

TURNER:

Hello, and welcome to Wisconsin Law in Action, a remotely recorded podcast where we discuss new and forthcoming scholarship with University of Wisconsin law school professors.

TURNER:

I'm your host, Kris Turner, and my guest today is Emily Capodarco, the outgoing editor-in-chief of the Wisconsin International Law Journal. This is the first in what we hope is an annual tradition with the Wisconsin student editors of the journals, and I couldn't think of a better editor to begin our tradition with. Thank you for joining the podcast, Emily.

CAPODARCO:

Thanks. Excited to be talking to you, Kris.

TURNER:

Before we jump into your current work, let's find out a little bit more about your background, specifically your writing and research interests.

CAPODARCO:

Sure. So for my background, before coming to law school, I worked for a couple of different organizations. First, an international development organization, and then an innovative nonprofit serving people in need in Wisconsin. And then finally, and most recently, I was a case manager in Milwaukee County Drug Treatment Court. So it was a pretty varied experience after undergraduate.

CAPODARCO:

And in terms of writing a research interest, I really have a wide range of interests. And I think I've actually served really well as editor-in-chief of WILJ because it's really allowed me to enjoy the wide range of topics we publish as a journal.

CAPODARCO:

Specifically, I'm from rural Wisconsin, so I have a strong interest in both international and domestic sustainable agriculture practices, food access, and the laws and regulations surrounding those issues. But my goal here, I hope my journal wrote about how the cannabis industry has shed some light on these American tribal jurisdictions, specifically under public law 280, which is a law that is only active in several States that affects tribal federal and state jurisdiction. For the past year or two, I've definitely expanded my interests. I've been exploring a variety of topics in talking to States, labor and employment, and most recently bankruptcy [inaudible 00:02:10] court experience, that was quite fun. But yeah, I'd say that having a wide variety of interests has definitely been interesting, but also helped me really enjoy my work at CIC.

TURNER:

I'm going to have to talk to you later after we're done recording about the PL 280 paper. I didn't realize that you had written about that. That's really interesting stuff. I actually worked with Professor Richard Monet about a paper I wrote with him, that's not published or anything, but about the history of PL 280 and its impact on the interaction between States and tribal governments. So I really liked... I'm going to have to read your cannabis article. That sounds really cool. So I'm learning stuff every time.

CAPODARCO:

It was a really fascinating topic to delve into, especially because it wasn't something I knew a ton about beforehand.

TURNER:

Yeah. It's something that I don't think a lot of people do know about, and it's really adversely affected a lot of government relationships about the sovereign laws between state and federal and tribal governments. So it's really... Cool is what I was about to say, but not cool, but fascinating.

CAPODARCO:

Yeah. It's fascinating.

TURNER:

We'll keep with that term. Exactly. So now that we got your background, can you just give us some background on the Wisconsin International Law Journal, such as its publication history, the typical articles that you publish and how frequently you publish?

CAPODARCO:

Sure. The Wisconsin International Law Journal, or WILJ, was established in 1982, and we publish between three and four issues every year. The journal offers articles of scholarly and practical interests, and we publish in a variety of areas of international law. The really interesting and fun part of being editor for WILJ specifically, this last year has been this truly wide variety of topics the journal publishes about. I'll speak to the journal a little bit later, but for our journal, we truly welcome scholars to submit their articles for publications that reflect any topic of international law. We accept articles through Expressive, and if a scholar has an interesting topic that they'd like to write about or that they've done work on, we'd love to read it. We really do run the gamut of topics. This next year, it's varied widely in our first and second issue. We tend to publish [inaudible 00:04:32] issue, which I'll talk about in the moment.

TURNER:

With such a wide variety of topics, how do you select the articles that are of interest both to general researchers and to international law experts?

