

NALP Annual Conference 2018

Are You There Faculty, It's Me, CSO: Leveraging Faculty Clerkship Committees.

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February 19, 2018

The Honorable JUDGE NAME
COURT NAME
ADDRESS

RE: New Chair of KU Law Judicial Clerkship Committee

Dear Judge LAST NAME:

As you may already be aware, Professor Stephen McAllister now serves as the U.S. Attorney for the District of Kansas. Among the many roles Professor McAllister held at KU Law was that of chair of the Judicial Clerkship Committee. With Stephen's departure, I have appointed Associate Dean and Professor Lumen Mulligan as chair of that committee. You likely already know Lou, a leading member of the faculty also active with the bench and bar. I have also joined the committee and look forward to playing an even greater role in the success of our students as they pursue prestigious state and federal clerkships across the country.

As in the past, please do not hesitate to reach out to us on the committee for assistance in filling your clerkships. We are happy to promote openings, either publicly and privately, depending on your needs. At the request of many judges, we produce a short list of recommended candidates, individuals we believe would be an ideal fit for your chambers. Likewise, when making your selections, you should not hesitate to call us with any questions you might have as you vet candidates.

Our goal is to support you by not only helping to select the best candidates, but by modifying our process based on your feedback. For some judges, this means narrowing the pool to one or two candidates, while for others it means expanding the choices to five or six. We can also use criteria you give us to assist in our vetting process, such as identifying candidates with a connection to a particular state or region. We have also assisted judges in filling unexpected or temporary openings. Whatever your needs, please do not hesitate to reach out to myself or Lou, as well as our Assistant Dean of Career Services, Arturo Thompson.

Thank you for the opportunity to assist you and the court system, and we look forward to hearing from you soon.

Sincerely,

Stephen Mazza
Dean, University of Kansas School of Law

DATE

The Honorable JUDGE NAME
ADDRESS

RE: *STUDENT NAME Application for Judicial Clerkship*

Dear Judge NAME,

Please find the clerkship application materials for NAME enclosed herewith. NAME has been an extraordinary student whom I have come to know well, and believe HIM/HER to have not only great academic skills, but the professional demeanor and interpersonal skills that will make HIM/HER a great asset to you and your chambers.

I serve as a member of the KU Law Judicial Clerkship Committee, formed to identify and prepare our best students to apply for judicial clerkships. Central to this process is vetting the pool of potential applicants in an effort to present you with potential clerks who we believe are likely a good fit with your chambers. The committee also acts as a clearinghouse for information on clerking and a central point for compiling and disseminating information on clerkship openings. We assist students by offering mock interviews with former clerks, as well as logistical support in the form of compiling and sending application packets to judges.

Our goal is to support you as well, by not only helping to select the best candidates, but by modifying our process based on your feedback. For some judges, this means narrowing the pool to one or two candidates, while for others it means expanding the choices to five or six. We can also use criteria you give us to assist in our vetting process, such as identifying candidates with a connection to a particular state or region. We have also assisted judges in filling unexpected or temporary openings.

Thank you for considering our extraordinary students and please do not hesitate to contact me with any questions or for assistance.

Sincerely,

Arturo A. Thompson
Assistant Dean for Career Services

KU Judicial Clerkship Committee

Members:

Prof. Lumen Mulligan – Chair
Dean Stephen Mazza
Prof. Pamela Keller
Prof. Elizabeth Kronk
Prof. Quinton Lucas

Ex Officio:

Arturo Thompson
Leah Terranova

Sample Judicial Clerkship Application Information

Please read the following document carefully. By signing, you confirm that you have provided the CSO with all necessary materials to support your application. We will review your documents once you submit them and contact you if we discover any errors or issues.

Clerkship Materials

- Cover letter
- Resume
- Transcript
- Writing sample with cover page
- List of references, including:
 - Full name
 - Firm/organization
 - Title
 - Email
 - Phone number

LOR 1 _____

Sent Directly

Sent via CSO

LOR 2 _____

Sent Directly

Sent via CSO

LOR 3 _____

Sent Directly

Sent via CSO

- The best phone number & email for the CSO to contact you with any last-minute questions

I affirm that I have provided the CSO with hard copies of all of my clerkship application materials.

FAQ

- **Should I staple my documents?**
Don't staple your documents in advance; we make copies of all submitted documents, and removing staples can damage the paper.
- **How should I separate documents for multiple judges?**
Put each judge's documents in a separate manila envelope labeled with both your name and the judge's name.
- **What sort of paper should I use?**
Cover letters & resumes must be on fine-quality resume paper. All other documents can be on standard copier paper.

Name

Date

KU SCHOOL OF LAW

The University of Kansas

Judicial Clerkship Handbook 2017 - 2018

KU Law Judicial Clerkship Committee

Chair	Professor Stephen McAllister
Members	Professor Pamela Keller Professor Elizabeth Kronk Warner Professor Quinton Lucas Professor Lumen Mulligan
Ex Officio	Asst. Dean Arturo Thompson Director Leah Terranova

Judicial Clerkship Handbook

Introduction

Judicial clerkships are among the most prestigious positions available to you as you launch your career. Clerks gain valuable insight into the workings of the court system and hone their research and writing skills, making them attractive candidates to employers and clients and introducing them to a network of distinguished mentors in the judiciary and colleagues in the legal community.

Why Consider a Clerkship?

A clerkship puts you in a small circle of people who have had the honor of serving the public under the direction of a judge. Many former law clerks become leading lawyers in every field (not just litigation), and almost all clerks look back positively on their time working closely with their judicial mentors.

In addition, law clerks make invaluable connections that aid them throughout their careers. Fellow clerks, even from decades earlier, will become colleagues and friends, connecting you to all sorts of opportunities. This network often will stretch across the country and, in some cases, overseas.

Many students are torn between a clerkship and taking a private firm offer immediately after graduation. While this is a difficult decision, you should know that most firms understand the value of a clerkship and will defer your start date for one or two years to allow you to clerk. The clerkship may also open up additional opportunities, including those with firms that only hire former clerks. Indeed, for those students aiming to work in a large market, the clerkship can often be the “key” to landing that first job. While it is true that clerkships pay less than jobs at many larger firms, most firms will give credit for time spent clerking, meaning that when you join the firm you will be on the same salary and step on the partnership ladder as those who went straight into the firm out of law school. Finally, some firms offer substantial starting bonuses for clerkship experience.

In short, you will be better at what you do, be a part of a family of highly skilled current and former clerks, be granted immediate credibility in your career and, most critically, have a great time.

Who Should Apply for Clerkships?

Anyone can apply for a clerkship, but remember that they are highly competitive positions, especially as you move to higher and higher courts. Strong candidates for clerkships are typically in the top 20% of the class and are highly motivated individuals. Judges also seek evidence of strong writing ability in the form of service on the law review or law journal, including service as an editor during the third-year of law school, or a very strong track record of legal writing from a different venue.

