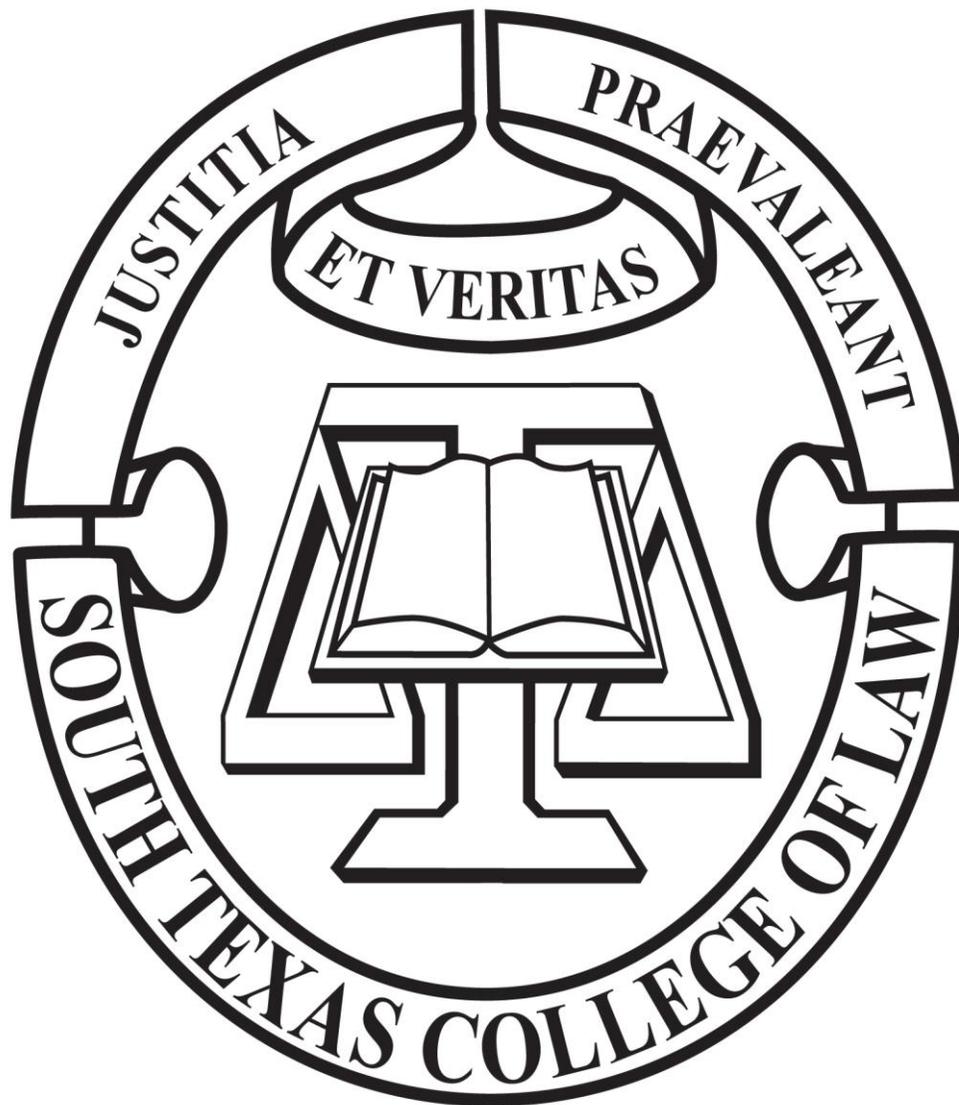


A Guide to Post-Graduate Judicial Clerkships



The Career Resource Center

Why Consider a Judicial Clerkship?

Judicial clerkships are among the most prestigious and competitive employment opportunities available to recent graduates. Usually lasting one to two years, a judicial clerkship is an excellent way to bridge the gap between law school and the practice of law. Clerks at all court levels obtain unparalleled access to and knowledge about the judicial process. Additionally, a judicial clerk is exposed to a wide array of legal issues and is able to make a hands-on contribution to the judicial decision-making process. This experience and perspective is attractive to future legal employers who hire former judicial clerks for their significant legal knowledge, insider view of the court system, and ability to view cases from the court's perspective. A judicial clerkship can provide a significant edge in the legal job market not only because of increased knowledge of the law and court system, but because of the valuable contacts and personal relationships developed during the clerkship experience.

What Does a Judicial Clerk Do?

There is, of course, no concise job description for a judicial clerk, and the specific responsibilities of a clerk depend on the type of court at which the clerk serves and on the specific preferences of the judge. The judicial clerk is a full-time assistant to the judge and usually performs a wide range of tasks including, legal research, drafting of memoranda and court opinions, proofreading and cite checking. A judicial clerk is often responsible for various administrative tasks such as maintenance of the docket and library, assembling documents or other administrative tasks necessary to meet the many obligations of the judge.

