



AMERICA THE BEAUTIFUL: EXPLORING THE COUNTRY THROUGH STATE COURT CLERKSHIPS

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ROLE OF CAREER SERVICES

- To promote value of clerkships
- To encourage clerkship applicants
- To prepare candidates for all phases of the application process
- To advance the visibility of your law school within the judiciary

BENEFITS OF STATE COURT CLERKSHIPS

1. Refine legal research, writing & analytical skills
2. Exposure to diverse substantive areas of the law
3. Explore affinity for litigation or appellate practice
4. Dos and Don'ts of persuasive oral and written advocacy and courtroom protocol
5. Learn about judicial process and decision making
6. Networking and mentorship opportunities
7. Rewards

SKILLS DEVELOPMENT

“Improved the clarity and precision of my writing”

- Court of Appeals, MD

“opportunity to read motions, certifications, memos, and briefs before I needed to write them for clients.”

- Superior Court, NJ

“learned the importance of organization”

- Circuit Court, MD

“understanding appellate standards of review and how courts use them to resolve issues.”

- Washington Court of Appeals

“I learned how to analyze legal issues and craft an opinion ruling on them. I also learned the fundamentals of appellate practice.”

- Supreme Court, PA

SKILLS DEVELOPMENT

“My writing skills and legal reasoning abilities have improved tremendously, as has my willingness to take a stand on a tough issue.”

- Washington Supreme Court

“Precision...in the editing process ...and on an analytical level, particularly when reviewing challenging legal arguments.”

- Court of Appeals, MD

“My clerkship is an extension of my legal education... applying the abstract principles from law school to real-life situations helped me to understand the intricacies of practicing law while working in a sheltered environment with some of the best legal minds in the state critiquing my work.”

- Supreme Court, ND

EXPOSURE TO SUBSTANTIVE LAW

State Law

- Issues: state courts primary venue for contract disputes, torts, criminal prosecutions, family law matters
- Opportunity to review broad array of complex legal issues of first impression which are usually final
- “Huge responsibility and meaningful impact at every stage of case’s lifecycle”
 - Alaska Supreme Court

LEGAL PRACTICE

LITIGATION

Trial courts offer opportunity to observe hearings and trials

Fast-paced environment

Variety of legal issues

Recognize and certify conflicts with other districts

“Practical learning opportunity to switch from transactional legal practice to litigation practice focus”

- Superior Court of Guam



APPELLATE PRACTICE

Appellate courts offer opportunity to thoroughly research important and novel appellate issues

Read persuasive/ineffective briefs

“able to research until I find an answer, not just an argument”

- Alabama Supreme Court

“see process...from such a rare and privileged angle...there is no better training.”

- Alaska Supreme Court

DOS AND DON'TS OF PRACTICE

- Observe courtroom procedure and local practice
- Evaluate persuasive oral and written advocacy
- Learn what is important in professional reputation and performance – integrity, preparedness, succinct arguments
- Assess ineffective styles which result in harm to clients' case and lawyers' reputation
- “Exceptional training for practice as a lawyer”

JUDICIAL DECISION MAKING

Best part of clerkship was “getting to work one-on-one with my judge, and seeing the judicial process from a judicial perspective.”

- DC Superior Court



“I learned how judges are required to focus on narrow legal issues without losing track of broader implications.”

- Supreme Court of North Dakota



“It helps to understand the judicial process if you plan to eventually litigate in state court.”

“In a small state you can get such an incredible birds-eye view of an entire government/population, whereas in federal court, you necessarily are a small fish in a big pond.”

- Alaska Supreme Court



NETWORKING/MENTORSHIP

NETWORKING

Meet local legal community
Understand “culture of local practice”
Know and appreciate all courthouse staff
Co-clerks
Interact with attorneys
Meet judge’s peers – accompany them to meetings and bar association events
Gain reputation as judge’s clerk

MENTORSHIP

Words law clerks use to describe their relationship with their judge:
Employer/employee
Mentor ♦ Educator
Treated as a junior colleague
Friend ♦ Confidant
Advisor ♦ Like family
Judge is someone I:
Admire ♦ Respect
“Dearly enjoy”

REWARDS

- Less demanding and more flexible schedule than private practice – sometimes
- No billables with top-notch supervision/guidance
- Team work – camaraderie - friendships
- Quirky, fun, laid back work with “regular people”
- Geography – try on a new city/state for size
- Interesting, intellectually challenging
- Efficient research skills; expanded substantive knowledge