It’s essential that you put in the time to build a relationship with faculty. The letters of recommendation they write confirm you possess the necessary technical skills and demeanor to clerk, but even more importantly a recommendation can move you onto the short list of candidates for a judge’s consideration. When a judge receives hundreds of resumes from schools across the country, the personal respect the judge has for a recommender is a vital factor, and it can make all the difference. Getting the CALI and participating in class are not the same thing as getting to know faculty, so you need to stop in to see them over time so that they can draft a letter that speaks to you holistically.

Relationships with upper-division students also can be beneficial. Often current clerks, which may be a student who graduated a year or two before you, aid the judge in selecting the next cohort of clerks.

Having an inside-chambers advocate, as such, can only help your prospects.

Even within the relatively small set of potential clerks based on credentials, not all may be suited to clerking. Like any position, personality matters, and judges want to make sure that you not only have the skills to be a great clerk, but that you will be a great member of their chambers, getting on well with others from fellow clerks to the receptionist, to the court's administrative staff. (FYI: Many judges report asking their administrative staff to offer their opinions of clerk candidates.) You don't need to be super outgoing, but you do need to be able to deliver strong work product with attention to detail while also having an authentically friendly demeanor. Most judges operate with a very small staff, often just a few law clerks (or sometimes even just one), and limited administrative support. Thus, collegiality in such an environment is a very important consideration for judges hiring clerks.

Where Should You Clerk?

Students often ask whether it is better clerk on one court versus another. The short answer is that every clerkship—be it in state court or federal court, or in a supreme court or a magistrate court—is highly valuable. Clerkships with hierarchically superior courts tend to carry more prestige. But then again, a clerkship with a trial court, as opposed to an appellate court, can provide superior training to future litigators. Also a trial court position tends to foster more regional and local contacts than does an appellate court clerkship. Indeed, many Kansas City and Wichita firms have expressed a preference for trial court clerkship experiences. In this same vein, a clerkship with a federal magistrate judge can be invaluable, as they have a steady diet of discovery disputes and criminal pre-trial matters, which in turn come to occupy many young litigators' time. Federal courts tend to have more cache, especially as your career takes you away from your judge's district. But then again, many lawyers and firms who have a state-court practice express a strong preference for a state clerkship. In sum, you can't go wrong with any clerkship.

Who Can Advise You?

The Career Services Office (CSO) is always available to help you in the process, and is a great place to start. The office can help you think through your options, discuss clerking versus taking another position immediately after graduation, consider the kinds of courts you want to clerk for and what locations might make sense. The CSO can also help you think about how the clerkship experience will support your long-term career goals.

Faculty members are a critical resource. Various members of the faculty have served as clerks from the U.S. Supreme Court to the District of Kansas, and various state courts. They can offer insights on their experiences, letting you know what it is like day-to-day. They also have connections to the judges they clerked for and many others on the bench, allowing them to serve as references, advise you on what a particular judge looks for in a clerk and even help prepare you with a mock interview. In short, your faculty members are an invaluable resource, and one you need to cultivate as you consider a judicial clerkship.

Select faculty and the CSO joined to form a Judicial Clerkship Committee in 2013. The Committee confers on a regular basis, sharing information about clerkship openings, helping to identify candidates, and supporting candidate applications. You can contact any member of the committee if you are interested in pursuing a clerkship or have questions. The members of the Committee are on the cover of this packet. Before you contact a committee member make sure you have thought through your questions, and remember that it may make sense to start out by meeting with Arturo or Leah in career services first to help you focus your thoughts.

When and How to Apply

The short answer is to start NOW! Federal courts tend to start looking in the fall of your 2L year, with state courts typically holding off a bit longer. If you are a 1L, you should begin to identify the courts or judges you would like to apply to, compiling that information in the spring and summer and developing relationships with faculty and other potential recommenders. If you are a 2L you need to start preparing materials in the fall, and have them ready to go as early as the start of the spring semester when some judges are already looking to identify clerks for after graduation. As a 3L, most clerkships will fill between early summer to mid-fall the following year, meaning you need all your materials ready to go and that you need to be ready to apply quickly as judges announce openings. A more detailed timeline is included below.

The CSO will compile and post physical applications for you when necessary. This can be helpful if you need to send a physical application and want to send it all (cover letter, recommendations, resume, writing sample and so forth) as one packet rather than having it trickle into the judge piecemeal. To use this service you must supply the CSO with a copy of all your materials for each judicial clerkship you are applying to. This means a copy of the resume and cover letter (on resume paper), a copy of your writing sample, and any other materials the court requires in the application packet. You can have your recommenders deliver their letters directly to the CSO, where they will be stored and included in each packet we send. The CSO will then compile the materials into one package and send it to chambers on your behalf, typically with a brief note to the judge explaining what the packet includes, that we have sent it on your behalf, that we ensure that it is secure and the recommendations remain confidential, and that they can contact us if they need any assistance. The best part, the CSO will pay to have up to ten packets sent and require a signed receipt upon delivery, ensuring your packets arrived. For additional packets you may be required to pay the postage depending on available funding.

Using OSCAR (and Not) – The Federal Courts’ Application Website

OSCAR is a system the federal courts designed to manage the clerkship process at the federal level, and comes available to 2Ls on July 1 of each year. While it used to be a great one stop shop for applying for federal clerkships, it is not what it used to be. Competition for the best clerks has driven judges to seek and hire clerks on a timeline well ahead of that imposed by OSCAR. That competition has only accelerated in recent years. As a result some judges continue to use the OSCAR system to post jobs, receive applications and letters of recommendation, and otherwise manage the hiring process, but some may use it only to post jobs, only to receive letters of recommendation, or not use it at all.

What does this mean for you? You have to research the courts and judges you are interested in and learn their process. It means checking OSCAR, looking to the website for the court or courthouse, checking the chamber’s website, and it may also require a call to the judge’s staff. Here again, knowing an upper-division student currently clerking with the judge can be a great aid with timing. The earlier you start the more likely it is you will not miss a particular judge’s hiring timeline. In sum, you have to pay extra attention to the application process and meet the particular requirements of each judge.

Federal Court Hiring Beyond OSCAR

As noted, many federal judges have abandoned OSCAR. This makes applying more complicated. Individual applications may need to be compiled and submitted to each judge you want to work for, and the means of applying may be online, by email or by post. In all cases, researching the requirements of each court and judge you are applying to, and doing so early, is critical to a successful application.

Some judges are now posting clerkship openings on the district court or chamber's website. A posting might appear with other employment opportunities on the overall court's website, or it might only appear in the portion of the site devoted to that judge's chambers. It might even appear somewhere else on the district court's website, depending on what the judges and clerks of that district court have decided makes the most sense. Exploring the site has value anyway, as knowing more about the judge and the court may help you refine and target your application materials and your choice of recommenders.

