

The Judicial Internship Program at Wisconsin

Paul Reidinger

From time to time, the GARGOYLE has reported on some of the changes in teaching style and methods which have entered legal education in recent years. For example, the GARGOYLE (Vol. 14, No. 4) described two of them, both of which rely heavily on "learning by doing."

One was the UW Legal Assistance to Institutionalized Persons Program, the highly regarded clinical program which developed out of the the work of Law Professor Frank Remington and relies on law students working under the direction of supervising attorneys to provide legal services to inmates of correctional and other types of institutions in Wisconsin.

A second article in the same issue was an account by Law Professor Stuart Gullickson of his classroom use of situations which simulate real-life application of the law to particular facts.

The piece below—written by third-year UW law student, Paul Reidinger—is an account of yet another "learning by doing" program at the Law School: The UW Judicial Internship Program which, under the direction of Law Professor Larry Church, has really flourished of late and was participated in by perhaps a quarter of those who recently graduated from Law School.

Madison, as UW alumni know, is a very special place. It has a lot of lakes, students, pizza restaurants, eccentric street people, yard signs, bars, and buses.

It also has a lot of courts: Dane County's Circuit Courts, the 4th District of the State Court of Appeals, the Wisconsin Supreme Court, and the U.S. District Court for the Western District. In these various tribunals, cases of every sort are tried, decided, appealed; old law is modified, new law is made. Despite its relatively modest size, Madison is a hotbed of judicial activity.

The vigor of the city's court life and the intellectual and educational opportunities it presents have not gone unnoticed at the UW Law School. Since the early 1970s, the faculty, in an effort to supplement the traditional law school curriculum, have supported a clinical program of judicial internships in which upperclass students earn up to five units of academic credit working as interns for one of the many judges sitting in Madison (and these days, sometimes for judges as far afield as Milwaukee.)

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Depending on the work of the judge to whom the intern is assigned, a student may do legal research, draft memos to help prepare the judge for oral argument, sit in on trials, read trial records to spot issues, or go through complaints filed by indigents to try to uncover causes of action.

Professor Larry Church, who administers the program, describes it as "a sleeper."

"We've tripled in size in the last two years," he says. "This semester, for example, we've placed twenty-eight students—that's everyone who applied. About a quarter of the students at this law school will have done a judicial internship by the time they leave here."

Given the opportunities presented by the program, the high level of student interest is not surprising. Judges who

accept student interns include all seven justices of the Wisconsin Supreme Court, all three federal District Judges from the Western District of Wisconsin (as well as Judge Warren in the Eastern District at Milwaukee), and a number of judges from the state Court of Appeals and the Dane County Circuit Courts. Such a broad assortment of courts and judges gives students a chance to participate in judicial activity of the kind that most interests them, whether trial or appellate, state or federal.

By far the largest share of most interns' time is devoted to legal research and writing. The intern reads the briefs presented by each side in a case—and, if the matter is on appeal, the trial record—and looks up the cases cited along with others that might pertain. The judge may ask for a memorandum outlining the issues, setting forth the relevant law, and stating the intern's conclusions; or sometimes a draft of a sample opinion is requested.

Written work may be critiqued by full-time law clerks, staff attorneys, or the judge. Many of the judges will sit down with the student on a regular basis to evaluate the intern's writing—and also simply to discuss the law.

"I think of the intern's experience as being a lot like the one he'd get in a seminar," says Justice Shirley Abrahamson of the Wisconsin Supreme Court. "He does intensive analysis of and writing about a particular legal question before the Court. Then I critique it and he rewrites it. The only difference between an internship and a seminar is that in a seminar I'm totally in control of the material, whereas many of the questions before the Court are new and unsettled. But of course that just makes it more interesting."

Paul Gartzke, Chief Judge of the Court of Appeals in Madison, emphasizes the

value to an intern of seeing how an appellate court works.

"They learn how to read a record (of a trial)," he says, "and they learn how important 'scope of review' is. Most of them are pretty innocent when they get here from law school."

Trial court judges often encourage their interns to spend time observing litigation.

"I like them to be in court, watching" says Dane County Circuit Judge Angela Bartell. "I try to talk to them during breaks—to discuss the issues, techniques of lawyering, what's effective, what isn't, and so on."

"It's a good way to see how the rules of civil procedure actually work," agrees Federal District Judge Barbara Crabb.

Although students interning at trial courts spend a fair amount of time watching trials, they also do a good deal of research and writing, and receive comments and criticism from the judges.

The stress laid on legal research and writing seems to sit well with most students.

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"It's a fantastic legal writing experience," says one student. "It's an experience every law student should have."

Another concurs: "I actually learned something. Other than this program, law school has taught me absolutely nothing practical. I think these things should be mandatory. At least I think the law school should promote and support them with more enthusiasm."

The sense of making a genuine contribution to legal culture also appeals to some students.

"You can have some impact on what happens depending on how hard you work at it," says a student. "They do listen to what you say, and they do read what you write."

Most of the judges agree that their interns are useful sounding boards and often provide helpful insight.

"They offer new perspectives and ask new questions," says Judge Crabb.

"It's helpful to me to bounce ideas off another bright legal mind," says Justice Abrahamson.

According to Gartzke, "Many times their newness enables them to see things we miss."

All this is not to overstate the productivity or impact of student interns. They are, after all, students, and they are not really expected to pull their own weight.

They're there to learn. The consensus among the judges is that, as a matter of efficiency, the internship program is "a wash": the interns do contribute, but the cost in judge time is high—sometimes high enough to reduce the amount of contact between judge and student.

Still, the program flourishes, apparently to the satisfaction of all connected with it. For students the benefits are obvious: exposure to "real world" law, a chance to do a significant amount of legal research and writing on a live question,

contact with sophisticated legal minds outside the sometimes ethereal environment of law school. The judges, too, come out ahead, according to their own appraisals: although the student interns cannot and do not carry the burdens of full-time paid law clerks, they do contribute research; more important, they bring freshness and insight, and offer to judges an opportunity to exercise an often strong instinct to teach.

In the words of Judge Gartzke: "I love 'em."

Faculty Briefs

Shirley Abrahamson received the highest honor the Indiana University-Bloomington School of Law bestows on its alumni, an award for "significant contributions to [her] community, state and nation." For those who don't know, Shirley is the first woman to be named to the Wisconsin Supreme Court; following her appointment, she was elected to a ten-year term. She is also currently a member of the Indiana University School of Law's Board of Visitors. At the ceremonies held in September, four other distinguished alumni of the Indiana Law School were also honored.

Lynn Lopucki has just published a book with Little, Brown entitled *Strategies for Creditors in Bankruptcy Proceedings*.

David Trubek recently returned from a program at the Joachim Nabuco Founda-

tion in Brazil where the focus of discussions was the writing of a new Brazilian constitution. To the Brazilian Lawyers Association David presented a background of legal procedures in the U.S. system and "how citizen groups use the legal system to gain or defend social benefits." The Brazilians reported that he "contributed greatly to the quality and organization of research underway at the Foundation."

Frank Tuerkheimer is now of counsel with the firm of Lafollette and Sinykin. At the Law School, Frank is teaching Evidence, Trial Practice, Litigation in Criminal Cases and a seminar on Watergate. He indicates that he plans to spend one day a week at the firm and that he believes his teaching will be "enhanced by virtue of working in the areas in which I teach."