

TURNER::

Hello, and welcome to Wisconsin Law in Action, a remotely recorded podcast, at least this time, where we discuss new and forthcoming scholarship with University of Wisconsin Law School professors. I'm your host Kris Turner, and my guests today are extra special. Olivia Radics is the outgoing Editor-in-Chief of the Wisconsin Law Review, and Anya Gersoff is the incoming Editor-in-Chief.

TURNER::

The Wisconsin Law Review is the flagship Law Review at the University of Wisconsin, and next year the Law Review will be celebrating its 100th anniversary. What better time to discuss the Law Review, its recent publications, upcoming plans, and symposia? Thank you for joining us today, Olivia and Anya, and congratulations on your recent election and your graduation. Before we jump into your current work as Editor-in-Chiefs, let's find out more about your backgrounds, specifically your writing and research interests. Go ahead, Olivia.

OLIVIA RADICS: :

Thank you, Kris. So before coming to Wisconsin, I already earned a law degree in Hungary, so I guess my path is somewhat unusual. And I also got an LLM in international law from The George Washington University Law School. And I work in academia and in the nonprofit sector focusing on international law, mostly international, environmental and anti-corruption law for a couple of years before moving to Wisconsin. And that's where my writing and research interests [inaudible 00:01:26]. I worked as the research assistant for Professor Schwartz and Professor Kathryn Hendley. So I focused mostly on constitutional law and Russian law.

TURNER::

That's impressive. I am intimidated and impressed already. That's great. Anya, how about you?

ANYA GERSOFF::

Let's see. So, I graduated from Princeton in 2016 and before coming to Wisconsin, I worked at a National Security think tank and I also worked doing nonprofit work up in Connecticut. And now my research interests include really anything. I have a hard time finding things uninteresting, but I work as a research assistant for Professor Meyn and his work focuses on criminal and civil procedure and the differences and divergences of the two. And that sort of has led me to research in critical race theory and also how that interacts with sports, particularly the NFL.

TURNER::

Oh, that is really cool. I think that's an area that's really developing. A lot of the sports entertainment and critical race, that's really interesting stuff, too. Thanks for sharing that Anya. Okay, so we've got some background on both of you. So let's get some background on the Wisconsin Law Review, such as its publication history, what typical article topics there are in the publication, and the frequency of your publication.

OLIVIA RADICS: :

Sure. The Law Review was founded in 1920 by University of Wisconsin Law School students and faculty. And students have been the sole editors of the journal since 1935. We publish six print issues a year and we also have an online supplement in Wisconsin Law Review Forward. Each print issues typically contain

two to three professional articles and two to three student notes or comments that address timely and relevant paper topics. We are a general interest journal, so our topics range from administrative law to criminal law, constitutional law, environmental law, essentially anything. And in addition, we also sponsor an annual [inaudible 00:03:36] too.

TURNER::

What are some of the articles that you published this last year that you found especially compelling?

OLIVIA RADICS: :

We spoke with excellent speakers over the past year in the areas of civil rights, administrative law, intellectual property, constitutional law, business law, among others. And I think all of them were compelling, but I will say I've enjoyed working with young scholars the most. The recent graduates who are starting out in legal academia, I've been very impressed by their diligence and their attention to detail and their enthusiasm. Getting published in the Law Review is a huge boost to their career and it's such a privilege to assist them in their scholarly pursuits.

OLIVIA RADICS: :

And it's also been a great pleasure to publish our very own student [inaudible 00:04:24]. This year we've published five student notes and comments. And one of our 3L associates, Brian Cawley, won the prestigious Burton Award for Legal Writing for his note, which is entitled, Damning the Mekong: Project Finance's Inability to Cure the Steep Costs of Hydropower Development in the Mekong River Basin. I had to cheat for this one, it's a very long title. But it's a great article and this is the second year in a row that a Wisconsin Law Review student received the Burton Award for publication, so we are very excited.

TURNER::

That's great. We'll link out to that article specifically on the podcast so people can find it real easily. Congratulations on that award, that's amazing. And two back-to-back years on top of that, that's wonderful. Were you surprised by any of the conclusions that the articles came to and if so, why?

OLIVIA RADICS: :

So surprise is not the best word, but I would say intrigued definitely. I did enjoy the conclusions in some of the pieces and I'll give you a few examples. For instance, Shelley Cavalieri argued in her piece on amplification that in the #MeToo era, amplifying each other's voices may provide an extra legal way for women to fight the level of workplace discrimination and harassment in cases where the law runs out.

