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## ONE JUDGE'S JOURNEY

Janine P. Geske\*

After twelve years as a Milwaukee County Circuit Court Judge and five years as a Wisconsin Supreme Court Justice, I made the difficult decision to leave the judiciary in the middle of a ten-year term. Although I loved being a judge, I felt that I was being pulled in a new direction. The decision to leave the Court at the age of forty-nine was difficult and painful, but as this essay shows, leaving was clearly the right choice for me.

### BUILDING A LIFE IN THE LAW

After graduating from Marquette Law School in 1975, I started my legal career by serving as a staff attorney for the Legal Aid Society of Milwaukee. During my three years as a lawyer for the poor, those without a powerful voice in our community showed me their critical need for a just forum in which to work through their disputes. Just as importantly, I also saw how our formal system frequently failed to provide an environment in which the disadvantaged were treated respectfully.

At thirty-two I was appointed a Milwaukee County Circuit Court Judge, a position I held for twelve years. As a trial court judge, I attempted to provide a meaningful and considerate judicial process to all who entered my courtroom. Within the limits of what can be accomplished in our formal legal system, I believed I succeeded in creating an environment in which all who came to my court felt that they were heard and treated fairly. However, I always knew that there was only so much that

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the structured legal process could provide to those who truly needed to be listened to and who needed to find solutions for the difficult problems that they faced.

I was appointed to the Wisconsin Supreme Court in 1993, and was elected to serve a full ten-year term in 1994. Although I did not complete that term, I am honored to have had the opportunity to serve as a member of the Court, and despite my decision to leave, I remain mindful of the importance of the Court's work to the development of the rule of law and to our democracy. I knew when I was on the Court that my experiences as a legal-aid lawyer, trial court judge, community leader, judicial educator, law professor, prison teacher, victims' advocate, mother, and wife all contributed to my effectiveness as an appellate judge. I liked bringing my unique experiences to the conference room when we discussed our cases. Those feelings, however, did not diminish my sense of loss in not directly working with individual people, particularly the poor.

#### LISTENING TO THE CALL

During my time on the Court, one of my law professors and dear friends, Charles Clausen, and I would talk for hours about how lawyers find it so difficult to speak to each other about issues of faith and spirituality. Whatever their beliefs, lawyers, like everyone else, face inner struggles with the meaning of their lives and their roles in creating a better world. So in 1997, Chuck and I organized a spiritual retreat; we invited thirteen prominent judges and lawyers to go to the Dominican Republic to reflect on our own vocations while working and living with the rural poor for ten days. The members of our group, which included E. Michael McCann, the Milwaukee District Attorney; Howard Eisenberg, then dean of the Marquette Law School; and Diane Sykes, now a judge on the Seventh Circuit, removed ourselves from our high-profile legal lives and spent time immersing ourselves in a culture of poverty and spirituality. We all were deeply affected by our experiences. I returned a changed woman, knowing that I was being called to do something different in my life.

Upon my return, my spiritual advisor and I decided that I needed to take some reflective time to look at my life, my

talents, and my professional aspirations. I began to ask some key questions: Am I doing the work that I will be proud of when I am lying on my death bed looking back at my life? Am I using my experience and my gifts in the most meaningful way possible? How am I impacting the lives of people around me? Am I being true to my beliefs, my values, and my personal integrity? Am I truly happy doing the work I am doing? What else could I be doing?

In some quiet contemplative moments, I looked at where I experienced the most joy. I have always believed that I best experience the holy in my relationships with others. I asked myself to focus on the occasions when I was most passionate about my work, and I recognized that it was when I was mindfully listening to and helping people in pain. It was when I looked into the eyes of the poor and others who are hurting and knew that I could walk that journey with them so they need not be alone. It was when I could provide a quiet presence to help them find some peace and comfort. This was not work that I could do as a Wisconsin Supreme Court Justice.

After a year of reflection, journaling, spiritual direction, and finally a ten-day, silent directed retreat on the campus of Boston College, I concluded that I was not where I was called to be. I needed to find a new way to use all of my professional experience as a lawyer, a judge, and a community leader, along with my personal gifts of empathy, an ability to deeply listen, and a capacity to simply be present to people in pain and to help them find a deeper sense of justice and peace.

