Kris Turner:

Hello, and welcome to Wisconsin Law in Action, a podcast from the University of Wisconsin Law School, where we explore the people, ideas, and scholarships shaping the law and its impact in our communities. I'm your host, Kris Turner. For law students, some of the most formative learning doesn't happen in the classroom. It happens when they're sitting across the table from a client, researching a problem for a government agency, helping draft legislation, or just working alongside attorneys in a tribal government. At UW Law, that kind of experiential learning has long been central to the school's mission. But when we talk about these opportunities, we tend to focus on the students, where they're placed and what they're doing.

But today, we're going to look a little more closely at what happens behind the scenes. What does it actually take to create and sustain these kinds of placements? What happens when the government shuts down or a political transition changes the landscape? And how do you make sure that a real world legal experience is also a meaningful educational experience? To help us untangle all of this, my guest today is Erin McBride, Director of the Government and Legislative Clinic, and the co-director of the Native Nations Externship Program at UW Law School. Aaron, thank you so much for joining the Law in Action podcast today.

Erin McBride:

Hey, Kris, thank you so much for having me. I'm a huge fan of your work, your podcast, but also absolutely everything you do for students at the law school.

Kris Turner:

Well, that runs two ways.

Erin McBride:

It goes two ways. I like that we're talking formative learning because I feel like it's a village. You're a huge part of that, and it's a joy to be talking with you.

Kris Turner:

Well, I'm talking to the mayor of the village of experiential learning today and Erin McBride, so I'm going to learn so much more from you on this podcast, that's for sure. So let's just start by meeting you, Erin McBride. For listeners who may not be familiar with your work, tell us a little bit about your role at the law school, what you do as the director of the Government, Legislative Clinic, and the role that you play in the Native Nations Externship program as well.

Erin McBride:

Wonderful, and thank you again for having me in and for highlighting these programs. I direct the Government and Legislative Clinic at the Law School. It started about 15 years ago. I was in private practice at the time. I was teaching an undergraduate class at UW in health policy, and it was just phenomenal. I loved working with the undergraduate students. We started to do a lot of drafting in undergrad, and it got me excited to take that to the next level. So Russ Whitesel, who was a long-term Wisconsin legislative council attorney, had just approached the law school and said, "There's so much good coming out of UW Law School, and we need that in state government." He was a big procedure guy, big ethics, and more than anything, he could work with anyone, any side of the aisle, all sides, no

sides, upside down. He was such an excellent communicator, an excellent thinker, but just through and through policy guy.

When he came to the law school and said, "We need to put students at the highest level of local and state and federal government," he wasn't kidding. He saw that the formative learning did happen in the classroom, but we needed to put that into practice. And so it was really fun to come into the law school at that time and figure out how we're going to collaborate here. So we started the Government and Legislative Clinic as a clinic. So as a group of four students who we did the work with them, we met people in the community. We had so many amazing supervising attorneys come out of the woodwork. And at first, we were thinking, let's put students at the highest level of government. And then we thought, let's put our students with people who absolutely do ethics, do procedure, get procedure right, and are that Russ Whitesel, that absolutely superior ethicist and communicator.

Let's make sure our students are learning from the best. And it turns out those were the same people, highest level of government in Wisconsin. And the people who were holding all of us to task were the same people. It was such a gift to be able to go into any state agency and say, "We have these amazing law students. We'd like them to learn with you, learn from you, and do whatever it takes in your office to help further the mission." And it was just so organic. It worked so seamlessly. It made it so nice to start that way. And then we had our four tried and true placement sites to begin with, the Government Accountability Board, which now the Elections Commissions and Ethics Commission. We had Department of the Employee Trust Fund. We had Department of Public Instruction. We had some really traditional agencies.

We had some cutting edge agencies, and then we had some drafting. We had legislative council, we had Legislative Reference Bureau, and the students were learning maybe 15 years ago how to write. What was useful for us at the time as well was, this was about 15 years ago, was right around the time Act 10 had passed and the way state agencies were doing their business had changed. And talk about an opportunity. We hadn't really taught administrative rulemaking before. Now, every agency in Wisconsin was responsible for drafting their own rules. And no one had been teaching scope. How do you write a scope statement? How do you send it to the Department of Administration? How do you send it to the governor? How long do you wait? So being able to do that level of, okay, new statutory interpretation, new application of new systems.

