innocence Project after her first year in law school. “People have big ambitions when they go to law school, but the price tag for that education comes calling.”

That’s one reason the Law School is placing a top priority on raising funds for student scholarship support during the university’s just-launched comprehensive campaign. Time and again, scholarships help put law school within the reach of students who go on to build life-changing legal careers.

Dean Margaret Raymond says scholarships are essential to attract and retain a world-class, diverse student body in a competitive marketplace.



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LUCIE
BUTNER



MIKE HALL



SOPHIE CRISPIN

"I've gained so much confidence. At first, the idea of going to law school was a nebulous one. As I went on, I got a clearer picture of what I might do with it. I'll be able to make a difference in people's lives. I'm grateful for this education."

"Student support is essential," Raymond says.

"We've always been a place that accepted students from all walks of life and offered a transformative legal education."

Raymond says that the Law School — with in-state tuition costing \$21,372 and nonresidents paying \$41,074 — is one of the most reasonably priced institutions in the nation, especially given its quality. But she also recognizes that law school is a significant investment for every student.

"It's important to help students afford this education and enable them to choose careers that are their passion without having to worry about how they're going to make a lot of money and pay back a significant debt load," she says.

Law schools nationally have been challenged in recent years by declining applications and enrollment, and UW Law School is no exception. The incoming class in 2011 was 242 students, a number that fell to 186 in 2013, 158 in 2014, and rebounded a bit to 186 this year.

That makes competition for top students intense, and that's where scholarship money can make a real difference.

Ohio native Sophie Crispin, a graduate of Ohio Wesleyan University, was considering several Big Ten schools, but her scholarship here clinched the deal. Now a second-year law student, she plans to pursue a career in employment law and litigation.

"Going to law school was my dream," Crispin says. "Having the scholarship was being given the freedom to take this dream that I've always had and make it look like whatever I want it to look like."

She received the Stearns-Shaw Scholarship, made possible by Denis Stearns, a 1992 grad, and his husband, Thomas Shaw, in the memory of Stearns's mother, Julie Stearns. The scholarship goes to a student with a record of activities that advance LGBT issues, who is likely to use the education to further that work.

Getting the scholarship was a relief to Crispin, who carries debt from her undergraduate career.

"I didn't want to wake up in a cold sweat, worried about debt," says Crispin, whose work at Ohio Wesleyan helped to establish a gender-inclusive housing policy at the university.

Today she's working with the school's Neighborhood Law Clinic, which handles landlord-tenant issues, public benefits, and wage and hour cases.

"I've gained so much confidence," says Crispin. "At first, the idea of going to law school was a nebulous one. As I went on, I got a clearer picture of what I might do with it. I'll be able to make a difference in people's lives. I'm grateful for this education."

Raymond says the Law School has paid increasing attention to the financial health of law students in recent years.



AUBREY
HETZNEKER



MIKE HALL

"I'm not going to make as much money in the long term, and so paying off loans won't be the main focus of my career as a lawyer. The focus can be on the work."

The school developed a "thrifty budget" to help students find ways to cut costs — for example, by having a roommate to share rent, insurance, and utility costs. When Raymond started as dean in 2011, the school also began talking about student debt as part of orientation.

"The good news about this is that students are very aware of the cost of their education. They are attentive to and concerned about debt, and we've been very involved in that."

It's become a buyer's market for prospective law students. It used to be that students got an acceptance letter with a financial aid offer, and they could take it or leave it. That's all changed.

"These days, students come in, and they've got their four offers, and they lay them out on the table, and they say, 'Here's what Indiana is doing for me. Can you match it?' It's a negotiated environment," Raymond says, in which students are very attentive to the relationship between cost and quality.

Getting a scholarship was a priority for Aubrey Hetzneker, a first-year student with an art background, a drive for public interest law, and an aversion to debt.

"My scholarship allows me to focus on what I want to do and not feel as burdened by the idea of debt," she says. "I feel freer to do what I'm passionate about without fearing the financial repercussions."

Hetzneker came to UW because of its nationally known clinical program and received the Christine Ebert

Memorial Scholarship. Ebert was a 1996 graduate, and her family created the scholarship for students who "reach for their highest goals, all the while remembering those less fortunate and in need."

Hetzneker taught art to prison inmates and children in the Hunts Point area of the south Bronx on her way to earning a bachelor of fine arts from Cornell University. She then joined Teach For America and earned a master's in art education.

She moved to Brookfield with her husband, Peter, and makes a two-and-a-half-hour round-trip commute each school day.

"I'm not going to make as much money in the long term, and so paying off loans won't be the main focus of my career as a lawyer. The focus can be on the work," Hetzneker says.

Raymond has worked to strengthen ties with friends of the Law School and boost support for students. The comprehensive campaign provides another avenue for building donor relationships.

"It enables us to tell inspiring stories about giving and impact," Raymond says.

Butner knows firsthand the difference that a scholarship can make for a family and a career.

"Any amount of help to students who don't have a financial advantage will make a difference," she says. "A donor investing in a scholarship is providing an education for a law student that they will have forever, and it only increases in value."

Geraldine Hines '71 named a distinguished alumna by the Wisconsin Alumni Association

By Niki Denison

In October, the Wisconsin Alumni Association (WAA) recognized Geraldine Hines '71 with a 2015 Distinguished Alumni Award.

The award is the highest honor bestowed by the Wisconsin Alumni Association. Since 1936, WAA has been presenting the awards to the most prestigious graduates of the University of Wisconsin for their professional achievements, contributions to society, and support of the university.

Geraldine Hines grew up in the Mississippi Delta, where she came of age in the segregated South. She arrived at the University of Wisconsin Law School from Tougaloo College, a historically black liberal arts college, during the politically and racially chaotic period of the Vietnam War. She had already decided on a career as a civil rights lawyer, and after a meeting with Jim Miles, an advocate for diversity at UW Law School, Hines became one of four black students in the Class of 1971.

"I got right into activism my very first year," Hines says. "It was a tumult. I became very involved with the black student movement and politics in general. Professor James Jones, the first black law professor at the Law School, taught me how law could be a tool for racial and social justice."

This lesson has informed her work throughout her career as she has taken on unpopular civil rights cases. Upon graduation, she took a job as a staff attorney at the Massachusetts Law Reform Institute, where she worked in prisoner's rights litigation. After completing a fellowship on policy initiatives addressing police misconduct in communities of color, she became the staff attorney at the Harvard University Center for Law



FAY PHOTO/BOSTON

and Education, litigating civil-rights cases related to discrimination in education. Then, in private practice, she continued to fight for civil rights as a founding partner in New England's first law firm created by women of color, Burnham and Hines.

In 2001, Massachusetts governor Paul Cellucci appointed Hines to the Superior Court as an associate justice. Twelve years later, she was appointed an associate justice of the Appeals Court. Hines has been active in organizations such as the American Civil Liberties Union and the National Conference of Black Lawyers, and she has observed elections and investigated human-rights abuses in both Africa and the Middle East. She has also served as an adjunct faculty member at Northeastern University Law School since 1980.

Hines became the first black woman on the Massachusetts Supreme Judicial Court in July 2014. In his nomination, Governor Deval Patrick said, "At both the Superior Court and the Appeals Court, she's been a beloved and respected colleague, praised by judges and lawyers alike, for being smart, prepared, fair, tough, decisive, warm, thoughtful, and gentle — all at the same time."