REWARDS (CON'T)

- Learn nuts and bolts of litigation – ready to practice
- Learn what kind of lawyer you want to be
- Value added experience for subsequent employment
 - Government, private practice, academia, other courts, in-house
- Clerks are often stronger candidates for post-clerkship positions than right out of law school
- Develop confidence, improve comfort level of dealing with high profile professionals

MYTHS ABOUT CLERKSHIPS

LACK GRADES, JOURNAL OR ACADEMIC PEDIGREE

Judges often seek candidates with a sense of humor, sensibilities, intelligence, life experience, good work ethic, good judgment, and good chemistry

TOO LATE TO APPLY

Unexpected vacancies, nominations/confirmations

LOW SALARY

Some state courts (IL, CT) pay better than federal

NOT VALUABLE ACROSS STATE LINES

Skills developed, understanding of procedural rules, all translate

E.g., NJ and CT clerks secure post-clerkship positions in NYC

CLERKSHIP OPPORTUNITIES

STATE COURTS

- Highest, intermediate appellate and trial courts
- Courts of limited jurisdiction

Tax Court (e.g., AZ, MD, MN and NJ)

Environmental Court (e.g., NC, TN, and VT)

Chancery Court of Delaware (Corporate Law)

CLERKSHIP OPPORTUNITIES

STATE ADMINISTRATIVE LAW JUDGES

Develop expertise in substantive area of law

Google: “office of administrative hearings” – each state’s office may include workers’ comp, social security review, OSHA, boundary disputes, etc.

HOW MANY ARE WE REALLY TALKING ABOUT?

- The NALP data only accounts for vacancies filled with graduating law students; there are lateral hires and two-year terms to consider
- 27,023 full- and part-time judges in the 50 United States – more if you consider magistrates, commissioners, and special masters
- 384 judges in Puerto Rico
- 27 judges in American-Samoa, Guam and Northern Marianas Islands

NALP DATA – Class of 2008

State Court Clerkship Numbers

- According to NALP, 51.7% of clerkships reported by the Class of 2008 were in state courts.
- That translates to 1,818 state court clerkships out of the 3,517 reported by that year's class.

NALP Clerkship Statistics

	2004	2005	2006	2007	2008
Percentage of all Clerkships as part of total graduate jobs	11.1	10.6	9.8	9.8	9.6
Percentage of clerkships in state court	50.3	51.4	51.6	52.5	51.7
Percentage of clerkships in federal court	37.3	36.7	37.6	36.7	36.9
Total Clerkships	3,622	3,718	3,587	3,656	3,517
Number of state clerkships	1,822	1,911	1,851	1,919	1,818

ONLINE RESOURCES

VERMONT GUIDE TO STATE COURT
CLERKSHIPS

SYMPPLICITY CLERKSHIP MODULE

YELLOW BOOK LEADERSHIP
DIRECTORIES

WESTLAW

LEXISNEXIS

NALP'S NEW STATE COURT INSIGHT
AND INSIDE INFORMATION (ADDENDUM
TO VERMONT'S GUIDE)

ADVISING STUDENTS TO DEVELOP A STRATEGY

Process is time consuming – plan ahead

Significant increase in applications

Factors to consider:

- Experience desired (trial, appellate, ALJ)
- Geography
- Credentials
- Recommendations
- Meet with career services

Get organized – print necessary resources,
maintain details on contacts, timeline,
process, tasks, and thank you notes

PRINT RESOURCES

BNA's Directory of State and Federal Courts, Judges and Clerks

The American Bench: Judges of the Nation

Judicial Yellow Book

Debra M. Strauss, Behind the Bench: The Guide To Judicial Clerkships

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ADVISING STUDENTS RE: TIMING CONSIDERATIONS

State courts and ALJ positions vary widely

Early individual research is key

Prioritize options (state/federal timing conflicts)

Reach out to NALP colleagues for insights and advice on courts with which you are unfamiliar

Utilize the new Insights and Information prepared by NALP's Judicial Clerkship Section

** plan judicial clerkship programming in the early spring to enable 2Ls to file timely applications to the early states.