OLIVIA RADICS: :

In another piece, In Revisiting Contempt of Congress, E. Garrett West argued that contrary to conventional wisdom, Congress does not have an inherent contempt power. It was a very timely topic last year. And for example, Brian Highsmith, argued in the article Partisan Constitutionalism that political parties use the court and litigation to shift the scope and meaning of our policy and constitutional commitments. And most recently one Alexandra Klass argued that states should consider eliminating eminent domain rights for fossil fuel projects and extending eminent domain rights for certain clean energy projects. So these are just some of the examples of scholarship that we've published over the past year. And I think you can tell from these examples that all of the topics are very current and very interesting.

TURNER::

It definitely helps that the Law Review is such as a general topic Law Review. It helps to spread it around and get a lot of different input and voices in there. Because if you're focused more specifically, you may not be able to bring in these wide range of young scholars that you had mentioned. So that's definitely a strong point for the Law Review.

OLIVIA RADICS: :

Absolutely.

TURNER::

Yeah. That's one of the best parts of seeing the new issues to see what topics are being tackled each time. And so it's like it's Christmas morning for legal academics. I mean, that sounds really nerdy, but I'm going to stand by that statement.

OLIVIA RADICS: :

Yeah, absolutely. You know, you kind of see from the topics you publish like what is current, what is important to meet the legal scholarship these days? So I think, I can speak only for myself, but I'm sure Anya will feel the same way after a year, maybe the best part of the job is selecting the articles for publication because you get to read so much of recent scholarship and it's really fascinating.

TURNER::

Can you tell me a bit about the Law Review Symposium last year? What was the topic and who were the speakers?

OLIVIA RADICS: :

Sure. So it says your departing podium was chaired by Professor Andy Coan, who is a former UW law professor, and he now teaches at the University of Arizona and it's co-chaired by Professor David Schwartz from our law school. The title was 'Rationing the Constitution: How Judicial Capacity Shapes Supreme Court Decision-Making.' And the [inaudible 00:08:10] focus of Professor Coan, a recently published book of the same title and essentially our thinkers examine the base theory that Professor Coan put forward in his book, namely how institutional practice eliminates or constrains judicial activism in many of the most important areas of constitutional law. Our speakers included some of our own faculty members, such as Professor Seifter, Professor Schwartz, Professor Komesar. And we also had faculty members from other law schools such as Carol Rose, David Fontana and Edward Rubin among others.

TURNER::

I'm sorry I missed it. I was out of town during the symposium and I get very angry I miss this kind of stuff as this one seemed especially relevant. I liked Professor Schwartz's recent constitutional blog. We actually did a podcast with him about his book about *McCulloch v. Maryland*, which was really interesting, so I wish I could have been there. I believe it was recorded so I'm going to go back and find that and watch it because it's time.

OLIVIA RADICS: :

I believe it was recorded, yes. And we also have these deals such as publishing issues too in which the articles from the Symposium are being published.

TURNER::

Well, I'm there. I have a little bit extra time on my hands at home, so I'll be reading that issue. There you go. Thank you for some bedtime reading. My last question for you specifically Olivia is, what do you hope your legacy at the Wisconsin Law Review will be?

OLIVIA RADICS: :

You know, I think it's so hard to talk about legacy [inaudible 00:09:34] because the tenure is so short. And I think, you know, I think to me though, the most important thing was to ensure, some, some form of continuity and to establish a sense of community among our members. I'm pretty sure that, you know, our associates care about the Law Review, its reputation, privacy, and I hope that for many of them, or maybe for most of them, being on Law Review had been for some experience. And I also hope that the author's or the publisher's here have had a positive experience with our journal. So I think this is kind of like a [inaudible 00:10:08] one can really hope for with a journal.

TURNER::

Well, everything I've heard, it means that you have met those accomplishments and that people are very happy with both the results and the process. So congratulations to you on maintaining that high level, because I think it's gone very well. Anya, let's turn to the future, let's leave Olivia in the past and go to the future with Anya here. So Anya, can you tell me some of the plans for next year, what's starting to be worked out with the Wisconsin Law Review? So for example, what are some of the articles or notes that you think might be published this year or there's anything specific to watch for yet?