And we kept thinking, wow, if our students have, I know how to write an administrative rule on their resume, they're going to run the show. Just to walk in at that time period where we could say, "Oh, this is negative," or "Oh, so much is changing." Everything's always going to be changing. Everything's always going to be a new system, a new governor, a new administration, a new president. It's always going to be twisting and turning and changing. And we can be upset about it, we can be happy about it, or we can just prepare the students so they will always have procedure and ethics on their side. And that so far, knock on wood, that's worked.

Kris Turner:

You were talking earlier about experiential learning being a village. I feel the same way about technology and research where we have to prepare them for the change because just like government leadership and the strategies for getting this in front of people, that's going to constantly change. But if they can put on their resume, they can handle that. What a great leg up they have when it comes into the real world. So I'm so glad that you pointed that out. It sounds like you had loved teaching and education from the drop when you were teaching undergraduate students in the program here. I can tell it radiates off that you love education, which is wonderful. I know students feel that way too. But was

there something about your early education as a lawyer that made you particularly interested in experiential education?

Erin McBride:

That's a really good question. I had such phenomenal mentors in undergrad. I went to a small all woman's college where we got that individual assistance. I remember not necessarily the lectures in class, but all of the office hours where it was about shaping how you think, how you work, how you treat each other. And just to have that absolutely phenomenal head start. I learned early on how you stand up for others, how you take what you learned and you use it to further your career, but you can do so much more if you use it to further someone else's career as well. I had Dr. Nordstroms, I had Dr. Michelle Francl, I had all of these phenomenal women who were brilliant. I was a chemist in undergrad. And just to have all of this, we thought about things a little bit differently. One, try not to blow this up in the lab.

Two, make sure you're not hurting anyone else in the lab, but to see how they used their situation, their career to lift up their students. And that was the biggest push of all. Dr. Francl just wrote her book, Steeped, and it's about tea and the science and the chemistry of making the perfect cup of tea. It sparked an international incident because she does suggest putting a little bit of salt in there. And so the British embassy did write a letter to the United States and how dare you type of thing. But what was nice about her book is you don't need to know. It goes deep into the chemistry. You don't need to know any chemistry to appreciate the book. She wrote it in such a kind way. That's when I realized, "Oh, that's how we were taught. We were taught in such a kind way."

I started an undergrad here teaching undergraduate students in 2008, and that was my goal. If you teach in a kind way, if you're kind to the students, you expect a lot out of them, you hold them to the highest standard they've ever seen in their life, and oh my goodness, they all jump over that line. So it's been fun to see there is a way you can use your career to build up others. I got it out of chemistry. When I went to law school, I was at the University of Iowa, Go Hawkeyes. They were very much that personalized family as well. I went to law school in the generation where our first year we were not allowed laptops, we weren't allowed internet research. They wanted us to learn things by the book. It feels like we've come full circle now with some professors at the law school are like, no laptops.

I want you to use no AI or I want you to use all AI. We have different evolutions of that now. But at the time to walk into a classroom of 80 students and one student had already run to the library to get the book and he didn't keep it for himself, he brought it into the classroom and gather around, we're going to do this as a team. I learned so much from that of, "Okay, we're in this together." I did my internships in law school in a chemistry lab and then I went right into their legal department and it was so nice having that hands-on, absolutely specific topic application where you go right from chemistry into drafting patents, into drafting your own patents and now you can help everyone else.

Kris Turner:

One thing you mentioned that you learned in chemistry is trying to blow things up in the lab and try not to hurt others in the lab. I see a very strong parallel from that to legal work as well. So you can...

Erin McBride:

Especially in the government. Yeah, especially in the government. There's such a nice parallel of... It's a nice lesson for paying attention, paying attention to the little things. If you're either working with students or writing legislation, it's those little details that matter. We spend so much time in drafting in class working on definitions. It's the little details, it's the word choice. When you end up going to the US

Supreme Court, it's over the definition of a word. And so if we can get that little detail right from the beginning, you've prevented an explosion for sure.

Kris Turner:

Working on the fringes seems like the fringes, but they move quickly to the center of the argument in that way where the details just matter so much and you focus on them very much so in your experiential learning. Speaking of, let's learn more about what experiential learning actually looks like. So we want to get beyond just the buzziness of experiential. That's something that's in the lexicon out there. So what does a student's experience look like from the time they enter one of these programs to the time that they finish it?

Erin McBride:

We just placed our students for fall. All of them are in some level of state, local, or federal service. When the students come into the government and legislative clinic, I run it a little bit differently. I no longer have just four in the clinic. I'm up to about 50 or 60 a semester now. And what's wild is my goal is to make sure they have that individualized placement and service. I meet with the students several times before I find them the person that I would love for them to learn from. It very much isn't let's find you a job. It's let's find you the best mentor for yourself. And again, I cannot thank our supervising attorneys in the field enough because they all know exactly what we're trying to do here. They know that the students are coming in because they have so much to offer, because they've accomplished so much already, because they have a specific interest.