Trial court clerks generally are responsible for a wider range of functions than appellate court clerks. This is primarily because a trial court is a fact-finding court, which deals directly with litigants and with the everyday details of the litigation process. As such, the trial court clerk is often responsible for assisting with discovery disputes, settlement conferences and trials. Trial court clerks draft trial briefs and opinions both short and long and maintain correspondence and contact with attorneys and witnesses.

Appellate court clerks are more likely to spend most of their time researching and writing. An appellate court reviews cases for error from the trial court and does not have contact with the litigants apart from the oral argument. The primary tasks of an appellate judicial clerk are to review the record from the trial court, review the parties' briefs to the court, research the applicable law and draft either a memorandum of law or a draft opinion for the judge.

Some courts serve only specialized areas of the law such as the U.S. Bankruptcy Court, the U.S. Tax Court, the U.S. Court of Federal Claims and the U.S. Court of International Trade. Judicial clerks serving these courts generally perform duties similar to judicial clerks at the trial level.

What Basic Qualifications Do Judicial Clerks Need?

In order to become a federal judicial clerk, an applicant must have completed his or her J.D. degree and be a U.S. citizen. A non-citizen of the United States may be employed by the federal judiciary to work for courts located in Puerto Rico, Guam, the Virgin Islands, Northern Mariana Islands and Hawaii. For additional information regarding the employment of non-United States citizens consult the United States Office of Personnel Management web site at www.usajobs.opm.gov/b1m.htm or call the Office of General Counsel at the Administrative

Office of the U.S. Courts at (202) 502-1100. Not all state courts require U.S. citizenship. Check with each specific court.

There are no specific academic guidelines regarding the qualifications necessary to becoming a judicial clerk. Clerkship positions are, however, incredibly competitive and generally are awarded to students who have had significant success in law school, college and in the professional world. In general, federal clerkships are more competitive than state court clerkships and generally require a class rank in at least the top 25%. Each applicant is considered on his or her individual merit, and judges set their own hiring criteria, so it is impossible to give a definitive grade or experience cutoff. Some information on hiring criteria is available in the *NALP State Judicial Clerkship Directory*. Information about the hiring criteria for certain federal judges is also available at <https://lawclerks.ao.uscourts.gov>. State court hiring criteria is determined by the individual judge and will vary from court to court. Please schedule an appointment with your CRC Counselor discuss any specific questions about qualifications.

Who Should Apply?

2L & 3L Students

As part of a "federal law clerk hiring plan" adopted by the courts several years ago, most federal judges review applications for law clerks in September of the applicant's third year. Some federal judges, however, do not follow the so-called hiring plan, and review applications during a student's second year (or earlier). In addition, state court judges have traditionally hired students during their third year. Some federal judges hire students during their second year, as do some state court judges. If you plan to seek a federal or state court clerkship, you should check the courts webpage and contact the judges' chambers to see when the judge will be accepting applications. Even if you have accepted an offer of employment, you can still consider a clerkship as some employers, particularly large law firms, are willing to defer your start date while you clerk.

Graduates

If you did not apply for a judicial clerkship during law school, but now regret that decision, do not despair. Many judges will consider applications from recent graduates, and some affirmatively seek experienced attorneys to serve as either rotating or permanent law clerks. Your judicial clerkship application process will be substantially similar to that of current students. However, the Federal Law Clerk Hiring Plan and timeline will generally not apply to alumni applicants.

What is the Income Potential for Judicial Clerks?

The salary available to a judicial clerk depends upon the court, legal work experience subsequent to graduation from law school and bar membership. Salaries usually fall somewhere between \$30,000.00 and \$60,000.00 per year. Many law firms will give credit toward partnership for time as a clerk, considering former judicial clerks as second or third year associates and adjusting their salaries to reflect that seniority. Some firms also will consider giving a clerkship bonus after the commencement of employment with the firm.

How Do Applicants Choose a Court?

When choosing a court, applicants should consider two main factors: the type of court and the location of the court. It's important to carefully research courts before applying. Applicants should not waste time applying to courts where they would not truly want to work. This reflects poorly on the applicant (and judges do talk), and it reflects poorly on the applicant's law school. Since judicial clerks are not generally required to be members of the bar of the state where the court is located, applicants should consider serving in a geographic location for a year or two even if they would not want to settle there permanently. However, judicial clerkship applicants should not apply to geographic locations that are not feasible even in the short term.

