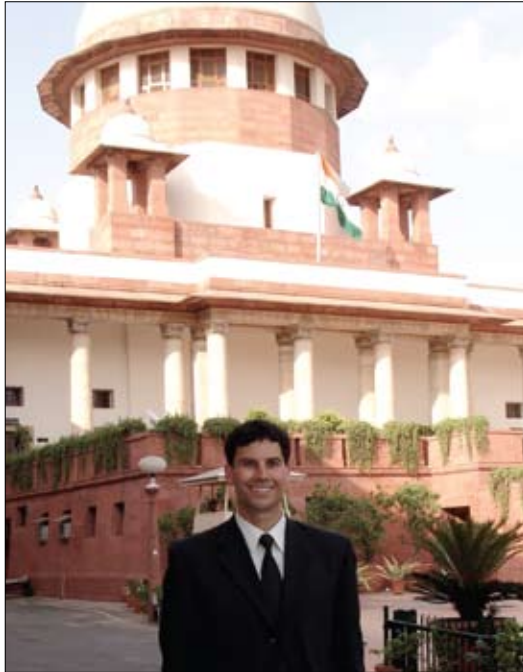




# In Foreign Supreme Courts

It is rare for Americans to have the opportunity to work as clerks or interns on the Supreme Courts of other nations, but two recent UW law graduates did just that, in India and Germany.



Neil Bjorkman '07 at the Supreme Court of India

Neil Bjorkman '07 spent the year after he graduated as a clerk on the Supreme Court of India. James Isaac '08 was an intern on Germany's Federal Constitutional Court in his third year of law school.

Both Bjorkman and Isaac made the most of the rare opportunity to work on the highest court of another nation. They recently took time to give the *Gargoyle* a glimpse into their experiences.

## Thinking globally

By the time Neil Bjorkman, a native of Minnesota, entered the Law School in fall 2004, he had two international work experiences

under his belt. He had taught for a year in Guatemala, and worked in an orphanage in India.

As a law student, he set his sights on finding a judicial clerkship in India. He looks back in amusement at his first steps toward this goal:

"A contact on the Supreme Court of India told me to get in touch with Professor Galanter, one of the big names in Indian legal scholarship. Thinking that Professor Galanter was at some other school, I went to look

him up. I didn't think this was much of lead. It was obvious that I knew nothing about Indian law. One Google search later, I was embarrassed to see that Professor Galanter was right upstairs."

Marc Galanter, the Law School's John and Rylla Bosshard Professor Emeritus of Law and South Asian Studies, turned out to be an important mentor for Bjorkman.

"From Day One, Professor Galanter was very enthusiastic about my interest in India," Bjorkman says. "He suggested that I apply for a clerkship with Justice Dalveer Bhandari of the Supreme Court."

Galanter knew Bhandari personally, having taught him in

a summer school course for Indian graduate students. Galanter also hired Bjorkman to work on a research project involving India's Supreme Court.

Bjorkman was accepted for the clerkship with Bhandari. His year-long Supreme Court experience in Delhi began in fall 2007.

## A typical day

When asked what a typical day as a clerk for the Supreme Court of India might bring, Bjorkman replies with a vivid picture. "I wake up, have tea, go for a run and try to make it back before my Hindi teacher arrives. Hindi class lasts an hour. Then I call my co-clerk to see if he's ready. If he is, then we share an auto-rickshaw.

"We get to work by nine, on a good day. Once in the office, it's like any other clerkship, for the most part. Read the file, look up the law, write it up, discuss with Sir [Justice Bhandari]. If the case I'm working on is in Court, I'll attend the hearing. But for the most part, we work out of Sir's residential office. We usually leave by eight or nine. Half the time, we eat dinner in the compound."

The clerkship has been a lot more work than Bjorkman had imagined. "It is usually a seven-day work week. It's been difficult to maintain this schedule, but the work is consuming so it's hard not to come in; plus, this is the last time I'll get to work on these issues in this capacity. The upside to the long days is that I took three weeks off

over Christmas and a month over the summer recess. My wife and I attended a wedding in Nepal, and I joined her in Thailand at the end of her backpacking trip.”

(Bjorkman married Teresa Abraham from India when he was a 2L. Abraham completed her Ph.D. in cellular and molecular biology at UW-Madison in 2008.)

### Clinics were best preparation

One time when Bjorkman was at the Court, he had a sudden realization. “It hit me that this is the highest court of the world’s largest democracy. This probably should have scared me to death. But I never thought, ‘What am I doing here?’ The best thing I did in law school was to participate in clinics — the Neighborhood Law Project and Consumer Law Clinic. I worked on real cases where a lot was on the line for our clients, so when I joined the Court I wasn’t scared to pick up a real case and run with it.”

He pinpoints what he has found to be a greater challenge. “The hardest part has been learning how to distinguish what’s legally sound from what’s both sound *and* palatable to Sir and his Brother Justices. (At the moment there are no ‘Sister Justices.’) In law school, I didn’t think about consensus-building and compromise as things to consider when you analyze an issue. Now I ask myself, ‘Okay, is this idea technically correct?’ If it is, then the more difficult question is whether others would make their decision on that basis. And if they wouldn’t go in that direction, I ask myself if I should still make the argument — betting on a loser because in your heart you think it’s the right conclusion.”

And what does Bjorkman consider to be the greatest reward of

this difficult, consuming work? “The most satisfying part of the job is handing in really tight work. It takes a long time to get to that point.”

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### A Wisconsin connection in Germany

James Isaac, who graduated in May 2008, worked in the fall of 2007 as an intern with Germany’s highest court, the Bundesverfassungsgericht, or Federal Constitutional Court.

Germany has the equivalent of two supreme courts, Isaac notes:



James Isaac '08, center, with four law clerks at the Federal Constitutional Court of Germany

one specifically devoted to constitutional issues and the second for all other issues.

Isaac worked for Justice Bruno Otto Bryde, who has a strong Wisconsin connection. Bryde was a visiting professor at the Law School in 1989 and 1994, and he returned to Madison in 2005 to deliver the university’s annual Mildred Fish-Harnack Human Rights and Democracy Lecture.

### Language skills, legal training

As Bryde’s intern, Isaac focused on providing the important services of a translator. Isaac, who majored in German and international relations at UW-Madison, is fluent in German. He studied in Freiburg on an exchange program as an undergraduate, and returned to Germany

as a Fulbright Teaching Assistant in Dresden for three years before entering law school.

“My main task was to translate opinions of the court from German to English,” Isaac says. “Because there is a significant interest in German high court opinions, especially in the EU, they publish many of their opinions in different languages. The Court has an official translator, but she regularly seeks out help due to the large amount of work.”

Isaac recalls that sometimes Bryde would say about a certain opinion, “James, this is something the world would be interested in.”

His work brought him great satisfaction, Isaac says. “It’s always gratifying to sit down with something and eventually see it online or in print. Even though my name is not on it, a good number of people will read it and rely on this translation of a decision of the Federal Constitutional Court.”

### A welcoming community

As Bryde’s intern, Isaac worked alongside the Justice’s five law clerks and had a chance to develop friendships with them. “At lunch time I would get together with our clerks and other clerks and we would talk shop. I learned a lot about how the Court operates during those hours.”

Isaac participated in “inter-Court” athletic leagues, often playing soccer, basketball, and tennis. “It was a good opportunity to get to know people. I still e-mail with some of them.”

Together with his work for Bryde, the personal relationships that grew out of the experience were quite memorable for Isaac. “I will remember just how open they were, how welcoming they were, and how they were always sure to make me feel like a part of the family.” ■