I had a supervising attorney at Department of Public Instructions when I called and I said, "What do you need help with?" And he said, "What does the students specifically want to learn?" And I love that approach. What can the student get out of this? Because they're all going to help. They're very bright students. They all have something to contribute. So I'll call one of my placement sites, I'll call say a state administrative office and I'll say to the state agency, "I have a student here who's a really good writer, isn't that interested in standing up in court, but they've done a lot of briefs in their past. They aced Kris Turner's legal writing class and AI class, and I'd like for them to be able to apply that in the field." And the supervising attorney will come up with project ideas and then we approve those.

We look at where it is they can be most useful, where they can help, what will advance the office, what will advance the student. And it's a really nice collaboration of talking all of that through. The students go through their background check in many cases, they get their badge. It's a big deal. I get so many emails from the students of, "I got my badge today." And it's their access pass to get into the building. It's a badge of honor for the student. They get their access pass, they get their government issued laptop, and they start going to work. The most important question I have the student ask is, "What can I prepare in advance? What should I be reading up in advance?" Department of the Employee Trust Fund has given amazing projects to the students and they're always, "Before you start, read chapter 40. We want you to know our governing statute, how we're organized, what we're responsible to, how we get our orders."

I feel the students can recite it by the time they start work. They take it very seriously. But just to be able to have that welcome has been so important. It means the kids can hit the ground running. We have a classroom component to the clinic as well. So the students meet with me individually, but we also have our group class every Friday where we do ethics and procedures so they can continue to hit the ground running. I had a student last week who was like, "I've been asked to write administrative rules." I said, "All right, we're going to move that lecture up so you have the 22-step flow chart right in front of you when you go to work tomorrow." We have students that show up in their office, maybe

they're at public instruction or maybe they're at military affairs and it's a budget year. It's a fall semester and they've been asked to start helping with and they'll be put on the budget team.

And it's really nice that these offices are saying, "Okay, this is where we are in our administrative cycle and we're going to make you a part of that." We have other students that walk into say military affairs and they'll be like, "Well, we have a drone task force. You're going to sit right next to the general and he will ask you your opinion on drones and the regulation or the regulation of Bach and crude across the state. How do you do that?" And it's nice to have these topics that are everyday issues that the agencies are working on and drafting up. And our goal as the law school is take the students who either have experience in this or have the skillset necessary to communicate well in that office, work really well with the mentor who's going to keep lifting them up, but also contribute. And I feel that's the whole law in action is everybody's moving, everybody's acting, everybody's moving forward.

Kris Turner:

Just used the word that I was going to follow up with you with is mentor and mentorship. I think that's something that is often taken for granted in these kind of positions where like, "Oh, I have to supervise a student," but you're actually mentoring them in many ways. And it's easy to lose sight of the forest for the trees where people don't realize that they have to mentor the next generation of lawyers and staff and faculty and everyone to make sure that this continues and continues to grow that way. Have you found that students' understanding of what lawyer actually does changes once they're in these environments?

Erin McBride:

I think it changes for the students that come in and they're not really clear what they want to do. I have a couple of students who maybe 10 years ago just weren't enjoying law school. I think we've all hit that point where you can't read anymore and you're having a hard time seeing it play out and you can only sit in con law so long, not appreciate it yet. It was actually one of those students who had zero interest in environmental law, was not enjoying law school. And I put him with a wonderful attorney at the Department of Natural Resources. And about five years after the student graduated from law school, he came back, he said, "That saved me. It saved me as a student. It saved me as a lawyer." He said, "I didn't know what the DNR did, but it made everything I did in class make sense. It changed how I was reading. It changed how I was understanding con law, property, torts, everything was just it came together."

And I've heard students say that who leave Wisconsin and take the bar exam. It's when they see things that come together, all the different disciplines come together. And I think that's when they realize the law isn't just, "Oh, I came to law school for environmental law, or I came because I like finance, or I came because I really wanted to do education policy." They get out in the field and they realize, "Wow, a lot of it is employee relations. A lot of it is HR. A lot of it is finance. A lot of it, it's everything." And that's where I think our students excel is we have such a nice required set of classes, so they do get that exposure to every little bit.