Some judges now send out mailers and emails to announce openings to law schools, often directed to the CSO. When we get these at KU Law we typically post them as an announcement and notify the Judicial Clerkship Committee. It is important to check Symplicity on a regular basis for these announcements. Likewise, it is essential to spend time building relationships with those on the Judicial Clerkship Committee, so they are aware of your interest and can assist you if they or you see a clerkship opening is a good fit for you.

State Court Clerkships and Related Resources

State courts were never a part of OSCAR or any other unified clerkship hiring system. While this means you have to take on the legwork to identify the courts and judges you are interested in working with, you are not entirely without help as you prepare to apply. A number of years ago, the Vermont Law School began compiling information about state court clerkships, and we subscribe to this resource. The Guide to State Court Judicial Clerkship Procedures will help you identify the "who, what, when and where" of applying to all state court levels. It often has addresses and other key information, speeding up your research substantially. Keep in mind, however, that a state court may change its process, requirements and deadlines at any time, so it makes sense to double check on key requirements with the court itself.

To access the resource, please email Meridith Wiggins in the CSO for the online account information.

Application Timeline

1L Year – Planning Ahead and Preparing the Ground

Fall – Academics are everything.

- Focus on grades. Candidates generally are selected from the top 25% of the class.
- Get into good habits in terms of studying, it will make a huge difference even if you do not ultimately clerk for a judge.

Spring – Lay the groundwork for a great application.

- Consider the summer Judicial Clerkship Program headed by Professor Keller. It will not only expose you to what a clerk does, but the experience and contacts can lead to a post-graduate clerkship.
- Think ahead about participating in moot court, law review, law journal, leadership in student organizations and other activities inside and outside the school that will elevate your resume.
- Be relevant in class and out, building a good reputation and relationships with your professors so they can recommend you.

Summer – Prepare to apply at a moment's notice from July forward.

- Do good work wherever you are so that you will have the strongest possible recommendations.
- Start looking at the courts and judges you are interested in and researching their application procedures.
- On July 1 of your 1L summer you will get full access to OSCAR, allowing you to see those federal judges who are posting on that system and apply.
- Before the end of the summer get all your materials together including your resume, cover letters, transcripts, writing sample and recommenders tied up.

2L Year – Gather Materials and Start Applying

Fall & Spring – The application season gets under way!

- A few judges may seek applications at the very beginning of the semester. With this in mind, you must start looking for openings on a weekly basis.
- You need to really focus on your relationships with recommenders, ensuring that they will feel enthusiastic about supporting you (even if you no longer have a class with them). Remember faculty go on sabbatical or guest lecture in some years, so you may need to get letters from recommenders early, or ask for a generic letter of recommendation to have on hand in their absence (though letters specifically made out to the judge are always better).
- You must compile all your materials and ensure they are consistent, free of typos, updated and ready to send.
- Now is the time to compile materials on OSCAR as well, allowing you apply via that system.

- If you have a complete set of materials you can request the Career Services Office assist you with the compiling and mailing application packets.
- This is a core hiring season, so while you are gearing up for the last year you need to be focused on not missing application deadlines.

Summer – Remain competitive and keep applying.

- Update your materials with new information, including your summer job.
- Consider new recommenders from among faculty who may have just had you in class for the first time.
- Be nimble and responsive to emails from the Judicial Clerkship Committee and the CSO because opportunities may arise with short application deadlines as judges have unexpected needs for clerks.

3L Year – Keep Applying, Something May Open Up

Fall & Spring – The final push!

- Check all the resources for clerkship announcements on a regular basis, keep in touch with the Career Services office and key faculty, reminding them of your interest in a clerkship.
- Continue applying as the final opportunities come online.
- Make sure that your materials remain current so that you can send them out quickly as some opportunities may have very short deadlines.

WHY YOU SHOULD CONSIDER A JUDICIAL CLERKSHIP

If you are considering clerking for a judge, you likely already know some of the benefits of being a judicial clerk. It provides a rare insight into the judicial process. You will develop a strong mentoring relationship with your judge, create an expansive network of attorneys and other judges, and hone your research and writing skills. Clerking is one of the most prestigious jobs a new law graduate can obtain, although it is often overlooked by students who are focused on finding an immediate career with a law firm. Students are sometimes surprised to learn that most law firms value clerkship experiences, and many major firms offer clerkship bonuses to associates with such experience. There are even law firms who generally hire ONLY prior clerks.

An exciting experience: Clerking can be the most remarkable training experience a young lawyer will receive. It is unlike anything you will do in law school or will be able to do in professional practice. Many former clerks view their clerkship experience as the most valuable experience of their professional careers. Judicial clerks are given the opportunity to view the decision-making process from the inside, to serve as advisors to their judges, and to make an impact on real cases and real lives.

Lasting relationships: A judicial clerk can develop a meaningful relationship with his or her judge, often for life. Judges often become mentors to their clerks, starting with the clerkship experience and continuing throughout their professional careers. As a judicial clerk, you will also develop relationships with your co-clerks, your judge's prior and future clerks, and other judges, clerks and attorneys, both in your jurisdiction and beyond. That network will include some of your most valuable contacts as you develop your professional practice.

Legal skills: Clerking requires attendance at judicial proceedings, legal research and writing, and drafting memos and opinions. Judicial clerks are exposed to many different styles of lawyering, and will have the opportunity to discuss the pros and cons of each with the judge. Judicial clerks are exposed to a wide variety of practice areas, and the concrete skills clerks develop in research, writing, and lawyering translate well to almost any field of law, including both litigation and transactional practices.

CAN I BECOME A JUDICIAL CLERK?

Yes. Clerking is open to more people than one might suspect. Academic and personal experiences, such as law review, Moot Court, unique internships, and interesting undergraduate activities, and superior research and writing skills can be as important as grades. Typically, federal court clerkships are the most competitive with respect to grades and class rank, with the strongest applicants being in the top 10% of the class. That is not true with all federal judges, however, and interested applicants are encouraged to speak with Career Development regarding individual judges' preferences.

Clerkships with state court judges, including Missouri Supreme Court and Missouri Appellate Court judges, are normally less competitive. Many judges look for law clerks who have demonstrated academic success, who have well-rounded experiences and background, and who will be a "good fit" in their chambers. Judges' chambers are very close quarters, and like any employer, they want to hire people who will be easy to work with.

Additionally, finding a connection to a particular judge can create an advantage in an application. Whether it is a personal, geographic, or other connection, judges often rely on

people they know and their own experiences when hiring law clerks. For example, you may increase your chances by mentioning you played basketball at a judge's undergraduate alma mater, or that you completed a summer internship at a judge's former law firm. When it comes to making a connection with a judge, think broadly and creatively.

WHAT TYPES OF CLERKSHIPS AVAILABLE?

Federal Courts of Appeals: Most federal circuit judges hire three or four clerks for a term of one year. The lives of appellate court clerks are usually less hustle-bustle and more cloistered than the lives of district court clerks. Appellate court clerks typically read briefs, do extensive legal research, write memoranda to the judge about upcoming cases, attend oral arguments, and write rough drafts of opinions.