Morgridge gift plays a role in two chairs at UW Law School

Thanks to a generous gift from UW-Madison alumni John and Tashia Morgridge, the University of Wisconsin Law School is well on its way to establishing an endowed chair in honor of the late Professor James E. Jones Jr.

Jones, a pioneer in equal-employment and affirmative-action policy, taught arbitration and labor law for nearly 30 years at the Law School. He was UW Law School's first African-American professor and is expected to be the first African-American at the UW for whom a chair is named. He is remembered fondly by the many students he mentored, for the Legal Education Opportunities (LEO) program he championed, and for the Hastie Teaching Fellowship program he founded.

The goal of creating a chair in Professor Jones's name received a major boost last November, when the Morgridges announced their

\$100 million gift to the university. As the largest individual gift in UW history, the Morgridge gift is an investment in faculty: it offered a one-to-one match for all contributions directed toward endowing professorships, chairs, and distinguished chairs.

In just seven months, donations to the UW campus reached \$125 million, an amount the Morgridges have agreed to match. The fund will eventually support 300 endowed professorships and chairs campuswide, up from the current 142.

A committee of dedicated Law School alumni and faculty undertook to raise the funds for the Jones chair and, while that process continues, the Morgridge match will make the naming of a designation for Professor Jones a reality.

The Morgridges' generosity has touched the Law School through another gift as well. Thomas Ragatz '61, a graduate

of both the Law School and the Business School at the UW, used the Morgridge match to realize his vision of creating a distinguished chair of business.

In part, Ragatz's gift supports the development of an accounting course tailored especially for law students, and it reflects the value that his accounting background brought to his experiences as a practicing attorney. The coursework supported by the Ragatz chair will include business accounting fundamentals, such as trust and estate accounting, real estate accounting, and techniques for presenting financial analyses in litigation.

"We are absolutely delighted that, through the generous support of Law School alumni and the Morgridges, we will create chairs that recognize great faculty and enrich and transform the lives of our law students," says Dean Margaret Raymond.

overheard

“UW Law” in the news

On Judge Berman's Delegate opinion

“One thing people misinterpret from Judge Berman's decision is that he exonerated Tom Brady. Judge Berman did no such thing. All his opinion did was say that Brady lacked a sort of due process and didn't get the fair hearing that he deserved on this issue from the commissioner on appeal.”

Brad Snyder,
ESPN

On why we need fetal tissue research

“Virtually every person in this country has benefited from research using fetal tissue. Every child who's been spared the risks and misery of chicken pox, rubella, or polio can thank the Nobel Prize recipients and other scientists who used such tissue in research yielding the vaccines that protect us.”

Alta Charo, *New York Times*

On the role of patents in limiting scientific research

“The existence of a patent could let an institution prevent some uses of the invention that are deemed unethical. Universities that hold biotechnology patents generally grant a site license to other nonprofit institutions for a relatively small fee (on the order of \$5,000 to \$10,000 per year), giving people at the paying institution the opportunity to use the patented technology in noncommercial research. Universities also license patents to for-profit companies. In both cases, university patent owners could use their license to put some restrictions on what the licensee can do.”

Pilar Ossario, *New York Times*

On the peculiar decision to jail children for refusing to visit their father

“Contempt of court is intentionally violating a court order, and a court order would be pertaining directly to the parents, not the children. The parents might be required to facilitate placement with the children, but the children aren't required to do that.”

Marsha Mansfield,
The Guardian

Student Spotlight: Katie Barglind '16

Summer legal work helps students gain practical skills and experiences that benefit them during law school and beyond. For student Katie Barglind, it meant the opportunity to intern at the US Consulate in Frankfurt, Germany, and it solidified her interest in international law.

Describe your summer work experience.

"I spent the summer in Frankfurt, Germany, where I was an intern at the US Consulate in the Non-Immigrant Visa Unit. This was an extremely exciting opportunity. The job exposed me to a broad range of duties: from the mundane, like hours of fingerprinting; to the more challenging and interesting, such as legal research and writing for documents to be shared with US embassies and consulates worldwide; to memorable meetings and conferences with high-ranking diplomatic officials.

"The most interesting project I worked on was a diplomatic cable sent to all US embassies and consulates regarding treaty trader and investor visas, involving



citizens of countries with which the US maintains treaties of commerce and navigation. My research and paper analyzed the process by which officers adjudicate this category of visas, what they have done to make the process more efficient, and what changes or issues can be expected in the future."

What surprised you about the work you were doing?

"I was surprised by how many important legal questions came up on a daily basis in my unit. The majority of these questions were based on legal interpretations of the Immigration and Nationality Act. However, we also worked closely with another unit, the Fraud Prevention Unit (FPU), to effectively detect, prevent, and investigate cases of potential fraud. I shadowed an FPU employee and witnessed firsthand how the separate units, sections, and government agencies work together. I have learned that bureaucracy and diplomacy might not always be efficient, but there are sometimes significant and legitimate reasons why these barriers exist."

How do you think this work experience will shape the rest of your time at UW Law School?

"My experience in Frankfurt will definitely change the way I approach my last year of law school and my future career path. The people I met at the consulate live extremely interesting lives. They have traveled to many countries, speak multiple languages, and have challenging and rewarding careers. My internship with the State Department has solidified my desire to work in international law, and perhaps one day as a foreign-service officer."



Frankfurt, Germany



**AFTER THE
SHOOTING:**



UW Law Students Help the Community Heal

By Maggie Ginsberg

Aissa Olivarez first absorbed the Tony Robinson news after she had settled her baby girl back down after her regular 4 a.m. feeding. In the dim, morning hours of March 6, 2015, as she was scrolling tiredly through the predawn news, there it was: another unarmed, 19-year-old African-American man — somebody's baby — shot by a police officer. Only this time it wasn't in Ferguson, or Baltimore, or Los Angeles; it was right here in Madison, Wisconsin, where Texas-native Olivarez was a second-year law student.

"It hit me first as a human. It hit me as a mom. It hit me, then, as a law student," says Olivarez, who was also vice president of community affairs for the Latino Law Students Association (LLSA) at the time. The questions started running through her mind: what does this mean for us? What does this mean for our community? "And what can I do now with the skills that I've gained in my first and second years of law school so that I can help attack this problem and begin to heal this community?"

All across Madison that night, and in the long weeks that followed, Olivarez's fellow law students and community members grappled with similar questions. High school and college students led walk-outs; activists organized protests and vigils; and local clergy, law enforcement, media, civic, and business leaders held discussions and meetings. For UW Law School, which internally hosted discussion panels and listening sessions to provide emotional support for students and faculty and to explore its potential role in the larger community, the result was remarkably tangible: a 14-minute educational video called *Understanding Police Use of Deadly Force*.

Led by UW Law School's Black Law Students Association (BLSA), LLSA, and adjunct professor Stan Davis, and produced in a public-service partnership with Wisconsin Public Television, the video was released to the public on May 11, 2015. The students created it quickly — during finals, no less — so as

**What does this mean
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— Aissa Olivarez

to be useful before Dane County district attorney Ishmael Ozanne's highly anticipated decision whether to indict Madison Police Department's Matt Kenny, a 12-year veteran of the force. On May 12, following a mandated independent investigation by Wisconsin's Department of Justice, Ozanne announced that he would not indict Kenny.

"We really wanted people to understand, if the decision came out not to indict, how that decision was made, what are the criteria used, and why it happened that way," says Davis, who facilitated community Q&A sessions in the shooting's aftermath in addition to serving as student adviser for the video project. "So that people would say, 'Okay, I don't like this outcome, but I understand why it was reached.'"