And I love that they can see it come together in some of these experiential learning in their clinics, out in the field. It all comes together. I think it changes what they think a lawyer does because they didn't realize it's everything. And I think that's one of the beautiful spots of the students who aren't quite sure why they came to law school or they knew they wanted to help people or they knew they excelled in history or they excelled in public relations. They get here and they say, "Oh, there's a spot for everybody and we can use this as a way to refine it."

Kris Turner:

Let's give a shout-out to our admissions team because it's also something that we're getting these students that are ready to rock and roll and really work hard. And like you said, the kindness that will come through with the students willing to work. It's amazing to get the students as they are from the admissions team too.

Erin McBride:

Exactly. The dedication is one thing. The drive. I have a final review that every supervising attorney fills out for our law students at the end of each semester. And it's rare to find one that doesn't say exceptional in all regard. I think what our admissions team has done is find work ethic. They find students who are willing to put in the hours, they're willing to figure it out. And what always surprises me, and I hear this from our supervising attorneys as well, the students work so hard and they figure it out, but they do that so efficiently. I have a lot of students who were given assignments, "I need this research memo. I need this brief. We're going to court next week. Can you write this up?" It should take about a week and a half to do this memo.

And they have it in two hours and it's exceptional. They research quickly, they research well. They think quickly, they think well. They fight to the end. It very much feels like watching one of our more, I'll say more recent Badger games where they fight to the bitter end and they do win. So it's nice to see that because you hear Midwestern work ethic and we have students from all over the world, all over the United States in our program. They all have that Midwestern work ethic. They found each other. They're here.

Kris Turner:

Yeah, that's great. The thing that's coming to mind right now with everything you were describing is that it's like a symphony of law school where you have the admissions team and you have all the work that you are doing where the students start to work with that and are put in the position to succeed with their supervising mentors and attorneys that they're working with and all the support they get. And of course it's a 10-year doctrinal fact that provide them with the critical information and skills that they need to succeed out in the externship program. And sometimes there's an occasional sour note, but we fix that and we make it a better symphonic sound by the end of it, for sure.

Erin McBride:

I think that's right. And we're building these students to be able to play any role in that symphony. And I think that's what UW does so well. There are law schools that have very smart kids, very driven, same work ethic, and they specialize. And I think the specialization is important, but I like that what we do is build up these students to play any role so when they get out into the field, they can be an expert in anything. They've conducted the symphony, they've played the tympany, maybe not the oboe, that's hard, but they've done each role and they've been trained well by every aspect of the law school. So when they get out, it's pure magic.

Kris Turner:

They can read the music, that's for sure. They can sight-read if we're going to go down the musical.

Erin McBride:

They can sight-read. That's exactly it. They're not going to panic. Yeah.

Kris Turner:

All right, let's pull back the curtain a little bit more here and talk about your work behind the scenes. We were talking about the students, which is great, but now to talk about you a little bit more. So here's something I think is really interesting about these programs is we tend to see that student experience, but not necessarily what is happening behind the scenes to make that work. So what does your job look like that students and the listeners probably don't see?

Erin McBride:

Oh, they don't see the panic, which is lovely. And I'll pretend it doesn't exist. It really is watching the sausage being made when you pull back the government clinics curtain. A lot of the finagling happens over the summer for my fall clinic, and then we'll start in October again for my spring clinic, and that's meeting with every student. I love to read personality. I like to meet with the students, figure out where their strengths are, where the gaps in their resume are, what they've been exposed to and what we can help them get up to speed on before we even start talking about what job is going to take you to the next level. I always tell the students, I like to build unicorns. I like to see where you are, what you've done, and now let's give you your horn. Let's give you your magical horn that will make you excel even more once you leave law school.

I like to build for five years out of law school, not just for graduation, but it means a lot of meeting with the students, a lot of figuring out who they are, how they tick, and then placing that with, again, this amazing group of mentor attorneys. When we first started the clinic, we had absolutely phenomenal attorneys, and I feel I've been doing this long enough now that a lot of my supervising attorneys now are former students. And so I don't want to say it's a cult. It feels like it because I'll call up an attorney at an agency and they know instantly what we're trying to do. They know that we're trying to take students to the highest level. They know that we want short-term projects, long-term projects. We want students to understand what makes their office tick, how you can best contribute in that office, and more than anything, progress, how we can still keep pushing this forward.

Procedure is absolutely everything. And we always say you can work for anyone if you have procedure on your side, but you have to know what procedure is. You have to know what proper procedure is. And so figuring out those projects with the supervising attorney is just a joy. It takes time, but it's a joy because you can see how it's going to elevate the student and the office. That's the bulk of the coordination ahead of time. And then I use all of that information to inform all of my lectures for class every week because I want the students to all benefit from, maybe I learned something from the Office of Commissioner of Insurance, or maybe I learned something at the World Bank, and I want the students to all benefit from what that looked like, what procedure they're working on, what they're trying to improve.