Aside from the U.S. Supreme Court, a clerkship with a Federal Court of Appeals is the most academically competitive and difficult to obtain. Successful applicants from Mizzou Law have typically been in the top 5% of the class and had editorial positions on Law Review. For applicants who do not secure a clerkship with a Federal Court of Appeals judge immediately following graduation, it can be advantageous to complete a clerkship with a federal district judge first.

Federal District Courts: Many federal district judges hire two clerks for a term of one or two years. A typical district judge may have a few hundred cases on the trial docket. Most district judges have their clerks do some or all of the following things: talk with attorneys about the status of cases; attend status and settlement hearings; attend motion hearings and trials; conduct legal research; prepare bench memoranda for the judge; and write rough drafts of opinions and orders.

Hiring preferences and timeframes vary, so it is important to talk with Career Development to determine which judges may be the most appropriate for you to apply to. Successful applicants from Mizzou Law have been in the top 10% of the class and have had other strong academic credentials, such as participating in regional moot court competitions or serving on Law Review. There are, however, Mizzou Law graduates who have clerked with a federal district court judge who did not fit this description, so it is important to research individual judges and their backgrounds to determine their hiring criteria and preferences.

Federal Magistrates: Many federal magistrate judges hire one clerk for a term of one or two years, although as with all federal judges, magistrate judges may have permanent clerks. Magistrate judges conduct a wide range of judicial proceedings to expedite the disposition of the civil and criminal caseloads of the Federal District Courts. To achieve maximum flexibility in meeting the needs of each court, the actual determination of which duties to assign to magistrate judges is left to the individual courts. Many magistrate judges conduct a wide range of criminal hearings, while others handle strictly civil work. Magistrate clerkships are fast-paced and an excellent opportunity for students interested in spending a lot of time in court.

Hiring preferences for magistrate judges are similar to federal district judges. Career Development can provide a list of magistrate judges in Missouri who typically have openings, and we will give guidance on known hiring preferences.

Specialized Federal Courts: In addition to the federal appellate and district courts discussed above, there are also clerkship opportunities with federal judges who sit on specialized courts. Examples include the Court of International Trade in New York City, the U.S. Court of Federal

Claims in Washington D.C., Veterans Courts, and the U.S. Tax Court. The Western District of Missouri has three federal bankruptcy court judges who hire clerks, and many Administrative Law Judges also hire clerks.

The pool of applicants may be more limited in these courts, and judges seek candidates with genuine interest in the area of practice. These courts may be ideal for individuals who have specialized experiences or who have demonstrated interest in a particular area of law.

State Courts: Most state supreme court and appellate court judges hire one or two clerks for a term of one or two years. State appellate practice is similar to federal appellate practice; the courts hear a wide range of cases covering a wide range of state law issues, including contracts, family law, criminal law and torts. Occasionally, state trial courts will hire law clerks. These clerkships are similar to federal district court clerkships.

State court clerkships are ideal for individuals who want the experience of clerking, but may not have the grades or academic experience to compete at a federal level.

WHERE SHOULD I APPLY?

Gauge the competitiveness of the clerkship: As a general rule of thumb, federal appellate court clerkships are the most competitive, followed by federal district court clerkships, state supreme court clerkships, state appellate court clerkships, and finally, state trial court clerkships, which are the least competitive. There are, however, many exceptions to this rule. For example, clerkships with district judges in certain regions of the country may be less competitive because of the geographic desirability.

Be sure to “over apply” when creating an application list. Students often make the mistake of applying to a limited group of judges based on their perceived level of competitiveness. If you truly want to clerk, it is best to broaden your list and apply to as many judges at each level of court you would consider working in. Keep in mind that federal judges may receive thousands of applications each year, while state appellate courts may receive less than 100. Also, it is perfectly appropriate to apply to multiple judges on the same court. Be careful when writing your cover letter, however, because judges may compare notes regarding their applicants.

Type of work: Many students want to get the “most competitive” clerkship they can, although this is not always the best career choice. If your ultimate goal is to be a prosecutor, a clerkship in a trial court will provide far more practical experience than a clerkship in an appellate court. If you hope to practice in a small town in Missouri, experience with a state appellate court may be more valuable than a federal trial court. Whatever decision you make, be prepared to explain to each judge why you chose to apply to his/her court.

Geography: Location can be as important a factor as type of court in ascertaining how competitive a clerkship is. Within each category of courts, the most competitive regions tend to be the District of Columbia, New York, Boston, Chicago, and California. If you are serious about obtaining a clerkship, you should think carefully about where to apply. It is often a good idea to focus on more than one area of the country when applying for clerkships – try to find at least one area where you have ties, but consider other areas for some diversification.

Keep in mind, less desirable and less populous areas of the country tend to have smaller applicant pools and obtaining a clerkship in these areas can be less competitive. You may be well served by expanding your geographic horizons for the short-term. The rewards of a good

clerkship are likely to outweigh any drawbacks of living and working for a year in a place where you do not intend to move permanently. Clerking in a particular region does not commit you to working in that region after the clerkship year, although it may open doors you had not previously considered.

WHEN SHOULD I APPLY?

Federal Courts: Many federal judges begin receiving and reviewing applications as early as two years before the start of the clerkship term (i.e., summer following 1L year for a clerkship to begin in August after graduation). Thus, it is important to prepare and send application materials early. Generally, application materials should be submitted by no later than winter break or early spring of your 2L year for federal clerkships, although as mentioned, many should be submitted earlier. Some judges who participate in the OSCAR will post positions as they arise, so it is important to register early over summer break following 1L year. For more information on applying through OSCAR, see the OSCAR section in this Guide. Also, it is important to consult with materials provided by Career Development regarding specific judges' hiring preferences.

Missouri Supreme Court: Most Missouri Supreme Court judges who plan to hire a term clerk will begin accepting applications by late March of your 2L year. To be safe, applicants should have all application materials to the judges by mid-April, although check the MO Supreme Court website for further application details. You may also contact Career Development to inquire whether you should resubmit your application late summer or early fall of 3L year.

Missouri Appellate Courts: Some appellate court judges prefer applications towards mid-summer prior to the 3L year, and some judges prefer applicants wait until receiving 3L fall semester grades. Most trial court judges who have law clerks hire them on a rolling, 'as needed' basis. Consult with Career Development resources regarding individual hiring preferences for Missouri appellate and trial court judges.

Newly appointed judges: Newly appointed judges will need clerks when they take the bench. Keep up on judicial news and use the opportunity to apply to newly appointed judges before they take the bench. It is a good idea to check with Career Development before you apply because we often have information about the hiring preferences of newly appointed judges.

State Courts Outside of Missouri: In other states, judges hiring timeframes are likely similar to those of Missouri state court judges, although the best practice is to contact each individual judge's chambers to inquire about application timeframes and hiring preferences.