The video was well received, picked up by area TV, radio, and print news outlets, and shared by the city of Madison, the University of Wisconsin-Madison,

the United Way of Dane County, and several area police departments. Participating students — Olivarez, along with Lola Bovell, Keyon Brown, Qortney McLeod, Jared Prado, and Jasmine Trimble — divided up the topics to research and present. They bounced ideas and questions off UW Law School faculty, including professors Ben Kempinen, Cecelia Klingele, Mary Prosser, Ion Meyn, and Stacy Taeuber. Davis and the students also presented their findings at the Boys and Girls Club of Dane County's Youth Summit, speaking to area high school kids, many of whom knew Tony Robinson personally.

For Davis, while the shooting of Robinson was tragic, his experience with law students left him ultimately hopeful.

"Our profession is in good shape," he says of his law students, "if these are the people who are coming into it, and this is how they already view their responsibility to the profession and to the public."

...

Jared Prado grew up on Madison's east side, where he was known as that friend who kept his head, who was able to see all sides of any given situation. After graduating in 2009 from UW-Platteville a semester early with a double major in criminal justice and Spanish, Prado received news that he'd been hired as a Madison Police Department (MPD) recruit and accepted into UW Law School — so he opted for both. It worked for two and a half years, until the combination grew overwhelming, and he made the difficult decision to put his police career on hold until he could finish law school.

Right after Tony Robinson was killed, Prado spent his spring break in Texas, volunteering to assist women and children who were detained by the federal government and awaiting asylum decisions. He'd just begun to entertain the idea of doing immigration work full time in San Antonio when, on the

long plane ride back to Madison, he read the MPD's massive records release (hundreds of pages, including the incident report on Tony Robinson and Officer Kenny's personnel file) cover to cover.

"That kind of got me more grounded, and I thought no, I need to come back to the MPD," he says. "This is important work, and there's a lot of change we need to effect in our community."

Prado returned to the MPD in July 2015. The skills he honed in law school — communication, writing, legal thinking, critical thinking — prove invaluable on patrol, he says.

"There's a vein of public service that runs through this law school. But we need more diversity in the Law School, and we need more diversity in our police rank and file, even though we do well. And I want to see more Madison-grown kids in both. I think locally, our kids of color are foundering."

— Jared Prado

The experience of working on the video cemented for him the importance of not only the message, but also the messenger. For as much as he supports his MPD colleagues and understands the district attorney's decision, he's clear that systemic racism and inherent bias exist in America, that collective trust has been broken in his hometown, and that it's critical that education and services are delivered by people who reflect the populations they're serving.

"There's a vein of public service that runs through this law school," says Prado. "But we need more diversity in the Law School, and we need more diversity in our police rank and file, even though we do well. And I want to see more Madison-grown kids in both. I think locally, our kids of color are floundering."

Indeed, the 2013 *Race to Equity Report*, a comprehensive survey conducted by the Wisconsin Council on Children and Families, showed alarming disparities for people of color in Madison. While Dane County has long been rated one of the best places in the country for white children to grow up, the project revealed that it's one of the worst in the nation for black kids.

A staggering three-quarters of black children live below the poverty line; they're fifteen times likelier to be suspended; and nearly half won't graduate from high school on time. The findings left a lot of people wondering what they could and should do to be part of the solution, and UW Law School, with its diverse student base and world-class faculty, is no exception.

"We have a lot of resources — and I'm not talking about financial; I'm talking about brain power, access to information, connections — that I think the Madison community could greatly benefit from," says video participant and Alabama native Jasmine Trimble, who serves as co-president of BLSA. "But I'm not 100 percent sure we as a school have done the best job we can do in making sure that people who really need those resources are getting them. We do have a robust clinic program that does a lot of great work, but beyond that I don't know if we're

"I wanted to reserve my judgment for the entire case and more information because, even though I am a woman of color, I do recognize that not all instances are instances of police misconduct. In law school, you're taught that **the moment you make an assumption is the moment you essentially lose the case."**

— Jasmine Trimble

really entrenched like we could be. And I say that because you still continue to see these grave disparities, which I really don't believe should exist if you have an amazing law school like the University of Wisconsin in the community."

As a woman of color, Trimble's initial reaction to the Tony Robinson news wasn't sadness or even anger. It was exhaustion. But as a law student, "I wanted to reserve my judgment for the entire case and more information because, even though I am a woman of

color, I do recognize that not all instances are instances of police misconduct," she says. "In law school, you're taught that the moment you make an assumption is the moment you essentially lose the case."

Trimble also volunteered to participate in the community Q&As with Davis.

"I think the teachable moment for me is that the work is not yet done. I have a reason to be exhausted, and that's okay, but the work is not yet done, and that in and of itself should motivate me to continue striving for excellence in law school and continue doing the work within the community that I am doing, and would like to do after graduation," says Trimble.

"To not fall back into that kind of selfish 'Well, I'll just do what I need to do for me and my family as opposed to me and my community,' which isn't just the African-American community, or women, but my country. We really are all in this together. Even though it doesn't seem like it at times, we are."

• • •

Ultimately, that's the teachable moment for Davis, too. Standing there in front of those grieving community members during the Q&As, it hit him how valuable, how weighted, his role is as a professor, as an attorney, as an African-American man, in Madison, Wisconsin. And what a very big deal it is for those high school students to not only empower themselves with a clear understanding of the law, but to see themselves in professors, in attorneys, in law students: to know what's possible.

"When I talk to students of color, even at the undergrad level, I usually say to them, 'You know, there are so many people, historically and even now, who would love to have had the spot that you have. And when you get a degree that comes from that and you're out in the community, you've got more of an obligation than somebody else does,'" says Davis,

adding that his students got an unexpected lesson of their own. In the audience that Sunday afternoon at the youth summit was distinguished UW Law School alumnus Henry Sanders Sr., one of the first African-American attorneys in state government. He talked to them afterward about the importance of what they were doing and shared with them chilling stories of what it was like for him just a couple of generations prior.

"If this was the 1950s, and we were making a video like this, our lives might have been in danger," says Davis. "Our lives weren't in danger; they were celebrated. We're able to do it in safety because other people took that risk before. It's an important message for us as lawyers of color to understand that we have an obligation."

That doesn't mean the work is over — just the opposite, in fact.

"It taught me that these kids need more guidance from minorities like us, groups like us, in the legal process," says Olivarez. "We weren't trying to prevent people from being vocal about being upset — that's fine. And I think that's important. But we wanted to provide another outlet and say, 'This is what's happening, and this is what it looks like.'"

And that wide, painful gap — between how a situation feels and what its facts are, the truth the information holds — is the one Olivarez and her colleagues wanted to fill. They still want to, regardless of their widely varying backgrounds and the different paths they'll walk in their professional futures.

"We all came to law school for different reasons," says Olivarez, "but one common desire we shared was to do more and to give back to our respective communities. As minorities, we were really cued in to the injustice and to what this event meant, and I think we really came together to try to make a difference."

And they are. ♦

To learn more and watch the video, visit gargoyle.law.wisc.edu





Same-sex marriage and the future of the LGBT movement

By Nicole Sweeney Etter



Add *Obergefell v. Hodges* to the roster of historic US Supreme Court cases that current and future University of Wisconsin Law School students will dissect as they study the Supreme Court and civil rights. The 5–4 decision legalizing same-sex marriage across the United States made headlines around the world and continues to ignite debate about what it might mean for everything from religious-liberty protections to employment discrimination to plural marriage.