When considering clerkships, think about the following opportunities:

- **Federal Courts:** Federal District Courts, Appellate Circuit Courts, and Magistrate Judges
- **State Courts:** State Supreme and Appellate Courts and General Trial (County and City) Courts
- **Specialty Courts:** Court of Federal Claims, Tax Court, Bankruptcy Court, Court of International Trade, Military Courts, etc.
- **Specialty Clerkships:** Staff Attorney Positions

Application Strategies

Geographic Area

The most competitive areas for clerkships are major urban areas (Boston, New York, Chicago, Washington, D.C., Los Angeles, Houston, etc.). These judges look for the very highest grade point average at law schools across the country making these positions very competitive. Judges in other cities may attract fewer applicants. Additionally, students interested in state court clerkships and/or federal district court clerkships should consider clerking where they would like to practice. The CRC encourages you to consider applying to a broad spectrum of locales and courts.

Understanding the tradeoffs is helpful. For example, if you are determined to clerk for a federal court of appeals, you should consider judges in less popular areas, like Beaumont, TX or Shreveport, LA. But, if you have your heart set on Houston, you may need to apply to magistrate, bankruptcy and district judges as well as circuit judges.

Senior Judges and Recent Appointees

In the federal appellate and district courts, judges are entitled to take "senior status" at a certain age, determined by chronological age and years of service. Once on senior status, judges can continue to carry a full or reduced caseload. Also, senior status judges may occasionally arrange to sit on other courts as a visiting judge. Since judges on senior status are still entitled to hire one or two clerks, this may be a viable option and may be slightly less competitive, depending on the judge and the caseload he or she oversees.

Recently Appointed Judges

New appointees need law clerks but may not receive many applicants because students do not know that they are on or will be on the bench, making the position less competitive. Realize that if you apply to someone recently-nominated that has yet to be confirmed as judge, you may run the risk of their not being confirmed at the precise time you would like to start clerking. Judges "promoted" or elevated to a higher court may have additional clerkship positions to fill. Judges with especially heavy

workloads are also worth targeting. The Administrative Office of the United States Courts has authority to grant the busiest judges slots for additional "temporary" law clerks. Despite the word "temporary," these clerks are usually hired for the same term and perform the same duties as other law clerks.

Staff Attorney Positions

All federal appellate and some state courts employ law graduates to fill these positions. While their use varies by the courts needs, in general, staff attorneys do not serve a particular judge. Rather, they work for the judges as a whole on matters such as emergency motions or jurisdictional issues which the individual judges' law clerks do not work on. While staff attorney positions may be compensated at the same rate as law clerks, they may not be considered as prestigious as judicial clerkships and usually do not involve the same level of contact with individual judges. Nonetheless, staff attorney positions can provide useful practical experience, exposure to a particular jurisdiction and court and may be looked upon favorably by certain employers.

Political affiliation

Many applicants to federal judges will choose to apply to a particular judge based on the political affiliation of president who nominated that judge for the bench. This political litmus test can have both positive and negative repercussions. On the plus side, if you have very strongly held political convictions and think that you could not possibly work for a judge with whom you have fundamental disagreement, you should be forewarned of that potential conflict. However, there are significant down sides as well.

Most judicial decisions do not turn on politically-charged issues, so the frequency with which you and your judge's political ideals may clash may be few. Also, the strength of some judges' political affiliation varies over time. With the right mind set, you might actually enjoy a bit of mental sparring with a judge whose perspective is different than yours, provided that you always understand that the judge is in charge and gets the final say, regardless of how correct you believe your position is.

Number of Judges to whom to apply

Because many students apply for relatively few positions, the judicial clerkship application experience is different from other job searches. Even strong clerkship candidates may have to apply to a large number of judges in order to secure a small handful of interviews and perhaps only one offer of employment.

However, applying to hundreds of judges without reflection on the fit between you and those judges is not advisable; you may attract the attention of a judge for whom you realize, after researching the judge more thoroughly, you truly do not want to clerk. While everyone's situation is different, it is not unusual for students to apply to between 50 and 100 judges. You must decide the right number of applications for you.

Final thoughts on narrowing down your list

First, be realistic about your selections. Consider your credentials and the prestige of the court, jurisdiction and individual judge. Next, do not reflexively apply to a particular judge or a cohort of judges without thinking about your goals and needs. In other words, even though it may be considered more prestigious to clerk for a particular court, if that court does not fit into your long-term plans, look at other courts which may be better aligned with your career goals.

Also, do not, under any circumstances, apply to a judge for whom you do not want to clerk
This approach wastes not only your time, but also the judge's time and can ultimately hurt your reputation as well as the law school's among the judiciary. So, take the time early to figure out why you want to clerk, what you think you want to do after that, and which judges would be the ones with whom you will have the best fit.

