

Counseling Public Interest Students on Gap Year Clerkships

by Amanda Furst and Jaya Saxena

Gap year clerkships are increasingly common with graduating law students. These are judicial clerkships, predominantly with federal judges, that are slated to begin one year out from a student's date of graduation, leaving the student with a gap year. This can be particularly challenging for public interest law students who seek one-year positions to fill the gap.

While gap year clerkships can impact opportunities available to public interest students, the good news is that there are a number of options for students strategizing around a gap year clerkship.

- **Obtain another judicial clerkship to fill the gap year.** According to Katie Dilks, Assistant Director for Public Interest Programs at Georgetown University Law Center, this is the most common approach for their public interest students. Ann Chernicoff, Assistant Dean of Career Development at the University of California, Irvine School of Law, has seen a number of public interest students with gap year clerkships end up in competitive positions for federal district court clerkships during their gap year. State court clerkships are also a viable option, particularly because judges often hire later in the academic year and these clerkships can be great launching pads for public interest careers.
- **Explore government honors positions and consider options to maintain your eligibility.** Many federal agencies have honors programs that provide a pathway for graduates into the federal government. To preserve eligibility for these honors programs, graduates typically have to meet certain

criteria, such as entering into a judicial clerkship or a qualifying legal fellowship within nine months of law school graduation. While a gap year spent elsewhere could disqualify a student from applying to the honors program, students should consider strategic options to maintain eligibility and verify options directly with agencies. Also, remember there are many pathways into federal government work outside of honors programs.

- **Obtain a position in a plaintiff side litigation firm.** This work can advance relevant goals, such as learning about class actions and how to file a complaint. Chernicoff has worked with students who were successful in obtaining positions with plaintiffs' firms after having candid conversations with the employers about their limited availability. The end result can be a win-win situation for both an employer and a student.
- **Explore two-year post-graduate fellowships after a clerkship, and consider the benefits of a one-year fellowship during a gap year.** When exploring fellowships, students should consider the length of the fellowship, their eligibility to apply after graduation, and the potential consequences of shifting from their fellowship work into a clerkship after a year.

Students interested in national fellowship programs, such as Equal Justice Works Fellowships and Skadden Fellowships, should apply the year prior to their intended fellowship start date. Both Skadden and EJW offer two-year fellowships without a one-year option. Accord-

ing to Mia Sussman, Associate Director of Fellowships at Equal Justice Works, there is no deferral option for an Equal Justice Works Fellowship, but she notes that EJW offers other fellowships, including AmeriCorps Legal Fellowships, with a one-year commitment. Susan Butler-Plum, Executive Director of the Skadden Fellowships, confirms that Skadden only allows deferrals for U.S. Supreme Court clerkships. Both fellowship programs do allow graduates in judicial clerkships to maintain their eligibility to apply. A gap year prior to the clerkship does not eliminate an applicant's eligibility.

While some law schools and organizations offer one-year fellowships, students should consider the benefits of the fellowship against the professional consequences of shifting to a clerkship after one year. Additionally, many schools limit school-funded fellowships to recent graduates or to graduates without a future employment offer, even if the offer is a year out.

- **Leverage a pre-existing relationship with an employer to craft a creative solution, such as a temporary or contract position.** Eric Stern, Director of Operations at the Career Development Office at UC Berkeley School of Law, once worked with a student who was able to create a position at a direct services organization in San Francisco. The student took the initiative to leverage

a pre-existing relationship with the organization. While local government work, public defense, and nonprofit employers are unlikely to consider applicants for permanent positions whose employment will be interrupted by a clerkship, contract or temporary positions can offer students valuable experience and networking while fitting an employer's needs.

- **Look at eligibility guidelines in Loan Repayment Assistance Programs (LRAPs) to determine the impact of a gap year clerkship.** Students should also carefully read eligibility guidelines with regard to timing and consider the impact of entering into a non-public service job during their gap year on their ability to participate in the various LRAPs that fit their needs.

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