And with 60 in the clinic, then yeah, then everyone benefits from a conversation we had with one supervising attorney. We've had some supervising attorneys who really can forecast what's going to happen next. We have Mike Haas' city attorney who was with the elections commission. When we had a government shutdown or when our students got furloughed, whenever we hit any bump in the road, either state or federal funding wise, that changes what happens in our program. It changes if the kids can even go to work or not. And it was one of the most recent. We were waiting on a continuing resolution. If we don't have a federal budget, then the students can't go to work. And then we all start to worry, "How are they going to get their hours in? How are they going to finish their projects?"

And it was Attorney Haas who called and said, "It looks like we're going to have a government shutdown. What can I do for the students? What can we do? How can we as a community help out?" Absolutely phenomenal to have everybody pulling for these kids. And so keeping those relationships going, making sure the students know they have people in town, even if it's not their personal

supervisor, it might be someone at a different agency, it might be in a different office, but we have so many former badgers as supervising attorneys. They know what we're trying to do. They know we're all in this together and they look out for the students. I wish there was a better way to thank them.

Kris Turner:

Hopefully this podcast will help. They can listen to this podcast and hear how grateful we are.

Erin McBride:

And they know I could not do it without you. That's exactly right.

Kris Turner:

Well, you've built this great network of alums and mentors that have made these experiences so valuable. And part of the valuable aspect is that it's so real, but how do you balance the needs of all this placement, all these challenges you were just mentioning like furloughs and government shutdowns and changing in hours with the educational needs of the students? How do you make sure that that disruption does just become that last semester? How do you fill that in all the gaps that happen?

Erin McBride:

To start, I wrote a policy for our clinic of what we would do. We have a furlough policy, we have a government shutdown policy, we have a continuing resolution policy. And a lot of that is if we're headed toward a government shutdown, there is a two-week span before any shutdown where I call it the Tesla shutdown procedure where the government takes two weeks to wind down operations before a shutdown. And so we have a little bit of notice. We have a procedure for that. And what our procedure says is this is the teaching moment. This is how students know. Okay. When you're in government, this is what the budget is. This is what the budget cycle is. This is what comes into play. Here are the options. What is a continuing resolution? What is a clean CR? What have we done in the past? How many shutdowns have we had? How many continuing resolutions have we needed? How many budgets have been late?

It's amazing. I mean, we've had 20 delayed budgets in the last 20 years. It's really nice for the students to know this isn't the first time that's happened. What's happened before? How do we deal with it? What is the government's role? What do they do? What does Congress do? And just to use that as pure procedure, it takes the sting out of it. It takes the worry out of it. And for every single one of these placements, we have a nice idea of what the students are working on. We know the topics, we know the memos that they've been working on, we know the lawsuits they're involved in, which means as every single week when we're in class, I'm asking the students to come up with the research topic. If you were asked to write a law review article today, what have you learned from your work that you could write up?

That comes in really handy when we have a government shutdown or the students a couple of years ago when the students were furloughed for 35 days, that's a bulk of our semester. So to go into that furlough with, all right, you're working in real estate services or you're working in the governor's office on the pardon team, what academic questions do you have? What procedures are you learning or what procedures do you not like? Let's start researching that. Let's write up the big picture. So they're not working for the agency at that point. They're building their curiosity. They're building their intellectual why. A lot of times students will start writing stuff up even if government's fully operational and we have a continuing resolution or we're moving into the next administrative cycle and they come out of it

with two, three papers ready to publish because of the entire time they were thinking of, "Well, this is cooler than I thought."

Kris Turner:

Nice. So they're learning from the uncertainty, they're learning about the change, and they're learning how to be more resilient for when these things happen.

Erin McBride:

Absolutely.

Kris Turner:

Because I love the way you're framing that this isn't something uncommon or something to be scared about.

Erin McBride:

[Inaudible 00:28:20].

Kris Turner:

It's part of the experience. You been through it.

Erin McBride:

It's the essence of government, yes.

Kris Turner:

Yes. But since they weren't so connected to it at the time, it seemed like something that could be frightening to them. And with the study guiding hand and you and the other mentors, it seems like it makes it much more of a learning experience.