Courts

Federal Courts

There are several different options when applying to a federal court. While there are differing levels of competitiveness, it is a generally accepted fact that all federal clerkships are incredibly competitive. Applicants seeking a clerkship should apply (or finalize their application in OSCAR) in early September and not before in accordance with the Federal Law Clerk Hiring Plan. Ensure whether the judge accepts applications online, through OSCAR or through a paper application – and apply in the way that they request. Judges then can begin interviewing candidates and making offers. It is critical that applicants assemble application materials over the summer before their third year and have them ready for the early September due date. That means that applicants should start the research and application preparation process in the second semester of their second year. Applicants who begin the process late and are not ready to send applications pursuant to the Federal Law Clerk Hiring Plan will risk losing out on the opportunity. There is a short period of time between the opening of the application period and the date that judges can make offers, so the process will move quickly. The following is a breakdown of the courts at the federal level:

United States Supreme Court: These clerkship positions are obviously the most competitive. In fact, U.S. Supreme Court clerks are not hired while the clerk is in law school. In order to be considered for a clerkship with the U.S. Supreme Court, applicants must almost always have completed a clerkship at the federal Court of Appeals level. Certain courts, such as the Court of Appeals for the D.C. Circuit are considered most likely to lead to a U.S. Supreme Court clerkship. The credentials of individuals selected for such positions are almost always extraordinary. For more information on the U.S. Supreme Court, visit its website at www.supremecourtus.gov.

United States Court of Appeals: There are twelve regional circuit courts of appeal. Each judge at the Court of Appeals level has two or three clerks. With a limited number of positions available and with the complexity of legal issues presented, these clerkships are incredibly competitive, although certain circuits are more competitive than others. The D.C. Circuit, the Second Circuit and the Ninth Circuit are generally considered the most competitive. For a map of circuits and links to circuit court websites, visit www.uscourts.gov/links.html.

United States District Court: There are ninety-four judicial districts in the United States. There are two different clerkship options at the federal trial court level. First, there are several hundred active U.S. District Judges across the country most of whom have two law clerks. Second, U.S. District Magistrate Judges frequently hire judicial clerks. Magistrates handle pre-trial matters for trials before the District Court and handle trials for petty offenders. For a map of circuits and links to circuit and district court websites, visit www.uscourts.gov/links.html

United States Bankruptcy Court: Judicial clerks at the Bankruptcy Court are responsible for reviewing cases, writing memoranda of law and answering attorney questions regarding court procedures and policies. For a map of circuits and links to bankruptcy courts across the country, visit www.uscourts.gov/links.html.

United States Tax Court: There are nineteen judges appointed to the tax court each with approximately three judicial clerks. Clerks receive the experience of a trial court within the specialized field of tax. The Court's trials involve controversies regarding deficiencies in income, estate and gift taxes among other things. Students interested in positions should be sure to take and excel in tax courses. For more information on the U.S. Tax Court visit www.ustaxcourt.gov.

United States Court of Appeals for the Federal Circuit: This specialized court sits in Washington D.C. and handles primarily intellectual property matters. For more information on the U.S. Court of Appeals for the Federal Circuit, visit www.fedcir.gov.

United States Court of Federal Claims: This court has eighteen judges and approximately nineteen law clerks. The judges hear cases dealing with suits against the United States. For more information, visit www.uscfc.uscourts.gov.

United States Court of International Trade: This court has nine judges most of whom have two law clerks. The jurisdiction of this court is over civil actions against the United States arising from federal laws governing import transactions. For more information visit www.cit.uscourts.gov.

State Courts

Texas Supreme Court: Many students from South Texas College of Law have served as judicial clerks for one of the Justices of the Texas Supreme Court. Each Justice can hire clerks and set their own hiring criteria as well as timeline for applications and hiring. Clerks are primarily responsible for reviewing the trial record, researching the applicable law and drafting legal memoranda and court opinions. Clerks also attend oral arguments before the court. Students interested in a clerkship opportunity should contact the court and judges' chambers to determine the appropriate time to submit application materials. For more information on the Texas Supreme Court and on the Justices, visit the Court's website at <http://www.supreme.courts.state.tx.us/>

Texas Court of Criminal Appeals: Many students from South Texas College of Law have served as judicial clerks for one of the Judges of the Texas Court of Criminal Appeals. This is Texas' highest court for criminal cases. Each Justice can hire clerks and set their own hiring criteria as well as timeline for applications and hiring. Clerks are primarily responsible for reviewing the trial record, researching the applicable law and drafting legal memoranda and court opinions. Clerks also attend oral arguments before the court. Students interested in a clerkship opportunity should contact the court and judges' chambers to determine the appropriate time to submit application materials. For more information on the Texas Court of Criminal Appeals and on the Judges, visit the Court's website at <http://www.cca.courts.state.tx.us/>