OTHER RESOURCES

Recent judicial nominations and confirmations. Yale Law School Library: <http://judges.law.yale.edu/>

DOJ's Office of Legal Policy posts background information on each nominee: www.usdoj.gov/olp

National Center for State Courts:
www.ncsconline.org

Individual court websites

Westlaw Legal Directory of Judges - provides court office profiles, full-time judges from 50 states and Puerto Rico, Virgin Islands and District of Columbia

ADVISING STUDENTS TO RESEARCH VACANCIES

Help students articulate and identify their interests in state court positions

Identify resources available

Educate about differences in various opportunities

- Term v. permanent
- Pool v. elbow clerks
- Staff/court attorney
- Trial v. appellate
- Retired and senior judges

Determine if state bar is required

ADVISING STUDENTS TO TAILOR THE SEARCH

Determine which courts have higher docket of preferred practice area than others

e.g., intellectual property, corporate law, immigration, family law, criminal, environmental, tax, administrative law

Reach out to NALP colleagues for insights and advice on courts with which you are unfamiliar

Utilize the new State Court Insight and Insider Information Guide (Judicial Clerkship Section)

See Olan, Lorri, *ABCs of Clerkship Research: Tailor the Search to Maximize Fit*, NALP Bulletin, March 2010

THE APPLICATION

- RESUME – flawless – objective data
- COVER LETTER – Two schools of thought:
 1. why this judge, this state/court and why should the judge select you – what do you bring to chambers?
 2. Short, sweet and to the point
- WRITING SAMPLE
 - best writing
 - more practical, less academic
- TRANSCRIPTS
- NUMBER OF APPLICATIONS? Personal Strategy

LETTERS OF RECOMMENDATION

- Usually 2-3
- Part of process candidate cannot control
- Suggest students meet with recommenders early and assess their willingness to write for them - give recommenders plenty of time to prepare letters
- Provide recommenders with resume, writing sample, transcript and ask for a meeting to discuss

LETTERS OF RECOMMENDATION

WHO TO ASK?

- Strongest recommendations come from people who know candidate's work and can attest to their analytical work product and character/integrity
- Consider faculty and previous employers – particularly those who might know judge or local court

PREPARING FOR INTERVIEWS

Congratulate your students – this is an honor

All data submitted is fair game

1. Review resume and writing sample
 2. Be prepared to discuss previous work assignments and listed interests
- Review clerkship interview evaluation forms
 - Speak with prior clerks about judge's expectations of clerk, office protocol, style and ability, strengths, etc.
 - Timing of interviews

INTERVIEW PREP (CON'T)

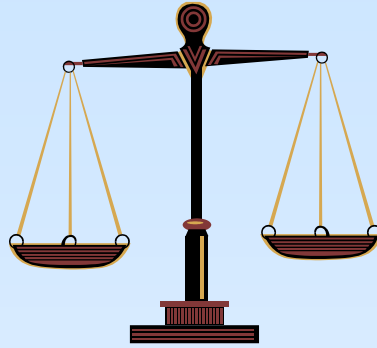
- Research judges (reputation, reversal record, personality, strengths)
- Determine affiliations of Judge: Professional associations, employment history

Resources

- LexisNexis' Courtlink Strategic Profiles
- Westlaw Profiler – WLD
- news articles, important opinions, attorney rankings

POST INTERVIEW

- Thank you notes
 - Advise students to bring stationary to interview
 - Reiterate interest in position with clarity
 - If decided not to work for judge, politely withdraw application



BEST PRACTICE TIPS

PROGRAMMING

1. Early and often
2. Encourage diversity students to consider clerkships
3. After process, encourage student feedback to tweak programming, assess resources and services, student preparation, etc.

STUDENT PREPARATION

1. Mandatory review of materials
2. Mock interviews

LAW SCHOOL OUTREACH TO STATE COURT JUDGES

1. Use faculty, current clerks and alumni
2. Marketing materials to chambers
3. Phone calls/visits to chambers

Advice to students:

“Try to get a clerkship...no matter where it is, who it is with, how much it pays or how long it lasts. Taking a low paying gov't job ... when you face a mountain of debt may not seem like a good idea, but every former clerk I've spoken with felt their clerkship helped their career in the long run. Being a clerk gives you instant credibility in a profession where reputation means everything and where rookies are viewed with skepticism. My clerkship has already opened more doors than I ever imagined possible, and I am convinced all of my colleagues would say the same.”

- North Dakota Supreme Court '09L