#### LEAVING THE COURT

After I made the decision, I knew that I had to be delicate in the announcement of my resignation. I feared that the political reporters would try to portray my decision as evidence that something was wrong at the court or with me. I did not want to harm the judiciary or my colleagues by my decision. So I decided to go public with the true reasons. I quietly gave the story of my spiritual journey to a wonderful reporter who wrote an article that became the headline on the front page of the

Milwaukee Journal on a Sunday morning.<sup>1</sup> Before that article was written, fewer than ten people knew that I was even thinking about leaving the court. The response was amazing. Not only did I accomplish my goal of ensuring that people understood that the reason for my leaving was my spiritual calling, but hundreds of people wrote me and thanked me for publicly telling the story. As time went on, I received honorary degrees and awards, and all of this publicity has over the last eight years led many politicians and professionals to come to talk to me privately about their own personal struggles with vocation. I feel truly privileged when I consider how many people have trusted me by sharing their own personal journeys into examination of the meaning of their lives.

I was also glad to learn that my former colleagues understood and supported my decision to leave the Court in the middle of a term. They even teased me about receiving the Wisconsin Newspaper Newsmaker of the Year Award for 1998. “That’s what you get for quitting?” they asked. “Unbelievable!”

#### FOLLOWING MY HEART

So there I was, having announced my resignation, but with no job waiting. I knew I wanted to work in the community and be a peacemaker. I wanted to use my legal and judicial experience in a helpful way, I wanted to make a difference in people’s lives, and I wanted to mentor law students and young lawyers on their own personal vocational journeys. All I had to do is to find that perfect job.

Shortly after my announcement, Marquette Law Dean Eisenberg asked me to return to teach at the law school where I had taught earlier in my career. I told him, “Sorry, but I have been there and done that. I love teaching, but I want to work one-on-one with others. I do not want to spend time in faculty meetings and committee meetings, and I do not want to worry about tenure.” He graciously said, “Tell me what you need, and we will make it work.” He truly was a great blessing in my life at that time. I agreed to return to the faculty to teach and to

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1. William Janz, *Geske to Leave Supreme Court*, Milwaukee J. Sentinel A1 (Feb. 15, 1998).

further involve the law school in the life of the community. And Dean Eisenberg was true to his word: He made sure that I would neither have to go to meetings nor be assigned to committee work.

In my view, I had landed the best law teaching position in the country. I could work with people in the community, and I could help transform future lawyers by exposing them to issues of poverty and violence and then teaching them how to become servant leaders in their legal careers.<sup>2</sup>

Ironically, my first place of work as a retired Supreme Court justice turned out to be the Milwaukee Small Claims Court, where I set up a pro se mediation clinic. Each Monday morning, the clinic enabled eight law students to have the privilege of listening to pro se small claims litigants talk about their conflict, their difficult lives, and their anger and sadness.

The students learned to be good listeners, a skill too often ignored in law schools. They then provided a safe forum in which the parties could listen to each other and work towards creatively solving their dispute. The students did not act as evaluative mediators, and they did not dispense legal advice. Instead, the cases required them to use their human skills, to listen deeply to the parties, and to draw on their creative problem-solving abilities in order to help the parties find a way to settle their cases.

I have now directed that clinic twenty-four times, with a diverse group of students each semester. Over the years, the students have successfully mediated close to seventy percent of the cases they have handled. I am proud to report that it is an extremely popular clinic, not only with our students concentrating on dispute resolution, but also with law students who are engineers, doctors, and real estate experts. They report that not only have they learned to be better lawyers and counselors, but that they have learned a great deal about themselves and about the lives of the poor.

In addition to developing the usual clinical skills that are honed in every legal clinic, the students in the pro se mediation clinic spend time reflecting on the spiritual nature of our lives:

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2. Robert K. Greenleaf, *Servant Leadership* 13-14 (Paulist Press 1991) (noting that a servant leader is a servant first, not a leader first, and that he or she serves others' needs before his or her own).

the desire both to make a difference in our life's work and to find deep joy in doing that work. These future lawyers are exposed to the true human nature underlying conflict, and they learn that an attorney's greatest service is to help people establish peace in their lives. They learn over and over again, on a weekly basis, what it means to set aside their preconceived ideas of justice and to help parties solve their problems in their own way.