Erin McBride:

And it keeps things in perspective because it's a nice life lesson as well. If you're working in corporate America, you don't necessarily get that two weeks notice that things are winding down. Things happen much on a very different timeline. Maybe you find out that something's due tomorrow and these students know to start preparing two weeks in advance now. They know to preempt, they know to plan ahead. And I think a lot of what we do in law school is reflecting and thinking back, why did this law come into place? How did that change things for us now? And we're saying, "What's going on now? How is that going to change things for us two weeks from now?" And I like that they are now able to do full spectrum planning.

Kris Turner:

That's a core part of experiential learning, I think, is planning ahead, not to expect that something is going to change that will be unexpected. Expect the-

Erin McBride:

Absolutely.

Kris Turner:

... unexpected to boil it down to a bit of a cliche.

Erin McBride:

Expect the unexpected and always take a legal pad. Yeah.

Kris Turner:

Oh, I like that one a lot. I'm literally writing that on my legal pad right now [inaudible 00:29:34] put down.

Erin McBride:

Note to sell.

Kris Turner:

Yes. So let's shift gears a little bit. I want to talk about a distinctive environment that you work in with the Native Nations Externship. What makes working with the Native nations and tribal government so distinctive and such a unique experience for a law student?

Erin McBride:

That's an excellent question because in some way it is very much the government clinic. Every tribe has its own government. And so we have students in so many of the different Tribes in Wisconsin. And again, you want to talk about amazing learning experience, one-on-one contact with the attorney general of the tribe or with the senior drafters or with the staff attorneys or the tribal offices or the judges. The tribal judges have gone out of their way to help the students learn and learn this new environment. But it's still, at the end of the day, it's a government. And so to see how different governments operate, to see how different legal offices do their work, so many parallels. So I help run this Native Nations Externship program, I want to say 99% similar to the way the government clinic operates where procedure is the focus. I'd say the one thing that we do differently with the students who work with the tribes is we want to make sure that culture and tradition are always at mind.

If you're going to do tribal drafting, let's keep in mind who we're drafting for and why. And I think it's more specific. It is legacy. It is keeping legacy alive. It's keeping oral history going. And to make sure that the students appreciate that as much as the tribes appreciate that. And of course they do. And it becomes a fun challenge because when we're drafting for state government in Wisconsin, we have a drafting manual. So a lot of it is read the drafting manual. It's your Bible, learn it, draft that way, follow it to the letter. And the tribes have their own drafting manual. Again, very similar to LRB's drafting manual, but there are different hierarchies. There's different understanding of who's responsible. And I love that we can use it as contrast. We can use tradition as contrast because it is so individualized. And I think anytime you have a smaller government, that's exactly what you do.

You think about the people first. I wish we did that for state and federal government. It's all people first. It is. It's just bigger. So to be able to do that special focus, the tribes have been wonderful in coming up with special projects, our tribal appeals program that Judge Patty Hoeft is running from Oneida. The Ho-Chunk have been so accommodating, especially over the summer to our students and giving them that hands-on real world on the reservation experience. Lac Courte Oreilles says yes every single time we ask if they could take an intern and they'll say, "Do they want to be in court? Do they want to be in the attorney general's office or they do want a draft?"

And just to know that the students are so well cared for and though of, and each tribal government has made it just a real bonus for all of the students who come in knowing they want to do some sort of tribal law or they come in knowing that there's definitely some work that could be advertised or could be done. The tribal project of making sure all of the Oneida decisions are online, the tribal registries are so important right now. And the students are aware of that. They come in knowing that. We build on that. We make sure they have that opportunity and that access.

Kris Turner:

One other thing that the program emphasizes is cultural competency and how they understand the legal and governmental structures that the students will encounter. How do you prepare students to enter these environments thoughtfully and respectfully?

Erin McBride:

I pull in experts who know more than I do. So we've been so lucky to have guest speakers from the tribes come in and speak with the students. The Native Nations program has a classroom component as well. And I'll just back up and say that's one thing both the government clinic and Native Nations has made sure to include is that substantive course. There are 20 government clinics nationwide. We are the only one that has a substantive classroom component. And I like that that's what sets us apart from the others. We make sure our students have that substantive knowledge, have that case law, statutory interpretation, administrative rulemaking, budget procedure, 369 compliance. We make sure they know the nitty-gritty details before they go out into the field. And the same with Native Nations. We'll pull in tribal liaisons from the state offices. We'll pull in the attorney general from a tribe and they teach the students and I want them learning from the absolute best.