Law School faculty members **Linda Greene, Carrie Sperling, and Gwendolyn Leachman** reflect on the decision, how it may impact daily life as well as other laws, and where the LGBT movement might go from here.



"Big picture:

same-sex marriage is now legal across the country. But why was it 5–4? Why was there such disagreement? It's because the justices disagree over fundamental constitutional principles and over whether the court should decide whether same-sex couples may marry. It's all about the role of the court in society."

— Linda Greene

Understanding the Supreme Court's rationale

The US Supreme Court's ruling — with Justice Anthony Kennedy siding with the court's more liberal justices in the 5–4 decision — probably wasn't a surprise to anyone who has been following the court closely in recent years, notes Professor Linda Greene, a constitutional law expert.

"Over the past nine years, several decisions have laid a foundation for this majority opinion, and these decisions also laid the foundation for understanding the differences among the justices on this issue," Greene says.

In the 1996 case *Romer v. Evans*, in a 5–4 decision, the US Supreme Court struck down an amendment to the Colorado state constitution that prohibited state and local gay-rights laws. In the 2003 case *Lawrence v. Texas*, the Supreme Court ruled 6–3 that a Texas statute criminalizing sexual activity between same-sex partners was unconstitutional and a violation of liberty in intimate relations. Finally, in the 2013 decision *United States v. Windsor*, the court ruled 5–4 that the Defense of Marriage Act violated the Fifth Amendment's due-process clause because it treated same-sex marriage unequally.

And so the groundwork was laid for *Obergefell v. Hodges*. "Big picture: same-sex marriage is now legal across the country," Greene says. "But why was it 5–4? Why was there such disagreement? It's because the justices disagree over fundamental constitutional principles and over whether the court should decide whether same-sex couples may marry. It's all about the role of the court in society."

The Supreme Court justices agree that not all rights need to be explicitly stated in the Constitution — and the right to marry is not mentioned in the Constitution, Greene notes. "But justices disagreed on whether the court should expand the unwritten right to marry same-sex couples. They agree that the court may recognize that those rights are consistent with the 'traditions and collective conscience of the people,' but they disagree on how much freedom the court has to interpret tradition broadly," she explains.

"The majority says that the tradition of marriage and the definition of equality have evolved, that history and tradition are a guide, but that tradition does not define the outer boundaries of equality and liberty. But the dissent says that when the court enters the area of unenumerated rights, the court has to be careful not to substitute its own values for those of the people because if the court does this, it usurps the democratic processes."

Proponents of religious freedom have already proposed religious-liberty litigation in response to *Obergefell v. Hodges*, and the religious-liberty implications of the decision will continue to arise, Greene says. Will public servants or private businesses be allowed to refuse to perform services related to marriage based on their First Amendment right to religious freedom?

Another question is whether after *Obergefell*, plural marriage will also be protected by the liberty and equal-protection clauses. Greene says that the majority opinion does not appear to embrace that view. "The majority decision is tightly reasoned around the marriage of two people, and it is not clear that the *Obergefell* decision must be extended to plural

marriage,” Greene says. “The dissent says the decision is so broad that it can be. That’s an undecided issue.”

Greene, whose practice background includes major constitutional and civil-rights cases, says the case confirms her experience that attractive plaintiffs are important to the success of high-impact litigation. “The plaintiffs in *Obergefell v. Hodges* were very appealing: there was a man who wanted to be acknowledged on the death certificate of his partner of two decades; a lesbian couple who wished to jointly adopt their children to ensure that they would be cared for if one of them died; and an army-reserve sergeant who married his partner in New York. Tennessee wouldn’t recognize the marriage when the sergeant moved there to work for the US Army Reserve,” she says. “Their stories conveyed the burdens endured by same-sex couples who wanted to marry and have their marriages recognized wherever they lived.”

How language can advance causes and shape litigation

Carrie Sperling, a clinical associate professor of law, shared the frustrations felt by the plaintiffs in *Obergefell v. Hodges*. She and her wife got married in the United Kingdom in 2008, but their marriage wasn’t recognized by the state when they relocated first to Arizona and later to Wisconsin.

“Unless you’re in that situation, you can’t understand the craziness of the patchwork of laws you have to navigate,” she says. “As you drive across state lines, you get a different bundle of rights.”

Sperling remembers an “a-ha” moment that she had while teaching a class at Arizona State University’s Sandra Day O’Connor College of Law. “Years ago, we were discussing same-sex marriage, and a student used the term *marriage equality*, and it sort of surprised me because I hadn’t used the term before,” says Sperling. “But it was so appropriate as the right framing for the argument if we wanted same-sex marriage to be enshrined as constitutional, and it made me wonder why we ever called it anything other than that.”

Now an associate dean and interim director of the Frank J. Remington Center at UW Law School, Sperling is still fascinated by the power of language and metaphor in legal decisions. Her latest study examines the use of metaphor when applying burdens of proof and supports the notion that metaphor shapes how courts define legal rights and procedures.

The study builds on work published in the *Law Journal for Social Justice*. Her article, “The Rhetoric of Same-Sex Relationships,” discussed the impact of metaphor in litigation involving gay and lesbian rights.

“Metaphor is powerful in so many ways that we don’t even consciously realize,” Sperling says. “From ‘soiling’ a reputation to having a ‘dirty’ mind, dirty metaphors bring with them certain connotations and more judgment. Those metaphors can shape litigation and perceptions.”

So what has that meant for laws related to the LGBT population? By shaping perceptions, metaphors may have helped keep antisodomy laws on the books for decades, Sperling says. “People have long used metaphors to describe the act of sodomy, or ‘the heinous act not fit to be named.’ These metaphors often draw attention to the perceived

“Metaphor is

powerful in so many ways that we don’t even consciously realize. From ‘soiling’ a reputation to having a ‘dirty’ mind, dirty metaphors bring with them certain connotations and more judgment. Those metaphors can shape litigation and perceptions.”

— Carrie Sperling

"Litigation in

the LGBT movement has received far more media attention than any other type of LGBT movement activity. It's this incredibly salient, visible tactic, and the groups that use litigation survive longer than other movements. But not every issue can be litigated in court, and the more radical factions of the movement have argued that certain political demands that are not so easily translatable to legal claims often get lost in the agenda."

— Gwendolyn Leachman

unnaturalness or uncleanness of the act," wrote Sperling in the *Law Journal for Social Justice*.

Sperling says that neutral or positive language can make a big difference in outcomes, and that's one reason she thinks the "marriage equality" language was part of an ultimately successful strategy.

"I'd love to go back and see when the term *marriage equality* started being used," she says. "It signaled to me a complete shift in how we view same-sex couples' rights. The court's focus and the public's focus were on a denial of a right to a particular minority."

Another word that stuck out to Sperling in *Obergefell v. Hodges: disability*. "Justice Kennedy called the denial of the right to marry a disability that homosexuals had been burdened with, and I thought, 'Wow, that's powerful language, and it applies to a lot of things beyond marriage.' It applies to being denied a job because you're gay and all sorts of issues," Sperling says.

Framing the denial of a right as a disability conjures a different type of analysis. It may shift, ever so slightly, our understanding of LGBT issues. "We may find ourselves thinking of reasonable accommodations rather than of fundamental rights," she says.