APPLICATION MATERIALS

A judicial clerkship application generally includes a cover letter, resume, writing sample, law school transcript and three 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". However, there are circumstances where recommendation letters may be sent separately. Please see the section below regarding specific guidelines for each part of the application.

Once you submit your application, it is appropriate to update your materials with new, relevant information. For example, you might submit a revised transcript after you receive spring

grades, or you might submit a revised resume if an article you wrote has been selected for publication. Contact Career Development with questions related to updating your application.

Cover Letter: Your cover letter is extremely important because this is the first opportunity the judge has to evaluate your writing ability. A poorly written cover letter or a cover letter with errors likely will result in you not receiving an interview. Your cover letter should be addressed to "Dear Judge Smith:" and the address block should read, "The Honorable Joseph P. Smith". If you have questions about how to address a cover letter to a particular judge, please check with Career Development.

Cover letters should be no more than one page, and should be slightly shorter and more concise than a typical cover letter for a law firm. A cover letter should indicate your interest in a judicial clerkship during a specific hiring cycle (including the month and year you are available to begin work) and should include a brief summary of the information the judge will need to evaluate your application, such as 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, your cover letter should focus on why you are interested in a specific court, specific judge, specific geographic area or specific area of law (if the court has limited jurisdiction) and the attributes you possess that will make you a successful judicial clerk. If you are able to simply change the name of the judge and send essentially the same cover letter to multiple judges, your letter is not specific enough and should be rewritten to express interest in each particular clerkship opportunity.

Frequently, applicants describe themselves as possessing "excellent research and writing skills", or make similar generic statements about their skills. Statements such as these will not set you apart from others. Instead of simply stating an ability, demonstrate it through examples of your experiences that have developed those skills and describe achievements instead of just stating attributes.

Each judge will receive many applications and can only choose a small number of individuals to interview. Your cover letter should stand out as well-written, expressing genuine interest and highlighting your best qualifications. Therefore, it is important that someone in Career Development reviews each of your cover letters before you send them.

Resume: Your resume is essentially the same resume you would use to apply for law firm jobs, although it is important to showcase your research and writing abilities and to highlight any recognitions or achievements you have received, such as successful participation in competitions and experience on a law journal. Regardless of your prior experiences and number of accolades, your resume should never be more than one page.

Writing Sample: While your cover letter is the first writing sample judges see, they also want to see a more formal writing sample that illustrates your legal analysis skills. 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 written for an employer. When submitting a written work created for an employer, you must first get the employer's permission and redact any confidential or identifying information. When submitting a paper from a class, you should send a clean copy, without any comments or markups, and remove the professor's name, the date of the assignment and similar information from the paper.

A writing sample should be 8-10 pages long. An excerpt of a longer piece is fine, as long as the selected pages are continuous. All writing samples should include a cover page with your name, address, and the purpose for which your writing sample was created. If using an excerpt, your cover page should also summarize key facts and give context to the excerpted piece.

Be sure to read your writing sample carefully for grammatical and spelling mistakes and citation errors. It is a good idea to have a friend read over it to be sure to catch all mistakes. You can also catch mistakes and errors by reading each sentence in reverse order, from last to first.

Transcript: You should always submit a law school transcript with your application. Unless otherwise stated, an unofficial copy is acceptable. Some judges also require an undergraduate transcript, so it is important to check any posted information before applying.

If your undergraduate GPA was high (3.75 or above), consider sending your undergraduate transcript regardless of whether the judge requests it.

Letters of Recommendation: Judges generally require three letters of recommendation. Two of the three letters should be from law school faculty, and the third may come from another professor or a legal employer who can thoughtfully comment on your research and writing ability, intellectual abilities and potential as a lawyer. You should select individuals who know you well and can speak specifically to your abilities. A letter from a well-known figure may carry a great deal of weight, but not if that person does not know you and cannot truly comment on your abilities.

When considering which law professors to ask to recommend you, choose wisely. A professor from a smaller seminar class who knows you and your writing abilities may be a better choice than a professor whose class you ranked. Remember, someone who knows you well will be able to write the best letter.

When requesting letters of recommendation, be sure to allow sufficient time for recommenders to prepare a letter. It's a good idea to provide each recommender with a current resume and a brief note explaining clerkship preferences and plans. Be clear about the list of judges to whom you are applying and your expectations of when the letter should be ready.

For faculty recommenders: Once the recommender prepares a letter, they may send it to Career Development to be addressed to each judge to whom you are applying. You will need to provide an Excel document with a list of the judges and their addresses, and Career Development will complete a mail merge and provide all the letters to include with your application packet. Please allow two weeks to complete this process once the professor completes the letter.

For non-faculty recommenders: It is your responsibility to ensure the letters are either included in your application packet or mailed directly to the judge. You should talk about this with the recommender. Inquire whether they will provide you with a letter so you can address and mail them accordingly, or provide an Excel list with judges/addresses so the recommender can mail the letters.

It is also important to stay on top of your recommenders. Many non-faculty individuals may not be as familiar with the clerkship application process and the importance of timely applications. Keep this in mind when selecting you who will ask to write letters.

You may wish to include a separate cover letter listing the names of your recommenders and explaining whether the letters of recommendation are included with your packet or will be mailed to the judge directly from the recommender.

WHAT IS OSCAR AND HOW DO I USE IT?

OSCAR is the acronym for the Online System for Clerkship Application and Review. You will find the program and yearly application timeline at <https://oscar.uscourts.gov>. It is an online system created to simplify the application process for federal judges and law students. There have been many recent changes regarding the use of OSCAR, however, and the number of judges participating in the system has been declining.

Prior to submitting your application materials, it is important to determine whether a judge uses OSCAR for hiring law clerks or not. If a judge has indicated he or she prefers to use OSCAR, it is advisable to submit both a paper application directly to the judge, and then to re-apply through OSCAR when an opening is posted.

You will need to create a student profile before you can submit applications. Give yourself at least a couple of months to register and sort through the process before the application deadline. Mizzou Law does not administer OSCAR, and therefore we are limited in our ability to help with technical issues. However, the OSCAR website provides a detailed User Guide.

WHAT SHOULD I DO WHEN I GET AN INTERVIEW?

Preparation: Once you have made the resume cut and are selected for an interview, the focus shifts from your 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 and efficiently. Interviews are typically conducted in the judge's chambers, allowing the judge and all support staff to form impressions about you. It is critical that you treat all members of the judge's staff with courtesy and respect. Clerks come and go, but permanent staff members who 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 you should be prepared to answer questions about legal issues raised in your writing sample or about an expressed favorite class or 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. Career Development can provide a list of Mizzou Law alums who have recently clerked with a particular judge, and it is important to visit with them prior to an interview.

It is best to approach the judicial clerkship interview with a game plan. Prepare ahead of time and consider how you will highlight your best skills, experiences, and personal characteristics during the interview. Use personal stories to illustrate things such as your 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.