As part of a small private practice, I also mediate civil disputes. Although I enjoy working on a variety of cases, I am most effective when the parties' emotions are running high. I particularly like working with parents who have lost a child, or a family that has been traumatized, a survivor of sexual or racial discrimination, or a CEO who believes that a former colleague has betrayed his trust. These conflicts allow me to use my skills as an experienced judge and lawyer, as well as my ability to be a good empathetic listener and counselor to people in pain. This work has brought me great joy. When I listen to those who simply need to be heard and then help them and those they have sued come to a mutually acceptable resolution, I feel a depth of professional satisfaction that I never experienced in any of my other roles.

### ENCOUNTERING RESTORATIVE JUSTICE

For over twenty years, one of my pro bono activities has been to spend time in Wisconsin prisons teaching inmates about various aspects of the judicial system. By spending time in the prisons as a trial court judge, I learned about the places to which I was sentencing offenders. During that same time, I frequently attended victims' and neighborhood groups' gatherings so I could also hear about their perceptions of the courts. I have through these sessions learned so much from those who use our court system.

While I was still on the Supreme Court, I had been exposed to the concept of restorative justice<sup>3</sup> when I met Bruce Kittle, a

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3. See e.g. Janine P. Geske, *Why Do I Teach Restorative Justice to Law Students?* 89 Marq L. Rev. 327, 327-28, 330 (2005) (indicating that restorative justice aims to "increase respectful dialogue among those who are in conflict and encourage them to work together to rebuild safer and more peaceful communities," and that those trained in restorative

wonderful lawyer who had previously worked at one of Wisconsin's silk stocking firms. As a United Church of Christ seminarian, he was conducting a three-day restorative justice process in one of Wisconsin's maximum security prisons that included victims of violent crimes, members of the public, and inmates. I immediately was drawn to this incredibly transformational experience. When Bruce moved to another state in the early 1990s, I took over the prison program, and I still direct it today.

I have frequently asked myself what it is about sitting in this restorative circle with murderers, rapists, armed robbers, and drug dealers that helps family members of homicide victims and sexual assault survivors begin to heal and to find peace. What is it about the restorative circle that causes offenders to begin seeing their actions in new ways after hearing the intimate details of a crime victim's life before, during, and after their crimes? What is it about bringing in elected officials, clergy, law students, media, teachers, and other members of the public that gives such incredible strength to the process?

Although I have spent years reflecting on these questions, I have no short answers. I have concluded that what happens in that prison classroom is close to a mystical experience. For some it is religious and for others it is magical. Despite my discounting the notion of restorative justice back when I was a criminal court judge, I now see it as a means to help victims while truly holding offenders accountable—not just accountable because they spend years behind bars, but emotionally accountable—for the harm that they have caused. I have truly become passionate about this work.

#### FOLLOWING WHERE LIFE LED ME

From 1998 until 2002, I was happily teaching, speaking, doing restorative justice, and spending time with my family. But suddenly in the winter of 2002, a political uproar occurred when the media started reporting on a pension scandal in Milwaukee County government. The long-term Milwaukee County

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justice can "create safe environments for tough discussions" and "listen with open hearts and minds").



Executive was being recalled, and people were demanding his resignation. He decided to leave the post. On a Saturday night, I received a call from a member of the Milwaukee County Board asking me whether I would be willing to serve as interim Milwaukee County Executive until a new election could be held. She told me that morale among county workers was extremely low, the community's outrage at the actions of some county officials was enormous, and the county was facing difficult financial issues. I called Dean Eisenberg that night and told him about the call, asking him what he thought I should do. He said, "It's God's work, Janine. Go do it."

Within a couple of days I went from reading newspaper articles about what had happened to going through a confirmation hearing and being unanimously confirmed as the Milwaukee County Executive. My healing skills were badly needed: I was given the opportunity to listen to people, to showcase the good that county workers did, to build morale among the county's employees, and to set the stage for the reform that was inevitable with the upcoming election. It was an incredible experience to be running the executive branch of government on very short notice.