How and whether that language will be applied to other laws remains to be seen, but Sperling believes that the marriage decision and Justice Kennedy's choice of language could have a ripple effect. "It creates this momentum to look at laws that treat gays and lesbians differently in ways that don't have a rational basis, and I think that those laws will start falling by the wayside," she says.

The future of the LGBT movement

Before the Supreme Court decision, there were an estimated 390,000 married same-sex couples in the United States, but only one in six lived in states that recognized their marriage. "And now their marriages will be recognized in all the states. I think the symbolic meaning is extremely important," says Gwendolyn Leachman, an assistant professor of law who has spent the past decade studying how litigation has affected the LGBT movement.

But the impact goes beyond symbolic meaning. "There are a lot of aspects of daily life that this will affect," she says. "Marriage is a key factor in determining workplace benefits. This will affect entitlement to workers' compensation benefits, family leave, retirement, and life insurance."

The decision also deeply impacts children of same-sex couples, Leachman notes. "Same-sex couples are more likely to raise families where one partner is not the biological parent. What marriage does is provide that nonbiological parent with a presumption of parenthood for children born into that marriage," she says. "For children, that creates an enormous amount of stability. That is one of the most important aspects of the decision in terms of affecting the daily lives of children." That legal link could also affect child support and shared-custody decisions if a marriage dissolves, she notes.

Of course, the right to marry doesn't necessarily guarantee parental rights. Leachman cites a case in Iowa where a lesbian couple was legally married, but an Iowa government agency refused to list the nonbiological mother on the child's birth certificate. Ultimately, the Iowa Supreme Court ruled that it was discrimination.

And marriage rights don't solve perhaps the biggest threat facing LGBT people, Leachman says. "There's a huge need for employment protections — instances of discrimination against LGBT workers are through the roof, unfortunately," she says. "Between 15 to 43 percent of LGBT workers have been fired, denied promotion, or harassed because of their sexuality. You wonder how people are making a living."

In fact, research shows that same-sex households make 20 percent less a year than heterosexual households, and children of same-sex households are also more likely to live in poverty, she notes.

Most of the students in Leachman's employment discrimination class are shocked to learn that Title VII of the Civil Rights Act does not protect LGBT people from discrimination based on their sexual orientation. The Employment Non-Discrimination Act has been proposed but never passed. Some local ordinances and state laws offer protection, but only about half of the LGBT population lives in those states.

This summer the Equal Employment Opportunity Commission (EEOC), citing the *Obergefell v. Hodges* ruling, declared that its interpretation of Title VII's sex-discrimination provision also includes sexual orientation.

"This was huge in symbolic value," Leachman says. "If courts follow the EEOC's interpretation, that would expand enormously the protections that LGBT people have under the law. But that's an open question. Courts have been inconsistent in deferring to the EEOC, and there's so much negative precedent."

Leachman is also interested in how litigation affects activism outside of court. She won a national award earlier this year from the Law and Society Association for her dissertation titled "Institutions and Dominance within Social Movements: How Legal Strategies Shape the Agendas of Movements for Social Change."

"My research shows that litigation shapes movement politics in unexpected ways," Leachman says. "Litigation in the LGBT movement has received far more media attention than any other type of LGBT movement activity. It's this incredibly salient, visible tactic, and the groups that use litigation survive longer than other movements. But not every issue can be litigated in court, and the more radical factions of the movement have argued that certain political demands that are not so easily translatable to legal claims often get lost in the agenda."

Meanwhile, the legal implications of the marriage decision continue to unfold as religious-liberty cases move forward. Says Leachman, "I think we're going to see a lot of resistance creeping through in these subtle ways, so I think a lot of the litigation going forward is going to have to be about preserving same-sex marriage rights."



Everett Mitchell '10:

Building the Beloved Community

by Tammy Kempfert

After completing his bachelor's degree at Morehouse College, the all-male, historically black liberal arts school in Atlanta, Everett Mitchell considered staying in the South.

Then he read a speech by the late Reverend Martin Luther King Jr. describing a vision for a "beloved community." As King saw it, the beloved community is not only a place desegregated by law but one that is integrated in spirit, a place where people from all walks, all beliefs, and all races live and work peacefully, side by side.

According to Mitchell, "My world at that time was all black: black school, black churches, black restaurants. In Atlanta, you can live without ever seeing a white person if you choose. But I didn't like that I didn't have diverse friendships. I started thinking, as a human being, what kind of world do I want to construct?"

So the Fort Worth, Texas, native left Georgia for New Jersey to earn master's degrees in divinity and theology from Princeton Theological Seminary. "I took that leap to further explore my theological underpinnings in a new place because I wanted to build that sense of a diverse community," he says.

Now the 2010 UW Law School graduate makes his home near Madison, Wisconsin, where he holds two jobs: as a "man of the crest," he directs UW-Madison's community outreach efforts; and as a man of the cloth, he pastors at Christ the Solid Rock Church on the city's east side.



The Brand for All Wisconsinites

In his UW role, Mitchell works with local leaders and organizations to build ties between the university and the community. He believes in the power of education to change lives and speaks persuasively on the importance of the university's mission and its crest.

"Often certain communities solely pay attention to football games and Final Fours as the brand of UW. But there are daily, intricate changes being made on this campus — because researchers and staff and students are investing their whole selves into that crest, into that *W*," he says. "And those resources belong to everybody, not just the wealthy or the elite. This is the brand for all Wisconsinites."



JEFF MILLER, UNIVERSITY COMMUNICATIONS

Mitchell says that bringing people together — people whose paths might not ordinarily cross — is his favorite part of the job. He was instrumental in launching the new UW South Madison Partnership, a collaborative space in Madison's Villager Mall that brings the university closer to where people live and work. Neighbors can hold community meetings in the space, take courses, get health information, and learn about UW admissions. UW Law School's Neighborhood Law Clinic, which handles housing and employment disputes for low-income residents, is based there, too.

The goal is to increase access and understanding between the university and the neighborhood while working together to resolve community issues. As he sees it, the UW crest, displayed prominently at the South Madison Partnership offices, serves as both a guide and a testament to the university's work: "Now people in south Madison see the university helping out with legal issues, helping out with health issues, helping out with education. This is not just a university program. It's the University of Wisconsin in their neighborhood," he says.



JOHN HART

The Church Where Everybody Is Somebody

As lead pastor of Christ the Solid Rock Baptist Church, Mitchell works just as hard to make his religious community a welcoming one, and he challenges his parishioners to do the same. From his pulpit, he examines the relationship of the church to social issues such as poverty, mass incarceration, and sexuality.

Two years before the US Supreme Court's ruling in *Obergefell v. Hodges* legalized same-sex marriage, Mitchell took up the issue of marriage equality in his church. "If we're going to be a church where everybody is somebody, which is our motto, that means everybody needs to be included, regardless if they're broke, rich, homeless, gay, straight," says Mitchell, who started preaching as a teen in Fort Worth. "It just doesn't matter. We accept all people."

Christ the Solid Rock, like many American churches, leans conservative when it comes to LGBT issues. The long process of reckoning his congregation's civil-rights understanding of marriage

equality with its theological understanding took some patience, Mitchell says. And his legal training helped. "We had a series of conversations around biology, conversations around history. When we framed the conversation from a legal perspective — slave states making laws to define black bodies, and using the Bible to justify it, for instance — some people began to make the adjustment."