ANYA GERSOFF::

Sure. So I think the first thing that people should keep an eye out for is Issue Four, which will be our first issue that we will be publishing as a new editorial board this fall. And that issue is a 'new voices' issue, which means we're looking to publish anyone who hasn't published an article before the first five years. Or this might be their first academic piece that they're publishing. So the goal is to really help get new voices of scholarship into publications because we recognize how difficult it can be to break through that sort of barrier sometimes, but also how important it is for young scholars and young prospective academics to get published. So that'll be our first issue coming up, our 'new voices' issue. And now I can't speak necessarily to all the articles that are in that issue because Olivia's Board actually selected them, but we'll be publishing them. It's sort of one of the fun challenges of transitioning leadership, but that'll be a great issue.

ANYA GERSOFF::

Then in our next two issues we'll be publishing six different student notes or comments, and again, Olivia's Board selected these, but I'm really excited about all of them. I think one of the first that we'll publish will be Patrick [inaudible 00:12:06] article, which is talking about artificial intelligence. It is very current. Alissa [inaudible 00:12:12] also wrote a piece on Wisconsin's partial veto, which coincidentally was a case that was just heard at the Wisconsin Supreme Court last month. So we've got a lot of really current student pieces that we'll be publishing. And then I think my personal favorite article that will be coming out in Issue Five is an article on sports betting that my Board was lucky enough to select and get

published in that coming issue. It's really a interesting overview of what's a continuing to develop area of law.

TURNER::

I really liked the idea of the new voices and the young voices for the Issue Four, I think that's, I'm sure that you have both seen when you were applying for jobs to see like an entry level position and says it's an entry level position that requires three years of experience. You're like, okay, well, what's going on here? So this is a great opportunity for, especially scholars, to get the foot in the door and get something published.

OLIVIA RADICS: :

Yeah. And actually the idea came from Dean Raymond. We had this discussion with her last year about, you know, you're creating diversity and also creating, you know, hearing up and coming voices and, you know, publication. And she had this idea and we discussed this with my board and we thought it was a fantastic idea and I hope that it could be institution-wide, that maybe every Issue Four could be a 'new voices' issue because that's the first issue that the new board publishes each year. And, you know, it's really hard as a young academic to break into the circle. And we actually had a lot of interests and a lot of submissions for the new board issue. And the hope that this trend will continue.

TURNER::

I promise I was not given any extra money or compensation or anything for saying that the Dean's idea was a great one. That was completely off the cuff. Still, a good idea is a good idea. Well, that's great, I look forward to seeing that Anya. Can you give us a sneak peek at all of what the 100th anniversary will bring for the Wisconsin Law Review?

ANYA GERSOFF::

Sure. So we have a couple ideas in the works. I mean our first and foremost, our Symposium, is really going to be focused on celebrating those 100 years. And the way we plan to do that is featuring Wisconsin scholarship and featuring how the University of Wisconsin Law School and the law has contributed to legal scholarship more broadly. So we just have selected some of our panel for that and I think it's going to be a really cool event, and I think it will kind of show a lot of people that Wisconsin has made some really significant contributions to legal scholarship, even in areas that you may not expect. I think most people recognize that we're a leader in clinical legal education, for example, but I think you'd be harder pressed to, you know, find people who recognize Wisconsin as a leader in contractual theory or critical race theory. But the reality is a lot of these great ideas started here at Wisconsin and we're hoping to showcase those in our symposium.

ANYA GERSOFF::

What else do we have in store for our 100th anniversary? You know, I think everything's a little up in the air right now because of the COVID and we are unsure of our ability to gather as a group in this coming year, but from a perhaps more cultural standpoint, we hope to continue building that sense of community that Olivia started to build with her Board. And they've just done such a great job of really instilling those sorts of values in our membership and we want to hope to bring that forward with hopefully some new creative ideas, but we'll see how limited we're going to be with the virus and some of the restrictions there.

TURNER::

Sure. I'm confident, no matter what challenges that you're facing, it will be a wonderful celebration of 100 years of the scholarship from the Wisconsin Law Review and the Law School itself. So I'm looking forward to that and please let the Law Library know if we can help at all. I'm going to put out a free plug in for the library here as well, because we'll help support anything you guys need here.

ANYA GERSOFF::

Yeah. We're definitely going to be in touch.

TURNER::

Good. We look forward to it. We love working with you guys. Looking forward to the next year Anya. What do you think? What are you most looking forward to? What challenges do you expect and what do you hope your legacy or what you want to continue on with?