In this new interim role, I was given the opportunity to use both my conflict management skills and my many contacts in the community to bring about some level of healing. I held luncheon listening sessions in our executive conference room with each department in the county. I listened as custodial workers, mental health professionals, snow-plow drivers, and many others described the pride that they took in their county work. None of them were responsible for the scandal, and yet they experienced it. Park workers told me that people would display obscene gestures when they drove by in their government trucks. Some secretaries told me that their dentists, pharmacists, and friends would make fun of them and the supposedly great retirement payments they would collect. Some mental health workers wept in our meetings because they believed that the actions of some political leaders completely overshadowed all of their good work. I reassured them that the public would again recognize the incredible wonderful work of so many dedicated public servants.

I decided to take some of those front-line workers out with me on speaking tours of Rotary Clubs, neighborhood associations, business organizations, and other groups to describe all the great services that the county provided to its citizens. For the first time in history, I put the cabinet members and chairs of departments together with all the county board members for a day so that they could work collaboratively on some creative ideas to best address the deterioration of respect for county government. It was an absolutely amazing opportunity to do some good for the community that I cared so much about, and the community did begin to heal.

I completed my limited term as county executive, turning down many people's requests that I run for the position, and returned to my work at the law school. Within two months of my return, however, my very dear friend and good mentor, Dean Eisenberg, died of a heart attack at age 55. A few days later, Dr. Madeline Wake, provost of Marquette University, asked me to serve as interim dean of the law school for the following year. I agreed, and I spent the next year as I had the last: trying to steady the ship, but this time at the law school. I tried to reassure benefactors, students, and faculty that the Law School would survive and prosper, and I continued to be a listener and a creative problem solver. The irony, of course, was that although my contract with the law school had always provided that I did not have to attend meetings, I spent much of that year in meetings. Finally, after one year, Dean Joseph Kearney, another friend and mentor, was appointed the Marquette Law dean, and I was able at last to return to my life as teacher and mediator.

#### RETURNING TO RESTORATIVE JUSTICE

Within a year of Dean Kearney's appointment, I approached him about developing a restorative justice program, and he agreed. Marquette Law School is part of a Jesuit university where excellence, leadership, faith, and scholarship are a deep part of the mission. I wanted the law students who are already exposed to this tradition to experience the incredible ability they have to promote healing in the law, no matter the work they will ultimately undertake. Dean Kearney and the Marquette law faculty have graciously supported me in my work

with students and the community as we use complementary conflict resolution in our search for ways to heal the harm that people inflict on one another. Like those who advocate alternative treatments in the health-care world, we have moved from alternative dispute management to complementary dispute resolution. We have learned that deep listening skills, empathy, and a civil, facilitated dialogue often lead people to resolve their conflicts and then to experience a healing of their spirits.

As I train my law students to be servant leaders who will become the kind of ethical and caring community leaders that our culture so desperately needs, we are making a difference in a variety of settings. We work with victims of crimes of severe violence (family survivors of homicide victims, sexual assault survivors, armed-robbery victims) who desire to meet face-to-face with the offenders in the hope that such a meeting will help in their healing journey. We prepare the victims and the offenders for at least six months, and then we facilitate these incredibly healing dialogues.

We work with domestic violence survivors who want to see good come out of their horrific experiences. They share their stories with batterers who are in court-ordered treatment, and treating professionals have seen such restorative justice circle dialogues result in amazing transformations among the batterers. I have students doing listening circles with middle school children on issues involving bullying and racism. My students also help discrete communities, like that of the Hmong, design complementary dispute resolution systems to address tough cultural and family issues. And we are conducting a healing circle with survivors of the sex abuse scandal in the Catholic Church, priest offenders, members of parishes, church staff, and Milwaukee Archbishop Timothy Dolan.

#### LOOKING AHEAD

I truly miss working with my colleagues on the Wisconsin Supreme Court, and I continue to admire the courage that they show in their work. But I have never regretted my decision to leave the appellate bench and pursue my current work. And although I do not know where this professional journey will end, I have already learned a great deal.

I know that I am grateful for the time I spent on the bench because I could not do this high-profile work if I had not served as a judge. I know how fortunate I am to be at Marquette University Law School, whose leaders recognize that our legal system must address the needs of the whole person when he or she comes into our courts. And I know that I will continue to follow my heart and my passion, and that good things will follow as I do.