Though Mitchell didn't win unanimous support from his 400-member congregation, last year he officiated at the wedding of two female parishioners who had been together for 45 years. The event makes Christ the Solid Rock the only member of the Madison African American Council of Churches to recognize same-sex marriages.

Mitchell says he'll persevere on matters of social justice within his church and his community. "Are we using religion as a tool to oppress or as a tool to liberate? That's what concerns me. As a church, we don't participate in systems that deny and oppress," he says.

A Pivotal Law School Moment

In law school, Mitchell thought he'd pursue a career in public defense, representing those too poor to hire an attorney. That was before Professor Michele LaVigne pulled him aside one day to suggest he reconsider: LaVigne, who directs the Law School's Public Defender Project, was hoping Mitchell would instead apply for a job with the Dane County District Attorney's office.

"The fact that my public-defender teacher was encouraging me to become a prosecutor? I promise you, I thought I had severely failed the whole course," he recalls. "But that moment was pivotal in my law school career."

LaVigne says Mitchell would have excelled as a public defender, but she felt the community needed him as a prosecutor even more. "We need prosecutors who understand the complexity of the human condition," she explains. "There's this quote from a well-known death-penalty attorney who says, 'Each of us is more than the worst thing we've ever done. And because of that, there's this basic human dignity that must be respected by law.' Everett believes that to his very core and lives it."

At that point, Mitchell began to think about the discretionary power that prosecutors wield: sorting through allegations to decide whether or not to press charges, and making decisions about bail, plea agreements, and sentencing. "Before, I had viewed the DA's office as adding to the disparities, filling up the prisons with all these black and brown bodies. Now I could see myself in a position to make decisions about whom to charge and whom not to, whom to go after and whom to protect. I realized that this could be something I could use differently," he says.

He competed for a position as assistant district attorney in Dane County during his final semester in law school, won the job, and started a week after graduating. But he says that the passage earlier that year of Wisconsin's Act 10, which restricted state employees' collective-bargaining power, worsened working conditions in the already understaffed and overworked office. Eventually he applied for his current position with the UW, this time at the urging of his wife.

Though he no longer earns a paycheck as a lawyer, Mitchell keeps his bar license active so that he can continue to take pro bono cases, one at a time. And even before law school, he was making regular trips to Sand Ridge Secure Treatment Center in Mauston, where he still leads nonviolent-communication groups for sex offenders. He calls this his most essential, most transformative work.

"This is my way of giving back to the community.

I firmly believe that if you can touch the lives of individuals before they come back out and assist them in that process of rebuilding their lives in a positive way, that makes our whole community safer," he says.

Making a Home in Wisconsin

Finding a diverse, beloved community to call home — the one that Mitchell has strived for since he first read King's speech in Atlanta — has not come without consequences. His two years in Madison before law school were lean ones: even with two advanced degrees, he struggled to find employment. He wound up working at a call center for a while before taking a job at the Madison Area Urban Ministry as a prisoner reentry coordinator.

"By the time I enrolled in the university, I had lost everything," he recalls. "I was a single father going through a divorce. I was homeless. All I had was my little baby, a two-year-old at the time, and a letter in my hand that said, 'You have been accepted into the University of Wisconsin Law School.' That's all I had."

With the university's help, he found housing and childcare, enabling him to pursue his studies. He worked his way through school, all the while continuing his commitment to service. As students, he and a classmate developed Tying Your Tie, a program to prepare jail inmates for the workforce. He led Bible study and taught Sunday school.

Eight years after starting law school, Mitchell counts his blessings. He remarried — his law school classmate Mankah Zama Mitchell '10 — and with her, he's raising two children, ages ten and two. In and outside of his jobs, he's known as a community leader on social justice issues, and he's racked up a number of awards in recognition of his service and commitment.

And even as Madison and Dane County struggle with growing racial disparities in health, child welfare, criminal justice, and income, Mitchell has chosen to put down roots and to continue working to make his community better. He has earned a reputation for saying what he thinks, which occasionally lands him amid controversy. He knows, though, that hard conversations about race and poverty don't lend themselves to sound bites, and that peace is not the absence of conflict.

"I am where I am because I got a letter that had that UW crest on the front. I still have it at my house. I look at it every now and then, and I just reflect on where I was eight years ago," he says. "I don't think if I was in any other place, in any other city, that I would have the opportunities I've been given here." ♦

In His Own Words

As told to Tammy Kempfert

When a Madison police officer fatally shot an unarmed black teenager earlier this year, community tensions ran high. Tony Robinson's death at the hands of Officer Matt Kenny spurred weeks of protests. A local group called the Young, Gifted, and Black Coalition led the demonstrations, and Everett Mitchell, who has served as the group's mentor and guide, could often be seen at the front.

Here, Mitchell discusses the shooting and its aftermath, when Dane County district attorney Ismael Ozanne, a 1998 UW Law graduate, announced that the officer involved would not face criminal charges.

I was home with my wife when I got a call telling me that a police officer shot a boy down on Willy Street. Later came another call saying two brothers, friends of Tony Robinson, had been taken to the police station, and that my help as an attorney was needed. Now the rest is about to be history.

I go down to the jail. The police won't let me see the boys, and I said, "I'm an attorney. This is my bar number. I'm an attorney, and they called me. I need to talk to them."

Time after time, I was told, "No."

Now everyone knows that when you ask for an attorney, they let you have your attorney. Everybody knows that. They gave [Officer] Kenny three days to get his story straight, but for four or five hours, they held those young boys. What are they trying to hide when they denied us the opportunity to make sure those boys were okay, after their young friend had just been killed by a police officer? Something is wrong when we can't even do law-and-order kind of justice.

Phones popped out, and people started recording. They were recording from different angles, recording everything the officers said, what the boys' stepfather said, what I said. Then, lo and behold, the community flooded the Dane County building in protest.

The kids were angry about Tony. Our community was angry, and rightly so. Young, Gifted, and Black responded: "This is how we're going to give our youth a voice. We're going to lead a march, and we are going to let them come out of school, and we are going to be able to take them to a place, to the capitol." That's all directed energy.

People said they worried about violence. I said, "The rhetoric has been violent, but the only person who has been killed is Tony. Everything else has been



peaceful." If there had been no Young, Gifted, and Black, I don't know what this city would have turned into. They're the ones who gave structure to anger and passion.

And we were present. You can't do nonviolent action from a distance. You have to be right there in the middle of it, and you have to be willing to guide it, and embrace the negative and the anger, and begin to push it in a way that leads toward progress.

I obviously think the DA could have come to a different decision.

As a former prosecutor, I know sometimes you have to charge, sometimes you have to put the case together and let the jury make the decision. In this



JOHN HART

particular situation, the explanation was that we only charge cases where we can prove beyond a reasonable doubt, and there's nothing in this particular case that the justice system could have proven beyond a reasonable doubt.

The question is always, "Is that a question of law, or is that a question of fact?" If it was a question of law, the DA was within his purview. If it's a question of fact, then that's a jury question. And I believe there were enough discrepancies in Tony's case that it should have been a jury question.

There were many different options, such as pulling a grand jury together to see if there was enough evidence to move forward with a criminal complaint.

And there were many pieces to the puzzle. For instance, whether or not you have criminal liability is different from whether or not you have departmental police review, and that review process says the officer did everything right — that yes, it's unfortunate, but he followed procedure, and tragic things happen in the line of duty.