Texas Courts of Appeals: There are fourteen courts of appeals in Texas located throughout the state. Clerks are primarily responsible for reviewing the trial record, researching the applicable law and drafting legal memoranda and court opinions. Some judges select their clerks during the fall and some wait until the spring semester. Students should contact the judges' chambers and determine the appropriate time to submit application materials. For more information on the Texas Courts of Appeals and on the Judges, visit the Court's website at <http://www.courts.state.tx.us/courts/coa.asp>

Courts of Other States: The deadlines and procedures for individual state courts vary widely. There are trial and appellate clerkships to be had in all state court systems. Some states' courts are known for their strength in certain areas. For example, the Delaware Chancery Court is a great place to clerk if you are interested in corporations or transactional law, for many companies throughout the nation incorporate in Delaware and resolve disputes in this court. When looking at state courts, pay careful attention to the quirks of each system; no two state systems are alike. For example, the New York Court System can be confusing, as the highest court is called the Court of Appeals and the trial-level courts are called Supreme Courts. To learn more about state courts across the country, visit the Vermont Judicial Clerkship Guide <http://forms.vermontlaw.edu/career/guides/> or the National Center for State Courts at www.ncsconline.org/D_KIS.

Application Timeline

For federal courts, the answer depends on whether the judge is following the Federal Law Clerk Hiring Plan. If so, judges may not receive your applications until the day after Labor Day in your third year. These judges will begin to review applications immediately after the opening of the application period, so you are STRONGLY advised to submit *complete* applications before the first day of the application period.

Consult the timeline and the procedural guides available on Stanley or the Federal Law Clerk Hiring Plan (<http://www.cadc.uscourts.gov/internet/lawclerk.nsf/Home?OpenForm>) to ensure your application and supporting materials are ready on time. Federal judges who do not follow the hiring plan will decide when they wish to accept applications. If the judge posts an opening on OSCAR the application period will be noted. Some state court judges may seek law clerk applications from second year law students while other state court judges traditionally accept applications throughout the third year. We recommend that you consult each court's website and/or telephone the chambers of each judge to whom you wish to apply to determine the application timing and procedures.

If you receive an offer to interview with a judge in a city where you have applied to other judges, you may call those other judges and let them know that you will be in the city interviewing. Usually, if a judge is already inclined to interview you, he or she will be sensitive to the financial implications of multiple visits and will try to accommodate your schedule. Also, while there are no guarantees, knowing that a colleague is interviewing you may encourage a judge to reconsider your application or move your application from the "maybe" pile to the "interview" pile.

The application process can be time consuming, so begin preparing as soon as you can. It may take you some time to make a list of judges and courts offering clerkships that interest you. It will also take time to determine, for each one, what application materials you need and that judge's application schedule. You should also spend time polishing your writing sample. Finally, make sure

you request and receive confirmation from your recommendation writers early so that each has time to write a careful and thorough letter on your behalf.

Overview

- Fall & Spring of your 2L year: Start Gathering recommenders for your recommendation letters from Professors and previous legal employers. Research judges and try and make contacts.
- 2L Summer (before 3L year begins): The deadline is approaching! Finalize all application materials and continue networking and research.
- Beginning of 3L year: Submit all applications on OSCAR and be aware of dates for other judges not on OSCAR.

How Do I Apply for a Judicial Clerkship?

A judicial clerkship application generally includes a cover letter, resume, writing sample, law school transcript and three to four letters of recommendation. Application materials should not be sent piecemeal, but should be included in one packet addressed to the judge and marked “Judicial Clerkship Application”.

Judges select candidates to interview based on written applications. Most judges request:

- A cover letter
- A resume
- A current transcript
- A writing sample
- Letters of recommendation (typically three to four)

Some judges may require different or additional materials. We recommend that you refer to the OSCAR (Online System for Clerkship Application and Review) at www.oscar.uscourts.gov and if information is not posted there, that you check with the chambers of each judge to whom you wish to apply to determine the materials that are required

Cover letter.

An applicant's cover letter is extremely important because this is the first opportunity the judge has to evaluate writing ability. A poorly written cover letter or a cover letter with errors will result in the applicant not receiving an interview. Cover letters should be no more than one page. It is important that you have your cover letters reviewed by your CRC Counselor or someone you trust before they are sent out.