Kris Turner:

So one thing that we've been talking about, it's a through line for our whole conversation, you already name checked it once, is Law in Action. That's the name of our podcast. Of course, we've got to talk about law in action more specifically. And what you've just been talking about with the externship program with the tribes is a great example of law in action. One thing UW Law in particular has talked for generations about is law in action. That law isn't simply something you study, it's something that operates in the world just to give everyone a concise definition of law. Law in action is there. So how does experiential learning in particular connect with this and the Wisconsin idea?

Erin McBride:

I think sending students out into the community to contribute is what law school should be. I think we compare all the time to, well, what does medical school do? They have their students learn the material and then they're required to do a residency. I like when law school was reading law. I want the students to have that foundational knowledge. Not everyone comes in a history major and maybe that's a good thing, maybe it's a bad thing. I want students to know our history, but to know world history. How did we get here? But I also want them to keep moving forward. And so if we consider the government clinic, the Native Nations Externship Program, a residency requirement, it makes it so much easier to see law in action, to see, okay, the Wisconsin idea really is about contributing and making sure we're all part and pulling in the same direction. I don't want to criticize Coach Fickell, but he wears TEAM on his vest every single football game.

And I don't want to say that's our goal because that doesn't feel as organic as we're trying to make it, but we are achieving together if the students are contributing. And we're so grateful that, especially in

our state, the supervising attorneys in every office, in every tribe, they've been phenomenally welcoming. They've understood that what we're trying to do, that the Wisconsin idea really is the students contributing, community contributing every direction. I don't want to say it's a win-win because there are about 30 wins we'd have to include in that sentence, but the students understand their job is to give back. And I can't believe that the supervising attorneys feel the same way. Their job is to give back and the judges, their job is to give back. Everyone is contributing. And when everybody gives back, we all move forward and it's a quick turnaround. I've only been doing this clinic for 15 years. It happened right away.

Kris Turner:

One other thing that we've been talking about in addition to law in action is just preparing students for change. So obviously there's a lot of change going on around the legal academia, legal profession, legal everything right now. So how do you get students to think about that and understand how practicing law in these environments is going to stay complicated, get more complicated in some ways, be unpredictable, and then sometimes also politically charged?

Erin McBride:

Right. And it'll always be unpredictable and it will always be charged. So we start there. I want to make sure every student knows the beauty of holding down the fort, especially if they're a new lawyer, if they're the intern, if they're right out of law school, if they're five years out, it could be chaos in your office. They could be planning for the next governor. They could be planning for the next budget. They could be planning for the next bill that passes that changes how we do things. And there will be people who respond to that and whose job it is to respond to that. But there are also people who need to be in that office whose job it is to keep the office running and to keep everything steady. And I call that the holding down the fort. We need lawyers who hold down the fort and we need lawyers who respond and lawyers who preempt.

And so I try to make sure the students know all those roles, because at some point, they're going to be brand new. It's not their job to respond to the governor. It's not their job to respond to the president. It's their job to make sure that the office keeps running. So when we go into government shutdown or when we go into furlough, I think the bigger example of that for us was during COVID. We had a lot of agencies that needed to do a COVID response or they needed to do a protocol, and that's what took all senior staff. They were all working on how do we respond to COVID? How do we respond to changes? And our students were in the office or working from home doing the rest of the work that no one else had time for, and they did beautifully.

And it set up a really nice mindset. It feels like out of every tragedy, you learn so much and you have all these silver linings. It set up a new way of thinking about it for me of, "Oh, we don't have to train the students to be the front line. We train to be the front line and the back line and the middle line." And again, it all goes back to if you can do procedure well, you will always have a job and you'll be running the place because you know what needs to be done, you know how it should be run, but you know how it should be run correctly. And that's what we're trying to teach.

Kris Turner:

And people will seek you out. They're like, "Oh, that so-and-so knows how to make this work. They are the ones that hold down the fort, that know how to respond in a particular situation, that are able to adapt to a changing situation while at the same time doing the things that need to be done to keep the

thing working forward." And so I feel more comfortable knowing that you are working with the students to make sure that they feel comfortable working that way going into the future.

Erin McBride:

I think we have, again, shout out to admissions. We have such a nice group of students who they all came to law school to help. They understand they're here to help out and it's very rare. I have a student in my program who wants to be known as the best. There is no blue ribbon. There's no first place in the clinic. They're all there because this is an opportunity to help. And it seems like that's another, what we could call the Wisconsin idea, what we could call law in action is your action is to be there and be capable and to take everything as an opportunity. And if we're teaching them to be top of the class, then there's a lot they're not learning.