That just doesn't seem right. It doesn't feel right. And that's because it isn't right. Where's the value in these lives when they can say the officer followed procedure, and he can come back to work? I don't even know who the man is as an individual, but we have failed in our community when he follows procedure and this is what happens. ♦

alumni in the media

ISTOCK

On what one prosecutor can do about the mass incarceration of African-Americans in Milwaukee

What s the most effective way to keep a community healthy? You protect people in the first place. But then what do you do with the people who are arrested? There are two basic models of prosecutorial philosophy. In one, you are a case processor. You take what is brought to you by law enforcement agencies, and you move those cases fairly and efficiently through the system. But if you want to make a difference, you have to do more than process cases. If people view prosecutors as just the guys in the courthouse, who are concerned only with getting convictions, then you are creating a barrier.

John Chisholm '94,
The New Yorker

On putting the pieces of the puzzle together as a federal prosecutor

"Every day I get to do justice — fight for a just cause. And at the heart of what we do is solve a mystery. Sometimes, we know exactly how something happened. But we still have to reconstruct history. We put the pieces of a puzzle together. It's fascinating. What was someone thinking? Why did they do what they did? And then we get to tell that story to a jury."

Lola Velasquez-Aguilu,
Minnesota Lawyer



ANDY MANIS

On watching a Brewer's game as the team's legal counsel

"I can enjoy it, but I cannot watch a game and not be observing and thinking about every little possibility. I see something new every time I watch a game. I send 15 emails during every game — something you do when you're passionate about what you do. I'm always thinking about what's going on. I even do it when I'm watching the kids' Little League games. I'm covering up puddles of mud because I'm afraid the kids are going to slip and fall."

Marti Wronski '97,
Wisconsin Lawyer



Wendy Ward '01 achieves victory before the US Supreme Court



"Arguing before the US Supreme Court and achieving a successful outcome is certainly the highlight of my career to date."

— Wendy Ward '01

In June, the United States Supreme Court ruled for the plaintiff in *Kingsley v. Hendrickson*, a case involving excessive use of force on pretrial detainees.

Wendy Ward, a 2001 UW Law School graduate, argued on behalf of plaintiff Michael Kingsley. He alleged that prison guards had used excessive force against him in violation of his federal civil rights during an incident at the Monroe County Jail in Wisconsin.

Ward, a partner with the Madison office of Merchant and Gould, says her firm took the case on a pro bono basis after a district court jury sided with the guards.

"We believed that the jury instructions were improper because they allowed the jurors to consider the subjective intent of the officers," she said. "We appealed but lost again in a close case, with one judge dissenting. After consultation, we decided to try and interest the Supreme Court in the case because the various circuit courts of appeal were split on this issue."

Kingsley's case involved the due-process rights of people who have been arrested but not yet tried. In a 5-4 decision, the court concluded that excessive force in pretrial cases is measured by a different standard than in cases involving convicts. The ruling has implications for jail and police practices throughout the country.

"Arguing before the US Supreme Court and achieving a successful outcome is certainly the highlight of my career to date," she says.

A Perfect Day in Atlanta



KIM RAETHER



Looking for a warm getaway this season? Here, Robert Zakem '87 shares his insider's guide to the perfect day in Atlanta, from the best of local eats to exploring neighborhoods and seeing the sights.

8 a.m.

Start strong: I generally start my day with a workout, either at Flywheel Atlanta for a spin or barre class, or at Blast for a plyometric workout. After that it's off to Corso Coffee for a yogurt parfait with honey, berries, and granola, and a large coffee.

10 a.m.

Explore the great outdoors: take a short drive to Piedmont Park Conservancy. Atlanta's central park is home to trails, a farmers' market, a dog park, playgrounds, and much more. Afterward, take a short walk to 10th and Piedmont for its chicken salad on a delicious croissant roll.

1 p.m.

Retail therapy: Atlanta offers several shopping options with two high-end malls in Buckhead — Phipps Plaza or Lenox Square — and a new outdoor shopping venue, Buckhead Atlanta. All offer great stuff to look at (or better still, to splurge on).

3 p.m.

Dig in and discover: whatever your interests, Atlanta boasts new ways to discover anything from art to wildlife. Top stops include the High Museum of Art, World of Coke, Georgia Aquarium, or Botanical Garden. My personal favorite is our aquarium, one of the best in the country.

5 p.m.

Go micro: one of the best ways to explore Atlanta is at the micro level, by checking out some of our great neighborhoods, such as Virginia-Highland, Old Fourth Ward, or Decatur. Head to Buckhead to visit Chastain Park, an outdoor amphitheater, to take in a concert. On your way, stop by a local deli to stock up on a cooler of beer, wine, cheese, and snacks. Or, grab dinner before the concert at the nearby Horseradish Grill, and take its shuttle to the amphitheater.

9 p.m.

Wind down: the perfect way to wrap up a day of exploration in Atlanta is by having the perfect nightcap. Try the Ritz Carlton or St. Regis in Buckhead, or the W or Loews in Midtown.

class notes



Fran Ulmer '72



Danae Davis '80



Jennifer D'Amato '89



Scott McKibben '94

1960s

David Loeffler '62 was named special counsel at Ogletree, Deakins, Nash, Smoak and Stewart, where he represents management in labor and employment law. His practice focuses on litigation to resolve wage and hour class actions, discrimination complaints, reductions in force, and constitutional and appellate law issues.

1970s

Fran Ulmer '72 has joined First National Bank Alaska's board of directors.

1980s

Danae Davis '80 was named the new executive director of Milwaukee Succeeds, a broad-based, community-wide collaboration that aims to improve educational outcomes for every child in Milwaukee.

C. Scott Pryor '80 has left Regent University and became a tenured member of the faculty at Campbell University Law School this fall. He teaches contracts, sales, secured transactions, and bankruptcy.

Sandra Gegios '82 was elected president of the Eastern District of the Wisconsin Bar Association.

Gloria Doyle '87 has been elected circuit court judge for Branch 5 in La Crosse County, Wisconsin.

Jennifer D'Amato '89 has been named chair of Reinhart Boerner Van Deuren's trusts and estates practice. D'Amato's practice includes business succession planning, estate planning and trust administration, gift techniques, generation-skipping transfer tax issues, executive compensation, tax controversy matters, and fiduciary litigation.

Elizabeth Deckman '89 has joined Dorsey and Whitney as a partner. She practices in the benefits and compensation group in the firm's Seattle office,

where she advises companies on employee benefits and ERISA.

Bradley Page '89 has been named senior vice president and general counsel at Physician's Realty Trust in Milwaukee.

1990s

Michael Drumke '91 will finish his year as chair of the American Bar Association's Tort Trial and Insurance Practice Section (TIPS) with several events connected to the ABA Annual Meeting in Chicago. With more than 25,000 members and 32 general committees, TIPS unites plaintiff, defense, insurance, and corporate counsel to advance the civil justice system in one of the ABA's largest sections.

Pamela Marple '91 joined Greenberg Traurig's Washington, DC, office as a partner.

Jeffrey Vail '91 has become forest supervisor for the Angeles National Forest and San Gabriel Mountains National Monument.

Bill Zito '93 has been named general manager of Cleveland's Lake Erie Monsters, an American Hockey League affiliate.

Eric Callisto '94 has joined Michael Best and Friedrich. His practice focuses on energy, utility, and environmental matters. He is the former chair of the Wisconsin Public Service Commission.

Scott McKibben '94 was promoted to chief investment officer of Brennan Investment Group. He will oversee the company's acquisition and development of industrial properties.