A cover letter should indicate the applicant's interest in a judicial clerkship during a specific hiring cycle (including the month and year the applicant is available to begin work) and should include information that the judge will need to evaluate including academic success (including the ability to research and write), interest in or connection to a particular geographic area, and availability for interviews, including any trips planned to the area.

Many applicants are tempted to explain why they want a judicial clerkship and how the clerkship experience could benefit them. Instead, the cover letter should focus on why the candidate is interested in the specific court, specific judge, specific geographic area or specific area of law (if the court has limited jurisdiction) and the attributes that the candidate possesses which would

make him or her a successful judicial clerk. If it is possible to simply change the name of the judge and send a cover letter to multiple judges, the letter is not specific enough and should be rewritten to specifically express interest in the particular clerkship opportunity. Remember, the judge will receive many applications and can only choose a small number of clerks. An applicant's cover letter should stand out as expressing genuine interest.

Applicants are also tempted to describe themselves as possessing "excellent research and writing skills." Statements such as these are conclusory and do not set an application apart from others. Instead of simply stating ability, demonstrate it through examples of experiences that have developed those skills. Describe achievements instead of just stating attributes.

Example:

Letter #1: I am uniquely qualified for the position of judicial clerk. I have excellent writing and research skills and hope to further develop them through the clerkship experience. (This letter would not stand out from other letters and does not give the judge any useful information with which to evaluate this candidate)

Letter #2: My experience as a research assistant to Professor Smith helped me to hone my research skills. I reviewed the recent changes to Title VII and the impact those changes had on the ability of employees to sue their employers for hostile environment sexual harassment. My research revealed that the changes in the law significantly affect the time that employees have to file claims, and I expressed this result in a written memorandum of law. My writing ability has been further developed through my participation on the Indiana Law Review where my note entitled "Hard Cases Make Bad Law: An Analysis of the Judicial Role" has been selected for publication. (This letter is much more specific and uses examples to illustrate the point. This type of letter is much more effective.)

Take special care in addressing cover letters. Use the form of address appropriate for the particular judge. Letters of application are formal and should show proper deference to the judge by stating the judge's title correctly. The following are guidelines for correctly addressing cover letters:

Use "The Honorable" before the judge's name on the inside address and on the envelope.

The title for judges who sit on courts that have the name "Supreme" is "Justice". All other judges are called "Judge". The salutation of the cover letter should use the appropriate title. Examples: Dear Justice Smith; Dear Judge Jones, etc.

The correct title for a magistrate is United States Magistrate Judge. The salutation of the cover letter should read "Dear Magistrate Judge Johnson".

If the judge is the Chief Judge, Chief Justice, or Senior Judge address him or her as such in the letter. Example: Dear Chief Justice Shepard.

When addressing a letter to a judicial clerk, include the title "Law Clerk" after the name.

The appropriate closing for a cover letter to a judge is "Respectfully" instead of "Sincerely".

Resume:

Resumes should be in legal format. It should be conservative in style and should list education and experience in reverse chronological order. They should preferably be one page and should be error free. A resume should include experiences that illustrate research and writing skills such as a law review note being selected for publication; any other publications; and jobs, pro bono experience or internships at which the applicant conducted research, wrote legal memoranda or prepared legal documents.

Resumes should include community service or interests and activities that would help the judge get a sense of the applicant as a person. Remember, the judge is not just hiring an employee. Judicial clerks work closely with the judge and personality fit may be as important as credentials. A resume should give a sense of who the applicant is and what interests him or her.

Writing Sample:

While the cover letter is really the first writing sample, judges also want to see an official writing sample, which illustrates legal analysis ability. When choosing a writing sample, keep in mind the functions of a judicial clerk. Clerks are called upon to evaluate a factual and legal situation, research applicable law, analyze the factual and legal situation in light of the law and reach a conclusion. A writing sample should reflect these abilities. Appropriate writing samples include a law review article, a moot court brief, a paper written for a law school course or a memorandum from a summer clerkship. Applicants who submit material created for an employer must get the employer's permission first.

A writing sample should be 5-7 pages long unless a different length is specified. The judge's time is valuable, and it is not appropriate to ask him or her to read a lengthy writing sample. An excerpt of a longer work is fine, but be sure to identify it as such. It's also a good idea to attach a cover page to an excerpt listing a few key facts and giving some context to the piece.

All writing samples should include a cover page with the applicant's name, address, and the purpose for which the writing sample was created. When submitting a paper from a class, always send a clean copy, removing the professor's name, the date of the assignment and any other such information from the top of the paper, and when submitting an assignment from work, remove the name of the assigning attorney, etc. Be sure to read it carefully for grammatical and spelling mistakes and for citation errors. It is a good idea to have someone read over it to be sure to catch all mistakes.