CAPODARCO:

So we have two different methods that we do. Historically, and this past year, we work as a team between the editor-in-chief and the senior articles editors on the senior editorial boards. And the three of us would look at the submissions that we received through Expressive, and grade them based off of a rubric that we use internally, looking at a variety of topics. Is this a timely topic? Is it [original 00:05:09] research? Is it interesting? Would it go well with our journal scholarship? Is it written well, and is it work that we think that we could work with [inaudible 00:05:22] only make improvements during its time within our editing process. It really is... It's kind of a gamut of factors. And in doing that, we go back and forth and then ultimately the senior articles editors bring their suggestions to the editorial board and the EIC. And we stop and come up with a final list before making an offer to the author. And then the author will except or not.

CAPODARCO:

This past year, we really were looking at the number of submissions that we've been receiving and also who's involved in the decision making process. And we decided to pilot more of a board form, so that we can have additional voices from across the journal instead of just being the editorial board members, to be able to make some of those publications decisions or to make recommendations on what they think is interesting or well written, so that we can have a little bit of a wider variety of voices that are a part of the decision making process. Even though the final decision will still live with the senior articles editors and the editor-in-chief, we're very excited about piloting and moving forward with having a wider variety of voices that go into that decision making process. And we were excited to pass that project onto the incoming senior tutorial board moving forward for the journal.

TURNER:

I love hearing this stuff, cause I don't really get a chance to hear about what goes on behind the curtain. I just get to see the magical end product most of the time besides helping with the sites. But this is great. That was really, really an informative answer. Thank you for that, Emily. So let's get into the meat of this and tell me about the articles that you published this last year.

CAPODARCO:

So, as I mentioned earlier, this was a really wide variety of articles that we published this past year. It really is one of the best ways.

CAPODARCO:

For the first issue we published, it ranged all the way from looking at duty of elder care in Taiwan, to due diligence as a concept within international humanitarian law, and then also an article about the Mississippi International Watercourse and whether there's a right to innocent passage, looking specifically at Canada, U.S. and Mexico, of course. And then we also had three student notes published in that issue as well, which dealt with implementation of Autonomous Vehicle law, which was very cutting edge and interesting to read about. The Free Speech in the Internet Age, which actually looked at a YouTube video that got really famous about a man who had trained his girlfriend's pug dog to respond to Nazi commands and how it kind of echoed through the free speech world. And then an article about the WPO, and an argument about whether it must adopt a standard review specifically for article 21B of the [GAT 00:08:23]. So again, very wide variety of articles in that first issue.

CAPODARCO:

The second issue historically has been what we call our first symposium issue. And so, what we tend to do is publish articles in that issue from the previous year's symposium conference at the journal house. So specifically, and I'll speak to the symposium [inaudible 00:08:48], but this past year, the symposium was about [inaudible 00:08:52] lawyering in China and Russia, common challenges across the lawyering of those two countries. So it's these articles that we published that were [inaudible 00:09:02] issue two. Here we deal with issues of modern lawyering that have come up across these two countries. So some articles looked at lawyers and good advice websites, and they looked at the role of gender and career preferences for young Russian lawyers. And then there also applications for professional ethics [holders 00:09:25] in China, a look at Hong Kong and the future of Chinese law firms, and then professional trajectories of Russian law students who have graduated from an elite institution, as well as a couple of other articles.

CAPODARCO:

So again, even though in that instance for that issue we did kind of narrow the focus because of that symposium and the authors who presented at it, you can still see that there are quite a variety of interests that are reflected in the articles that we ultimately end up gathering and then publishing.

CAPODARCO:

And then lastly, our issue three for the past year, [one thing 00:10:04] was quite broad interests. We published three professional scholars and then three student pieces as well. For the professional pieces, there was one that looked at labor trafficking and forced servitude in agribusiness internationally, another that looked at Russian mercenaries, and another that looks at the anti-defection provision contained within the constitution of Bangladesh, and then last but not least the three student articles that were published. Southwest changes in the United States' immigration policies that have occurred in the past couple of years, whether or not transgender troops can deploy, and then lessons that U.S. regulators can learn from FinTech sandboxes, United Kingdom and Australia.

CAPODARCO:

So once again, I've just been thrilled as editor-in-chief to read about and learn about so many fascinating topics that have spanned international law is past year.