Steve Pollock '94 has been named president and CEO of DentaQuest, as well as chief executive officer of Delta Dental of Massachusetts.



Stephanie Lyons '95



Rebecca Bradley '96



Bruce Nilles '96



Kevin Schulz '99

Stephen Lesavich '95 was interviewed for the cover story of the March 2015 issue of *#WORLDCLASS* magazine. The article discusses his expertise in technology and intellectual property, as well as his award-winning writing.

Stephanie Lyons '95 was promoted to executive officer and vice president of enterprise risk assurance at Northwestern Mutual. Lyons brings a wealth of expertise and experience in strategy, risk management, and regulatory matters.

Rebecca Bradley '96 was appointed to the Wisconsin Supreme Court by Governor Scott Walker. She previously served on the Wisconsin Court of Appeals and the Milwaukee County Circuit Court.

Eric Combs '96 has become the 124th president of the Cincinnati Bar Association. He practices commercial litigation at Dinsmore and Shohl in Cincinnati.

Bruce Nilles '96 was inducted into the Politico 50, a bipartisan list that recognizes 50 people across the country whose actions and ideas are most influencing the national political debate. Nilles was recognized for his work leading the Sierra Club's Beyond Coal campaign to reduce the use of coal in favor of green energy sources.

Kim Stephan '96 has joined RedBrick Health as general counsel. Stephan will oversee all legal matters, including corporate, contract, and intellectual property law. She will also advise the leadership team and board of directors in the areas of compliance, governance, and risk management.

Carmel Capati '98, the manager of the court interpreter program of the Wisconsin Supreme Court, is the recipient of the National Center for State Courts' Distinguished Service Award, one of the highest awards presented by the organization.

Kristine Sperling '98 has founded Makes 3, a personal-care-product company dedicated to providing consumers with safe and effective body-care products made with certified organic ingredients.

Kevin Schulz '99 was appointed vice chair of Foley and Lardner's sports-industry team. He represents and counsels clients in the sports industry, and his practice focuses on mergers and acquisitions and commercial matters.

2000s

David Miller '00 has opened his own firm, the Law Office of David E. Miller, in New Jersey.

Meghan Shannon '01 has been elected to Susan G. Komen's national board of directors. She practices at Reinhart Boerner Van Deuren's Milwaukee office.

Nathan Zolik '01 has joined the political law and environment and energy strategies practice groups at Godfrey and Kahn's Madison office.

Kirsten Keegan Vasquez '02 was promoted to executive director of law-firm recruiting for the west region at Major, Lindsey and Africa.

Angie Olson '03 was promoted to North American counsel and vice president of people services for Voith Industrial Services.

Melissa Hockersmith '04 formed the intellectual-property law firm of Smith Keane with Gareth Galster. Located in Hartland, Wisconsin, the firm provides clients with strategic intellectual property counseling and services.

Kenyatta Bolden '05 joined Prudential Financial as vice president and corporate counsel. Prior to joining Prudential Financial, he served as counsel for Voya Financial and was an associate with Foley and Lardner.



Candice Tlustosch '05



Jennifer Santos Sily '09



Vanessa Wishart '12



Tyler Claringbole '15

Candice Tlustosch '05 was appointed to serve on the La Crosse County Circuit Court bench by Governor Scott Walker.

Thomas Hackney '07 has joined the business litigation team at Faegre Baker Daniels as an associate in the firm's Denver office.

Jennifer Santos Sily '09 has joined the real estate practice group of Becker and Poliakoff in its Fort Lauderdale and Miami, Florida, offices.

2010s

Allison Krueger '12 has joined the commercial transportation and railroad litigation division at Arthur Chapman Kettering Smetak and Pikala in Minneapolis, Minnesota.

Vanessa Wishart '12 joined the Madison office of Stafford Rosenbaum. Her practice focuses on environmental law. Prior to joining the firm, she served as a judicial law clerk at the Wisconsin Court of Appeals.

Tyler Claringbole '15 has joined the business litigation division at Herrling Clark Law Firm in Appleton, Wisconsin.

Richard Davis '15 joined Hall, Render, Killian, Heath and Lyman in its Milwaukee office. He practices in the area of health care law, with a focus on electronic health records, general business transactions and services, and hospital and health system counsel.

Heidi Thole '15 joined Michael Best and Friedrich as an attorney in the firm's intellectual-property practice group.

Six alumni honored at annual state bar meeting

At its annual meeting in June, the State Bar of Wisconsin honored members who have gone above and beyond in the practice of law during the past year. Among this year's award recipients are six UW Law School alumni:

- **Lisa Clay Foley '87**, Dan Tuchscherer Outstanding Public Interest Law Attorney Award
- **Andy DeClercq '08**, Pro Bono Attorney of the Year
- **William Domina '85**, Judge of the Year
- **William Dyke '59**, Lifetime Jurist Achievement
- **Donna Jones '78**, Founder's Award
- **Amelia Maxfield '15**, Outstanding Public Interest Law Student Award

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in memoriam

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Leonard Zubrensky '49

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Robert Kastenmeier '52
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Thomas Quimby '55

Lawrence Nash '56
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Harold Fager '58
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John Lucht '60
Humphrey Lynch '60
John Gibson '61

1970s

Richard Pas '70
Dennis Robertson '70
Walter Minder '73
Wayne Austin '74
Susan Robertson '77

Gerald Stange '77
William Platz '79

1980s

Jean Crowe '81
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Kenneth Fleck '85
Marc McCrory '86
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1990s

Lyn Benavides '92

2010s

Michael Lutz '10

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the last word: Nicholas Zeppos '79

Chancellor, Vanderbilt University

Describe your current job.

I have often said the definition of a great chancellor is a dilettante masquerading as a polymath. Like most academic research universities, Vanderbilt is a multilayered, complex organization. I work with a strong team of senior leaders to ensure the daily operations of our 10 schools and colleges, and the clinics and hospitals that make up our academic medical center, are strategically fulfilling our mission of advancing education, research, and health care to best serve and benefit society.

What is the most rewarding aspect of your work?

I continue to teach a class each semester and am fortunate to work with many bright young people. To spend time with students and really see the lights go on as we discuss a new concept is a profound experience.

What is the biggest challenge facing higher education?

Considering the broader state of discourse in higher education and the many challenges, it is a challenge in and of itself to narrow it down to one! Dwindling federal support for research, intense scrutiny and criticism of the high cost of education, and ballooning student debt are all very serious concerns.

What do you see as the role and value of higher education?

I believe great universities are more and more seen as sources of innovation and discovery and engines of opportunity. Faculty, students, and graduates are stakeholders and drive a university's mission of serving society and the greater world through education, research, and healing.

Who was your favorite UW Law professor and why?

That's tough to answer. I have to list three: Willard Hurst, Bob Gordon, and Mark Tushnet. Willard Hurst was legendary and didn't give us any reason to doubt that. Bob Gordon and Mark Tushnet were in the early stages of great careers.

What is your most prized possession?

I am a carnivorous reader with broad interests, so I would have to say my library of beloved books.

Karen Koethe compiled and edited this interview.



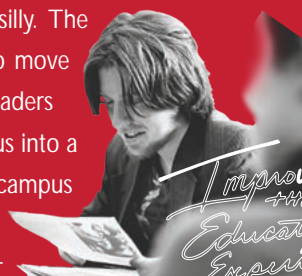


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