Law School Transcript:

Most judges will accept an unofficial transcript, but some may request an official transcript. Unofficial transcripts include photocopies of official transcripts and printouts of your grade sheet from Stanley. When using a Stanley grade sheet, be sure to include your contact information at the top. Students can obtain an official transcript from the STCL registrar.

Letters of Recommendation:

Judges generally require three to four letters of recommendation. Letters should be from law school faculty and legal employers who can thoughtfully comment on the applicant's research and writing ability, intellectual abilities and potential as a lawyer. Applicants should select individuals who can speak specifically to their abilities. A letter from a well-known figure may carry a great deal of weight, but not if that person does not know the applicant and cannot truly comment on

his or her ability. Try to avoid letters of recommendation written "To Whom it May Concern". When sending out a number of applications, consider preparing a mail merge document with names, addresses and salutations to provide to references.

When requesting letters of recommendation, be sure to allow sufficient time for references to prepare a letter. It's a good idea to provide each reference with a copy of your current resume and a brief note explaining clerkship preferences and plans. Be clear about expectations of when the letter should be ready. It is the applicant's responsibility to pay for postage and to ensure that letters are sent. There are two ways to handle this. Either provide the recommender with addressed and stamped envelopes and simply check back to be sure the letters were mailed, or include all letters of recommendation in the application packet. If including all letters in the application packet, provide an envelope to each reference and ask that he or she seal the letter of recommendation inside the envelope and sign the seal.

What's the Interview Process for Judicial Clerkships?

Once an applicant has made the resume cut and is selected for an interview, the focus shifts from the applicant's credentials to issues of "fit". All candidates selected for interviews have the credentials and experience necessary to be a successful judicial clerk, but the judge is interested in hiring someone with whom he or she can work effectively. Interviews are typically conducted in the judge's chambers, allowing the judge and all support staff to form impressions about the candidate. It is critical that candidates treat ALL members of the judge's staff with respect. Clerks come and go, but permanent staff members that have a long-standing relationship with the judge are often viewed as indispensable and can have a great deal of influence on the judge's decision.

Interviews will last anywhere from a few minutes to an hour or longer. Most judges do not simply quiz candidates on substantive law, but candidates should be prepared to answer questions about the legal issues raised in their law review note, writing sample, or favorite class/area of the law. Some judges will ask candidates to speak about two or three legal issues about which they feel strongly. Become familiar with recent or noteworthy cases that have either gained national attention or have come from the judge's court. Get familiar with the judge's opinions, dissents and personal history to try to anticipate areas that the judge may be interested in discussing. If possible, talk to people who have interviewed with the judge before to get a sense of what the judge might ask.

Candidates should expect questions on how a clerkship fits into their long-range career goals. Before interviewing, candidates should give some thought to why they are interested in a clerkship, why they are interested in the particular court and why they are interested in the particular judge and be prepared to answer questions about these choices. Answers should express a genuine interest in the specific clerkship for which the candidate is interviewing and should show that the candidate has done some research on the court and on the judge.

Approach the judicial clerkship interview with a game plan. Prepare ahead of time and identify the key personal characteristics to highlight in the interview. Focus on things such as writing ability, ability to meet deadlines, research ability, time management skills, ability to work independently and as part of a team, judgment and ability to take constructive criticism.

Candidates should be prepared to ask questions of the judge. Remember that this, like all interviews, is a conversation. Candidates might ask questions about the scope of a judicial clerk's responsibilities, working conditions, the nature of the docket, and how responsibilities are delegated. Questions should be thoughtful and should illustrate a genuine interest in the position.

Travel and lodging expenses incurred during the interview process are the candidate's responsibility. Carefully select courts to apply to and be sure not to take on too much in terms of travel time and expense. Once a candidate has scheduled an interview, if he or she has multiple applications in the same geographic area, it is appropriate to contact several judges to let them know that he or she will be in the area. This might help to reduce expense and time spent on the road.

How Quickly Must A Candidate Accept An Offer?

Offers for judicial clerkships are not like other job offers. Many judges expect an answer on the spot. At most, expect to have twenty-four hours in which to accept. Be aware that requests for an extension might not be looked upon favorably by the judge. Applicants should only apply to and interview with a judge if they are willing to immediately accept an offer from that judge. If a candidate interviews with a judge and does not think that he or she would accept an offer from that judge, the candidate should call or write to have his or her name removed from consideration as opposed to waiting until an offer is accepted and then declining that offer.

Once a candidate has accepted an offer, he or she has made a commitment that must be honored. It is personally unprofessional and bad for the reputation of the candidate as well as their law school to back out of an accepted offer to pursue another opportunity. Once a candidate has accepted an offer with one judge, that candidate should contact the other judges to whom he or she has submitted applications to have his or her name removed from consideration.