You also should expect questions on how a clerkship fits into your long-range career goals. Before interviewing, you should give some thought to why you are interested in a clerkship, why you are interested in the particular court and why you are interested in the particular judge, and be prepared to answer questions about these choices. Your answers should be genuine and should show that you have done some research on the court and on the judge.

Finally, you 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: Travel and lodging expenses incurred during the interview process are your responsibility. Take this into account when selecting courts to apply to and be sure not to take on too much in terms of travel time and expense. Once you schedule an interview, if you have multiple applications in the same geographic area, it is appropriate to contact several judges to let them know you will be in the area. This might help to reduce your expenses and time spent on the road.

Offers: Do not accept an interview with a judge for whom you would not accept an offer, if given, immediately at the conclusion of the interview. This does happen, and it is commonly called an "exploding offer." The clerkship application process is unlike any other employment process you will encounter. Judges do not like to be rejected, and it will reflect poorly on you and on future Mizzou Law students if you decline a clerkship offer. Even if the judge is not your top choice, and you have other interviews pending, your acceptance of an interview has already indicated your desire to accept an offer at the conclusion of the interview. You should not waste the judge's time if you are not prepared to work for him or her.

If you do not receive an exploding offer, typically a judge will outline a timeframe for extending an offer at the conclusion of the interview, and you will either receive an offer or be notified of a decision within that timeframe. If you accept another offer after interviewing with a judge, it is important to notify that judge immediately that you have accepted another position. Express appreciation for the judge's time and consideration and remove your name from further consideration.

Once you accept an offer from a judge, take a moment and celebrate. Congratulations! You have earned one of the top legal positions in the country and should be commended. Within 24 hours of your acceptance, you should respectfully withdraw your name from consideration from all other judges to whom you have applied but have not interviewed. For applications through

OSCAR, there is a mechanism within the program to withdraw other applications. For other applications, simply contact the chambers and let them know you have accepted another offer, thank them for consideration, and ask to remove your name from consideration. It is important to keep track of the judges you have applied to so you can complete this task promptly.

Please notify Career Development when you have accepted an offer to clerk. In addition to traditional employment tracking, your experiences will be helpful to future applicants from Mizzou Law.

***Special appreciation to the University of Virginia School of Law and the University of Indiana Robert H. McKinney School of Law for their assistance in compiling these materials.*

ADDITIONAL RESOURCES

- Be sure to review each available resources on the Career Development TWEN page, including informal lists of individual judges and hiring preferences.
- Almanac of the Federal Judiciary on WestLaw: This resources has biographical information, but also comments from lawyers.
- Federal Judicial Center website: This resource has short bios on all federal judges going back to 1789, but also has significant resources about practicing in the federal courts and studies that have been commission by the courts.
- Yale Law has a website that tracks federal judicial nominees - <http://judges.law.yale.edu/>

MIZZOU LAW
JUDICIAL CLERKSHIP PROGRAM TIMELINE

October

- Gibson Judicial Forum
 - Typically held on Columbus Day
 - One or two local judges and current clerks speak about what clerks do and benefits of clerking

November

- Missouri Court of Appeals convenes at the law school
 - Student reception with judges following oral arguments
- Program for all 2Ls on nuts and bolts of applying to clerkships

Winter Break

- 1L Judicial Internship Program
 - All 1Ls can participate
 - Are matched with a judge for a week

February

- Program for selected 1Ls to encourage them to consider clerking
 - Alumni and faculty who have clerked speak
 - Give general timeline and details of application process and selectivity of different courts

March / April

- Eighth Circuit Court of Appeals or other court (Missouri Court of Appeals, Bankruptcy Court, etc.) convenes at the law school
 - Student lunch with judges

Judicial Clerkships: How to Apply



Step 1: Meet with CDO Judicial Clerkship Counselor

Clerkships are available at federal and state, appellate and trial levels. Where you apply will determine the timing of your application process, what application materials need to be submitted, and how those materials are submitted. Meet with the Judicial Clerkship Counselor in the CDO to figure out the best strategy for you!

Step 2: Contact recommenders

Recommenders are a vital part of the clerkship application process. Not only do they advocate on your behalf with the judge, but they can also be a great advisor for you in deciding where to apply. Communicate with your recommenders early and often as to your thoughts and plans for the clerkship process.

In general, you should have three recommenders. Most judges will want letters of recommendation, but some accept a list of references. The letters of recommendation should be addressed to each individual judge ("To Whom It May Concern" is not acceptable), so be sure to provide your recommenders with the names and addresses of all judges to whom you are submitting applications (See "Sample Judges Spreadsheet" in the Document Library of *Symlicity*). The letters of recommendation should be submitted with your application packets for paper applications, not sent separately to the judges. For federal applications submitted through OSCAR, your recommenders will upload the letters directly to OSCAR once you create draft applications in the system.

Step 3: Refine writing sample

Your writing sample should be a written assignment that involved case synthesis, such as a legal memorandum or appellate brief. Avoid using scholarly articles from your law journal or a seminar class. If you include a writing from an internship or other employment, you must request permission from your employer to use it. If you interned for a judge and plan to use a draft opinion, you should revise the opinion to appear as if it is a memorandum written by you to the judge. Your writing sample should be short—no more than 10-15 pages for federal or state appellate positions and 5-10 pages for state trial—so redact sections, if necessary, to stay within the page limit.

Step 4: Revise resume, draft cover letter(s), & request transcripts

Your resume should be professional and flawless. Emphasize research experience and good analytical skills, writing experience, interest in the courtroom or judicial procedure, and ties to the jurisdiction, if any.

CONSIDERATIONS FOR CLERKSHIP APPLICATIONS

Timing

Federal Applications

Starting with the Class of 2020, a Federal Law Clerk Hiring Plan is in place. For students who entered law school in 2017, judges will not seek or accept formal or informal clerkship applications, seek or accept formal or informal recommendations, conduct formal or informal interviews, or make formal or informal offers before July 17, 2019. For the class of 2021, that date is June 15, 2020. A judge who makes a clerkship offer will keep it open for at least 48 hours, during which time the applicant will be free to interview with other judges.

State Applications

Varies widely. In Maryland, the state appellate judges start accepting applications at the end of the fall semester of the 2D/3E year and may continue the hiring process until graduation. Most, however, complete the process in the spring of the 2D/3E year. The state trial judges generally start the process in the late summer before the final year of law school and continue through the last year.

Recommenders

Approach your recommenders as early as possible so that they will be given adequate time to prepare a thoughtful letter on your behalf. It is preferable to have at least two law school professors.

Your cover letter must be well written and thoughtful. Judges are very concerned with your writing skills, so excellent content and perfect grammar are extremely important. Focus your cover letter on why the judge should choose you; what skills you possess that will make you a great clerk. Ideally, your cover letter will answer these questions in a few, concise paragraphs and reference your resume for elaboration. Proofread your cover letter very carefully—typographical and grammatical errors likely will eliminate you from consideration.

Be clear on whether a judge requires official or unofficial transcripts. On occasion, some judges will want undergraduate transcripts, too.