Kris Turner:

Right. I see a lot of students that are willing to be curious, which I also appreciate. They are holding the fort, but they have open-minded aspects like, "Oh, that's something I could integrate into my ability to continue to hold the fort and do this important work at the same time," which is so wonderful to see those experiences with students.

Erin McBride:

Right. Yale Law School has a course about art law, and it isn't necessarily the law of getting art back or stolen paintings or FBI raids in the whole art crimes division. It's about how teaching curiosity and teaching creativity makes better lawyers. And it's become a really nice driver for these two clinics in particular, because I think what you just said about being creative and being curious go hand in hand and you can find what needs to be done in the office, but you also are thinking differently about why are we doing this? How are we doing this? To be able to bring that level of curiosity means we will always be improving.

Kris Turner:

I love that we are able to integrate the curiosity and creativity into lawyering because sometimes I think that gets lost in the wash. You obviously need to have the fundamental core aspects of knowing how the law works, but also the creativity just plays an important role there. I talk about that all the time with AI where people get worried about creativity in a way.

Erin McBride:

You could say your AI class in particular does a beautiful job with that because these students are going to go to offices that maybe they're not allowed to use AI or maybe the lawyers haven't been trained in AI yet. And so that's a lot of weight on our students to come in having been trained beautifully by Bonnie and Kris on how AI is used in the law and how it's used correctly and what to avoid and how to ask the proper prompt. There's so many research tools and just advantages these students now know. And to be able to go into an office that maybe has never used an AI tool or has only heard negative things about it, you don't have to be pro-AI, you don't have to be anti-AI, you just have to be up to speed. And I think you've done such a wonderful job incorporating that into our curriculum that we're starting to do that in a lot of classes is how do we think about this correctly so that precision is key, so accuracy is key, so advancement is key.

Kris Turner:

I like all these compliments. I'm going to have you back on a lot more often, Erin. It's really helping my self-esteem, I have to say. But for you, I have one final question. After seeing all the work that goes into creating all these experiences, the relationships, the logistics, the unexpected challenges, and of course the students themselves, what keeps you excited about doing this work?

Erin McBride:

The students 10 times over. On some days they look so young and on other days they look so cynical. And I love that we don't teach cynicism. We let them figure that out on their own. We don't teach humor. We let them figure that out on their own. They come in everyday ready to go, and that's what makes it so easy. I get so many good questions in class and I teach Friday mornings for the government clinic. Every Friday afternoon I'm sitting in my office smiling because it went better than I expected. And I say that every week. The students pull something out of it. They know, one student knew the date that the Treaty of Paris was signed and it shaped our whole conversation. And just to come in with students who are that aware and that on top of it, and then their jokes are funny.

They're ready to go. And I love that they bring that into government. They bring that humor, that knowledge, that depth of field. They all have a different hobby. They all have a different background. We have some amazing students here and they keep me going and they keep me challenged. They'll come in and they'll say, "I want to work for this organization." I was like, "Oh no, we've never had a student there. We'll start making relationships now." And I love that they don't settle.

Kris Turner:

I was hoping that was going to be your answer for that final question and I was not disappointed. It's a pure joy. Absolutely agree.

Erin McBride:

It's pure joy.

Kris Turner:

Erin, thank you so much for joining us on the Wisconsin Law in Action podcast today. It was so great to pull back the curtain, learn more about all the important things that you do for these students and for the extern programs and for the Native Nations externship program. I hope to have you back again to learn more about the continued work that you've done here, and thank you again for joining us today.

Erin McBride:

Thank you, Kris. I'll brag about you any day. I'd love to come back. I thank you for your time. I loved your questions. I loved your chance to highlight all of the amazing work that our attorneys in local, state, federal government have done. They've really taken our students to the next level, and this was a really helpful way to let them know, to thank them and also highlight some of our amazing students because it's so nice to know our future is safe. We have this many smart, capable, driven students. The kids are okay, we're going to be okay.

Kris Turner:

Absolutely. And so those students still appreciate all your hard work and it's not always seen, but it is truly all appreciated by us and by the students and by those mentors out there. I hope that our chat today has helped shine that light on you and on the externship program that makes the student

experience here all the more impactful. Thank you all out there for listening. This was Wisconsin Law in Action from the University of Wisconsin Law School. To hear more conversations with our faculty about their research and its real world impact, visit wilawinaction.law.wisc.edu. You can stay up to date on Wisconsin Law School Scholarship by subscribing to this podcast by the Apple iTunes store or on Spotify, or you can follow the Wisconsin Law School on social media for updates on faculty news and publications. I'm Kris Turner. Thank you all for listening. See you next time and happy researching.