By now, you realize that in many ways, the judicial clerkship application process is unlike any other job search you have encountered. Perhaps one of the most salient differences between this and other processes is the offer stage of the game. Judges must choose among hundreds or thousands of highly qualified applicants. When a judge finally decides to hire you, he or she usually expects that you will accept the offer, since you are, to the judge's mind, the best of the enormous applicant pool. And, given the highly competitive atmosphere, the first offer you receive may be the **only** one you will get. Both of these facts mitigate in favor of your accepting the first clerkship opportunity presented to you.

Unfortunately, the first judge who offers you a position may not be at the top of your list. Can you reject the offer? Conventional wisdom dictates that you accept the **first offer** you get for several reasons:

- Judges, like most people, do not like to be rejected. By rejecting an offer you may be hurting your chances of clerking for other judges in the jurisdiction (if you are holding out for an offer from one of them) or hurting future STCL students' chances of clerking for the judge in the future.
- Clerking for a judge who was number 15 on your list is almost always better than losing the opportunity to clerk at all.

While it is true that some applicants may try to leverage an offer from a more-preferred judge with the offer from a less-preferred judge, most judges will not look kindly on this practice. Our final

advice is this: for most people, the clerkship experience is so overwhelmingly positive with almost all judges that you should take any opportunity to serve as a judicial clerk. The possible benefits that you could gain by asking for time to decide whether to accept an offer or rejecting an offer hoping that something better will come along seem small in comparison to the great opportunity you might miss if you hesitate in accepting an offer on the spot. If you have questions or want to discuss any aspect of a judicial clerkship, contact the CRC and schedule an appointment.

What Resources are Available?

www.cadc.uscourts.gov/lawclerk/ (OSCAR and information about federal hiring guidelines)

www.judicialclerkships.com (general judicial clerkship information)

<https://lawclerks.ao.uscourts.gov/> (federal clerk job listings)

www.courts.net (links to state court websites from all 50 states)

www.uscourts.gov/links.html (links to federal court websites for all circuits and districts)

<http://air.fjc.gov> (biographies for judges in federal courts)

<http://www.infirmation.com/bboard/clubs.tcl?topic=Greedy Clerks> (message board)

www.jdpost.com (search for judicial clerkship positions)

www.nalp.org (information on federal hiring timeline)

lawschool.lexis.com (information on available judicial clerkships)

www.fedlawclerks.com (find former federal law clerks)

<http://www.youtube.com/watch?v=psv1bfE6iS0> (introduction to OSCAR tutorial)

https://oscar.uscourts.gov/index.php?_to=1 (OSCAR)

http://www.law.virginia.edu/pdf/careerservices/clerkships/frequently_asked_clerkship_interview_questions.pdf

<http://www.law.suffolk.edu/offices/career/handouts/upload/Interview-Tips-for-Judicial-Internship-Interviews.pdf>

<http://jtbf.org/clientuploads/Share%20the%20Wealth%20Clerkships/Clerkship%20Interviewing%20Tips.pdf>

CLERKSHIP COVER LETTER

Sally Jones
1234 Houston Ave.
Houston, TX 77123
sallyjones@email.com
713.211.2111

September X, 20XX

**The Honorable <Judge Name>
<Name of Court>
1234 Courthouse
City, State 77123

**Dear Judge _____:

In May of 20XX, I will graduate from South Texas College of Law, and I would like to be considered for a position as your law clerk for the 20XX-20XX term. I have enclosed my resume, transcript, and writing sample for you review. Under a separate cover, you will receive letters concerning my candidacy from Professor X and <any other person you use>.

<In this paragraph, mention items you would like to bring to the Judge's attention.> I have lived in Houston the majority of my life and I would like to continue to do so as a practicing attorney. I am particularly interested in clerking with you because....
Further, my experience in <journal and/or classes or other internships> has groomed me as an ideal candidate to work for you. <Also highlight academic and internship accomplishments. If you have detailed information in your interest in this specific judge, include that also.>

I am available for an interview at your convenience, and I look forward to hearing from you. Please contact me should you have any questions or require any additional materials. Thank you for your consideration.

Sincerely,

Sally Jones

Enclosures

**While judges in state and federal lower and intermediate courts may be addressed as *Dear Judge (insert last name)*, the Chief and Associate Justices of the United States Supreme Court and the highest court in each state receive special salutations. In some states, this special salutation is also used at the intermediate appellate court level. Chief Justices are addressed as *Dear Chief Justice (insert last name)*. Associate Justices in the higher courts would be addressed as *Dear Justice (insert last name)*.