Step 5: Submit applications

Federal applications will be submitted through OSCAR, the online platform for federal judges to post judicial clerk positions and accept applications, or paper applications. State applications vary by the state and, sometimes, by the judge within the state as to how they should be submitted. Consult the Vermont Law School Judicial Clerkship Guide (contact CDO for username and password) for the basic information on each state's clerk hiring process.

The CDO will mail paper applications for you! Simply submit your applications in sealed, addressed envelopes. The CDO will take care of applying postage and getting the applications into the mail.

If you are applying for federal clerkships, you should strive to have all three recommenders be tenured faculty. The best recommenders are the professors/supervisors who know you the best, not necessarily those who gave you the best grade or have the most prestigious titles. Do not panic if you have not become personally acquainted with any professors; if you performed well in a certain course, that professor may be willing to sit down with you to get to know you better and agree to provide a recommendation for you. You should provide a copy of your resume and your transcript to all your recommenders when requesting letters of recommendation.

Resources

Almanac of the Federal Judiciary (available online through Law Library) Biographical information on federal judges. Includes commentary and critique by legal practitioners familiar with judge

Vermont Law School Guide to State Judicial Clerkship Procedures (available online, see CDO for username and password) Lists basic application requirements and contact information for all 50 states and US territories. Updated every July

CDO Alumni Law Clerk Spreadsheet (Contact CDO for information)

OSCAR (<https://oscar.uscourts.gov>) Provides information about which federal judges are hiring (and which are not), clerkship position details, preferred application methods, and general information about clerking and staff attorney positions

Federal Judicial Center (www.fjc.gov) Offers short biographies of federal judges and histories of federal courts

Senate Judiciary Committee (<https://www.judiciary.senate.gov>) Includes calendar of confirmation hearings and committee actions, as well as listing of judicial nominations and confirmations

Senate Nominations (<https://www.senate.gov/legislative/nominations.htm>) Most up-to-date listings of recent nominations and confirmations

Maryland Courts (<https://www.courts.state.md.us/>) Maryland judiciary website. Contains general information about Maryland courts, appellate opinions and job announcements

District of Columbia Courts (<https://www.dccourts.gov/>) Contains DC court and judge information.

Judicial Clerkship Interviews



What to Expect

Judges make decisions on judicial clerks based largely on “fit” with the judge and the other people who work in the judge’s chamber. Thus, they will be asking questions to get a sense of your work style, work ethic, and personality. They will evaluate your demeanor, appearance, and communication skills because you, as a law clerk, will be the judge’s representative to the outside world. Expect questions on why you want to clerk, generally, as well as for a specific court or judge, how you work/write/research, what your career goals are, and what you like to do in your free time. Any of the documents you provided to the judge (cover letter, resume, writing sample, transcript) are also fair game, so be sure you review each carefully before the interview. The judge will expect questions from you, so be prepared with some.

The interview itself can last anywhere from 15 minutes to two hours. Often, the clerk(s) or secretary is included in the interview process, either formally or informally.

Prep

- Reach out to the CDO Judicial Clerkship Counselor to see if we have any alumni who clerked for the judge who would be able to speak with you about their experiences.
- Go line-by-line through your resume and practice ALOUD responding to someone saying “tell me more about this.”
- Review your writing sample, cover letter, and any significant writing referenced in your application materials and practice ALOUD talking about the issues covered in each.
- Research the court and the judge; take note of any significant recent opinions or decisions
 - For federal judges, check out the Almanac of the Federal Judiciary, as well as LEXIS/Westlaw/Bloomberg
 - Check newspaper sites, such as the Daily Record, that regularly publish articles on the courts
 - Talk to people who may know the judge and/or court: professors, attorneys at your place of work, CDO Counselors, classmates, Maryland alumni, family members, and friends
- Prepare questions to ask the judge
- Discuss your interview with any professors or mentors; many of our professors either served as judicial law clerks or are involved with the judiciary, so they can be a great resource
- Be prepared to discuss current events, particularly those impacting the judiciary
- Schedule a mock interview with the CDO Judicial Clerkship Counselor, as well as a professor, if possible

General Tips & Notes

- Judges typically hire clerks on a rolling basis so try to schedule the earliest available interview appointment with the judge. Judges have been known to cancel all later interviews if they find someone who they want to hire.
- It is expected that you accept the first offer given by a judge and not play judges’ offers off each other. Thus, if you leave an interview and do not feel that working for that judge would be a right fit for you, be sure to withdraw your application immediately.
- Remember, the judge’s assistant likely worked with the judge for a long time and thus can be an important person in the decision-making process. Additionally, always remember to treat everyone you meet in the courthouse as if they have the power to deny you an offer—because they may.
- Be sure to build in plenty of time before your interview. Some courthouses have strange parking arrangements where a shuttle from a remote parking lot must be used. Depending on the time of your interview, there may be a long security line to get into the courthouse. It is better to arrive early and have some time to prepare or observe court than to be late!

Questions You May Be Asked by the Judge

1. Why do you want to clerk?
2. Why this particular court?
3. What do you hope to learn from a clerkship?
4. Why do you want to clerk for me?
5. Why do you want to clerk in this city?
6. What do you consider to be your greatest strengths, weaknesses?
7. What qualities do you have that might make you a valuable law clerk?
8. What are your short-(or long-) range legal career goals?
9. Where do you hope to practice after your clerkship?
10. What type of law interests you most?
11. Describe your work experience.
12. Describe the work you have completed for your law journal.
13. What interests do you have outside of law school?
14. To which judges (courts) have you applied?
15. How would you approach this particular issue, case problem?
16. Do you prefer to work with others or independently?
17. How do you view the long hours and low pay associated with a judicial clerkship?
18. If you and I disagree about a certain issue, would you have any problems drafting an opinion incorporating my viewpoint?
19. Tell me about the courses (grades, professors) you had in law school.
20. How are your organizational skills?
21. What method/process do you use when you write a memorandum or brief?
22. Let me describe both sides of an issue. In whose favor would you rule?
23. What judges have you particularly admired because of style, substance, or ideology?
24. What recent book or article have you read?
25. How important to you are the political views of the judges?
26. How conversant are you with significant current decisions of the United States Supreme Court (or state high court)?
27. Who is your favorite Supreme Court justice and why?

Questions a Judicial Clerkship Applicant May Want to Ask the Judge:

1. What will be the scope of my responsibilities?
2. How would you describe your relationship with your judicial clerk(s)?
3. What is the nature of your docket?
4. Tell me about the issues you had to reconcile in your recent decision?
5. What is your timetable for making a decision?
6. Do you allow your clerks to have contact with local attorneys?
7. When do you prefer that your clerks look for post-clerkship employment?
8. Describe your legal philosophy.
9. What do you see as the primary role of this court?
10. What percentage of my time would I spend in court, conducting research, drafting opinions?
11. What criteria do you use in selecting your clerk?