TURNER:

That is unbelievable. That is so great, to hear about those numerous different topics and such a diverse lineup for your issues that you published this year. You deserve to be thrilled for that. That is really impressive. I say impressive a lot when I'm hosting the podcast, but I do mean it this time, Emily, I assure you. But let's rewind a little bit and talk about your symposium. You talked about how the articles were published in issue two, but can you tell me more about the symposium itself? The topics, the speakers?

CAPODARCO:

Absolutely. So the past year, as I mentioned, our April, 2019 symposium was lawyering in China and Russia, common challenges. And then during the 2018-2019 school year, the journal actually [imbigged 00:11:48] our bylaws to allow for [inaudible 00:11:50] programming besides the symposium. And we really like the symposium and want to continue that tradition, because it has been such a strong tradition for the journal, but we also wanted to give our boards and our journal membership, the opportunity to explore what other types of conferences might look like. So, this past year we were excited and proud to be planning the first ever Wisconsin International Law Scholars Conference. And so this was primarily through the efforts of our senior programs editor, Nina [Nash 00:12:24], or should I give her proper credit because this is such a huge undertaking to not only change the format that we were using, but then also to move forward in a very interesting and wide-ranging topic, which was going to be about climate change and human rights, with scholars coming from all around the world.

CAPODARCO:

So what we did was we solicited work ahead of time so that people could have what was essentially going to be a working papers conference. So scholars were going to be able to join together and review each other's work before coming to the conference, and then at the conference, use it as an opportunity to brainstorm and then review and critique each others work, and then after the conference continue to stay in touch and/or complete the work to then submit for publication. We were really excited about this change in programming to see how it has been since that final scholarship that we were able to get

from it. However, as everyone is well aware, the COVID pandemic really greatly affected our ability to host this. We ended up having to cancel that [inaudible 00:13:37] scheduled for the beginning of April, and they are moving forward on... We had to pass the torch for the... To the next senior tutorial board.

CAPODARCO:

But we're happy to think that they're planning on being able to at least hold this online or virtually sometime later this year. If we were able to move forward on holding it in person, that was our great hope, so we were really holding out, waiting to see what would happen, but that's seeming like it would be less and less of a reality. So we're moving forward with the virtual plan. Those scholars can still have that really great interaction and review each other's work. So we're excited to see where it leads, we're sad that we have to cancel that in-person event, but we're hopeful that it will still lead to some really wonderful scholarship and some great opportunities for the scholars that we invite to participate in this conference.

TURNER:

And that interaction that you mentioned is very important at the working paper stage for scholars to get the feedback and be able to understand how their writing is progressing, if their argument is making sense, if this is effective, it's been discussed before. This is a great chance that you and Nina have set up for scholars to get things published. I think that... Wonderful idea, and you've definitely planted a seed for the next board to take and run either virtually or in-person, whatever may happen for it. Any which way you slice it, it's going to be definitely an improvement. In addition to that, what's planned for next year? Are there any articles and notes that you are aware of, or anything specific to watch for?

CAPODARCO:

Certainly. So you're aware of Flanders always developing for the next year and as of right now we have to kind of wait and see how the COVID pandemic will affect her ability to make plans for next year's symposium, the conference, the journal that I still plan on pursuing some sort of work at some sort of gathering, even if they have to be virtual that will... She needs to promote international law scholarships for them, the journals and in general. And when it comes to some of the notes or articles, I'm happy and proud to say that I get to pass that torch on to the next year editorial board members. The incoming editor-in-chief for both for 2020 and 2021 is Hannah Tuttle. And then [inaudible 00:15:56] a senior editorial board as well that are just going to do great things. I have to say that I'm absolutely very proud to have some shakeups during our elections. That was quite the trip. We had the fire department, the law school, and we had to switch buildings and we ran elections semi-virtually because of the COVID pandemic. And it was a really interesting time.

CAPODARCO:

At the end of the day, I was really proud of how this all came together. We have strong elections and stars for this coming tutorial board, and I'm really excited about people who will be serving the journal this next year. I truly believe that they're going to do a wonderful job, and I know that they are currently undergoing the selection process for the next year's issues, at least for the first issue. Even though I don't quite have an insight into what those specific articles are going to be, I know that they are working hard on it, exchanging online conversations and emails to make sure that it is some fascinating legal scholarship that they can publish into the world.