ANYA GERSOFF::

Sure. So, you know, I think when I decided to run for, as your Chief of the Law Review, my goal was to really keep going on this positive trajectory and continue to make Law Review something that people want to be a part of, aside from it just being a great resume line. And so we had intended to do that through more kind of community-oriented events. We were hoping to start the year off with a community service project and to have more gatherings of the membership throughout the semester oriented around our site-checking packets and around our note and comment writing assignments. Now that's all sort of up in the air. So we have to be a little bit creative about how we're going to work on making those community events happen. That was something I was most excited about and I still am, but it's just going to take a little bit more creativity than I think we originally thought.

ANYA GERSOFF::

Now, aside from that, I'm really excited to publish some race scholarship like we've been doing in years past. I hope that next year in the next calendar year, anyway, that we might publish like a themed issue. That's something we're looking at doing to maybe showcase a particular topic with the goal of bringing in perhaps more diverse voices or more diverse areas of scholarship where, you know, you might see different people writing than just, you know, your standard old white male academics. So we're looking into that. I'm excited for that.

ANYA GERSOFF::

You know, as far as legacy, like Olivia said, it's really difficult to think about legacy when you're only in charge for a year. And especially when half of that year might be remote and you might not even ever meet everyone in the same room until it's almost all over. But I think, that said, I hope to be organized and I hope to be a step ahead of all the sort of challenges that may come our way because of this test.

TURNER::

It sounds to me like you already are pretty well organized and prepare for what might be coming. So I think that you are well set for this first, at least the half year that may be remote or whatever you may have, whatever challenges you may have to come and meet. So congrats on already being ready for all that stuff.

ANYA GERSOFF::

Well, I don't know about that, but I,

TURNER::

Yeah, you're welcome. Finally, either of you can answer this one. Where can people, researchers, scholars find new Wisconsin Law Review publications and where can they find your archives?

OLIVIA RADICS: :

Well, you can find our articles, our articles, and our online ad content on our own page. And also on the Law School Repository. And I would add that we just launched our new website. It's [inaudible 00:19:59] and it is a lot more user friendly and aesthetically pleasing than the previous website was. And it looks much more like something from the 21st century than the previous one. So we are very excited about that. So we are [inaudible 00:20:15] current there and our, you know, our previous issues, will be online, so to speak in Westlaw and Lexis and HeinOnline as well. And, I would also add there that we recently joined Twitter and, and new board had been tweeting about or around. I don't know, maybe tweeting. So we're very excited.

ANYA GERSOFF::

We've been tweeting. Yes. Yes. You can give us a follow at @WisLRev, just your proper Bluebook for you right there. We're always looking to retweet our upcoming authors and plug their scholarship in any way we can. So it's been a fun little project.

TURNER::

I truly appreciate that it's the proper Bluebook format. It's a nice reminder on top of everything else.

ANYA GERSOFF::

Yeah you know.

TURNER::

Once we get this podcast up and running, we'll tag you on, on we'll @ you on Twitter and we'll get this connected to you that way as well.

ANYA GERSOFF::

Perfect.

TURNER::

And of course we'll link to the Wisconsin Law Review's home page on their new website and we'll link to the archives in the Law School Repository on our page for this podcast.

OLIVIA RADICS: :

Thank you so much, Kris, for the opportunity. This is really great that you guys are doing this.

TURNER::

Yeah. Thank you both for joining me remotely. Thank you very much for joining me today, Olivia and Anya. It's been great talking to you both even if it is remotely and not in person. Congratulations on graduation, Olivia and on your tenure as Editor-in-Chief and congratulations on your election to the Editor-in-Chief position Anya. I look forward to working with you over the next year and we'll get some good stuff out there hopefully.

ANYA GERSOFF::

That sounds very good, thank you.

TURNER::

Yep. As I mentioned earlier, links to both these resources for the Law Review archives and their current publications are posted along with this podcast at wilawinaction.law.wisc.edu. I hope that by now you're subscribed to our Wisconsin Law in Action podcast, but if you aren't, so you can find us on the Apple iTunes store, Stitcher or Google Play, or listen to our full archive at wilawinaction.law.wisc.edu.

TURNER::

Thank you for listening. Join us next time as we return to the world of criminal law and discuss recidivism rates and sentencing [inaudible 00:22:28]. See you next time and, until then, stay safe and happy researching.