Questions a Judicial Clerkship Applicant May Want to Ask the Current Judicial Clerk:

1. Describe a typical day as a clerk in this court.
2. What responsibilities do you have?
3. Describe your relationship with the judge.
4. What are the judge's greatest strengths? Weaknesses?
5. What is the judge's legal philosophy?
6. What contact do you have with the other clerks (with practicing attorneys in the area)?
7. Tell me about this city (state, region) as a place to live.
8. How has this clerkship affected your job search?
9. How has this clerkship affected your career goals?
10. What percentage of time do you spend in court, conducting research, drafting opinions?
11. What have you learned from this clerkship?
12. What criteria seem to affect the judge's selection of a clerk?

Judicial Internships



- ❖ What?
 - Working for a judge or group of judges
 - Perform legal research and write memoranda, draft opinions or orders, attend trials or oral argument, summarize cases, perform other administrative work
- ❖ When?
 - Any time! Judges take on interns throughout the school year, as well as over the summer.
 - If you do a judicial internship during the fall or spring semester, you may receive course credit for the work. See Asper Fellowships section of the Law School website for more information.
 - Typically, judges accept intern applications the semester before the intern is to start, but this can vary widely from judge to judge. The earlier the better!
- ❖ Where?
 - All levels of the judiciary have interns.
 - In Maryland, we have interns at the state trial and appellate level. It may vary from judge to judge, though.
 - At the federal level in our geographic area, it is rare to have internships available at the appellate level, but the trial level regularly has interns.
- ❖ Why?
 - Experience—It is a great chance to get solid research and writing experience, as well as have exposure to several different areas of law.
 - Perspective—See how judicial decisions are made, as well as see different types of advocacy.
 - Opportunity—Many judges hire clerks from their intern pool. If a judge does not hire an intern, the judge can often be a recommender for the student going forward.
 - Networking—The judge and his or her clerks can be great advocates for past interns. Additionally, particularly in trial courts, there are many attorneys and other judges who interact with a judge's chambers.
- ❖ How?
 - Application materials vary by judge, so verify with each judge as to what you submit.
 - Application packet can include:
 - Cover letter—Focus on the skills you possess that will make you an asset to chambers, not why you want to intern.
 - Resume—Be sure to make all research and writing experiences as prominent as possible.
 - Transcript—Unofficial is usually fine, but always check.
 - Writing sample—Usually 5-10 pages, unless the judge specifies otherwise. Preferred samples are briefs or memoranda where case synthesis is done in the argument or analysis section, not scholarly writing from journal or seminar classes.
 - References—Most judges are fine with a list of references, but some want letters of recommendation. Be sure you know which to provide.

Difference between Judicial Clerkship & Judicial Internship

Judicial Clerkships

- Post graduate
- Typically, 1 or 2 years
- Work directly with the judge
- Tend to have more in-depth research and writing projects

Judicial Internships

- During school
- Usually just one semester
- Can work directly with the judge, but often report to the law clerk or judicial assistant

What is a Judicial Clerkship?

- Post-graduate position, typically
- May be for a term (typically, 1-2 years) or permanent
- Assist judge or a group of judges in the work of the court
- Responsibilities vary from court to court and from judge to judge
- Available at trial & appellate within both federal and state

Trial Courts

- ❖ Wider variety of tasks than appellate court clerks
- ❖ Review & make recommendations on a variety of trial motions
- ❖ Attend oral arguments, hearings, and conferences
- ❖ Conduct or attend settlement conferences
- ❖ Prepare trial memoranda for the judge, including a synopsis of the issues in a particular case
- ❖ Conduct legal research and draft research memoranda
- ❖ Write draft opinions and orders
- ❖ Advise and assist judge during trial
- ❖ Call court to session
- ❖ Write and edit jury instructions
- ❖ Perform record keeping and administrative tasks
- ❖ Interact extensively with attorneys

Appellate Courts

- ❖ More academic in nature
- ❖ Screen cases to help the judge decide which cases the court should hear
- ❖ Write bench memoranda summarizing the parties' briefs before oral argument
- ❖ Assist in the administrative task of preparing for a "sitting" (when the panel of judges meets to hear a series of cases)
- ❖ Research and write draft opinions, dissents, concurrences, and rulings on petitions for rehearing
- ❖ Edit/check citations for reported cases
- ❖ Caucus with judge on legal research

Federal Courts

The U.S. Supreme Court—*highest court in US*

U.S. Courts of Appeals—*12 regional Courts of Appeals + the Federal Circuit (hears appeals from U.S. Claims Court, U.S. Patent and Trademark Office, and U.S. Court of International Trade)*

U.S. District Courts—*trial level of federal system*

U.S. Bankruptcy Courts—*hears individual and business reorganization and insolvency matters; each District has a Bankruptcy Court*

U.S. Court of Federal Claims—*hears cases from individuals and businesses suing the federal government (other than tax)*

U.S. Court of International Trade—*hears tariff conflicts and appeals from U.S. International Trade Commission*

U.S. Tax Court—*hears taxpayer appeals*

U.S. Court of Appeals for the Armed Forces—*five civilian judges review court martial convictions*

U.S. Court of Veterans Appeals—*handles appeals of U.S. veteran claims*

State Courts

Generally mirror the federal with both trial and appellate courts. Varies from state to state as to opportunities available.

Other Opportunities

Administrative Law Judges—*Generally only at federal level; varies by agency as to whether law clerks are used and what the process is*

Tribal Courts—*May be available in certain states; see www.naicja.org for more information*

Staff Attorney Positions—*serve many judges or entire court; federal and state level; duties vary but can include reviewing appeals, conducting research and writing memoranda, and managing specific dockets*

Where to Clerk?

Some factors that students are urged to think about are: ¹



¹ Full-time magistrate judges are appointed for a term of eight years. These are individuals who hear pretrial matters such as bond and preliminary hearings and motions, conduct settlement conferences, and issue search and arrest warrants in federal criminal matters, as well as serve as special masters in civil matters, assist Article III District Court judges with conducting civil and criminal pretrial or discovery proceedings, or serve as judge for the trial of civil cases or minor criminal offenses.

Maryland Carey Law
Judicial Clerkship Program Timeline

September

- Annual Judicial Reception (previously held in late October/early November but changing to earlier this year to avoid conflicts)
 - Hosted at the law school
 - For students and judges from the local federal and state judiciary (DE, MD, & DC)
- Judicial Lunch & Learn with state trial court
 - Students travel to courthouse and have networking lunch with judges then observe court for the afternoon

October

- Local appellate court convenes at the school—rotates each year, sometimes 4th Circuit Court of Appeals, sometimes Maryland Court of Special Appeals
 - Reception with students follows oral arguments
- Past and Present Law Clerk Panel

January

- Faculty panel for 1Ls on the benefits of clerking/interning

March

- Meyerowitz Moot Court Competition
 - Local federal and state judges serve as judges for the competition and conference with students after

June

- Webinar series on the nuts and bolts of judicial clerkships