TURNER:

And I look forward to working with Hannah. I've worked with her a little bit on and off on other research projects, so it's great to hear that she is taking on the reins for WILJ's editor-in-chief position. And hopefully you can rope her into doing a podcast with us next year to have these very same questions for her to see what has transpired over the last year. Hopefully you can put in a good word for us if this works out, okay?

CAPODARCO:

I will.

TURNER:

All right. Good. Good. All right. Now, for the hardest question of the podcast. What do you hope your legacy as WILJ editor-in-chief will be?

CAPODARCO:

I went in this past year, really hoping that I could concentrate on the systems of our journal and the internal organization to our journal. And even though I think it will be a little bit hard to see from the outside of the journal, I really hope that my legacy will live on through the structural and organizational changes that myself and my wonderful senior editorial board that I was able to work with this past year were able to implement for the journal. We really concentrated on the ability for each board and each round of students that comes through to pass forward information each year.

CAPODARCO:

So we really concentrated on updating all the transition memos for each of the [inaudible 00:18:25], concentrated on the processes by which we do things, and we had a lot of great conversations about why and how the journals make the decisions that we do and how we implement them, and how we could do those things better. Now there were ideas that we came up that we quickly pacified because we realized why something has been done the way that it had. And then there were other ideas that came [inaudible 00:18:53] and that we were able to draw upon.

CAPODARCO:

So one of those, as I mentioned earlier, was that part of the board selection process for the articles. Another simpler one was that I felt as a [inaudible 00:19:06] that... I wished I had a more centralized communication method in terms of being aware at all updates. And so we implemented the newsletter this past year internally to general membership to say, "Here's where we're going, here's which assignments are coming up, so what you need to expect to be able to plan your time around." Because at the journal, there are lots of changes in expectations, and as you need to adapt to the issues and concerns or work as it comes to light. And I think that our membership does a really good job of navigating that. But I know as a law student, it always helps to have some idea as to what your timelines will be, so that you can try to make sure you're managing your workload in ways that allow you to be most successful.

CAPODARCO:

So we really tried to make sure that, structurally, the journal was in the best place possible, and it was the best experience, not just for the scholars and [inaudible 00:20:10] that were working there, but also for our membership so that we can walk away from our experience really feeling like we're able to contribute in an interesting and helpful way to a great academic experience.

TURNER:

If your legacy as editor-in-chief is to increase communication and improve communication, and to encourage better time management, then your legacy will be... You'll be up on Mount Rushmore of editor-in-chiefs at some point, if that's what happens. But that is wonderful. That's great. Where can people find new WILJ publications, where they find your archives?

CAPODARCO:

So we would encourage interested parties to email us at [eid 00:20:53].wilj@gmail.com to inquire about a subscription to our journal, a subscription is the best way to support the Wisconsin International Law Journal and to get first access to our weekly publications. However, a full archive of our work can be found at both the WILJ website, which is wilj.law.wisc.edu. And it can also be found at the Law Library Repository website, which is repository.law.wisc.edu. So those are both great resources that I would highly encourage people to check out.

TURNER:

And of course we'll link to both those archives, both the WILJ archives and the Law Library archives in our post for this podcast so we make sure that people can get to those. And we'll also post a little bit of a blurb for the email to contact you for a subscription as well.

TURNER:

Okay, thank you very much for joining me today, Emily. We've been speaking with Emily Capodarco about her time as the editor in chief of the Wisconsin International Law Journal. We're speaking with the editors of all the Wisconsin law journals this month, so be sure to check out our previous podcast, where I spoke with both the outgoing and incoming editors of the Wisconsin Law Review. Next up I'll chat with the incoming editor of the Wisconsin Journal of Law, Gender and Society. In the meantime, subscribe to our podcast on either Stitcher or the iTunes store, and you can listen to our full archive at Wisconsin Law in Action at wilawinaction.law.wisc.edu. Thank you for listening. And until next time, happy researching.