



JUDICIAL CLERKSHIPS: A STRATEGIC STOP ON THE PUBLIC INTEREST LAW CAREER PATH

This handout is separated into three parts. The first part contains a few counseling scenarios that public interest advisors commonly encounter when their students are considering both clerkships and public interest law careers. The second part addresses some common concerns that arise when counseling public interested minded graduates who also want to consider clerking. The third part is a listing of key clerkship resources.

Student Counseling Scenarios

Meet Whitney 1L:

Whitney has finished only one semester in law school, but already, some classmates, upperclassmen, and professors have suggested that she think about postgraduate judicial clerkships.

She has decent grades and enjoys research and writing, but she tells you that she came to law school to be a public interest lawyer; she is way more excited about doing a clinic in law school than doing a journal or any of the other things that might get her hired as a judicial clerk.

Various areas of “public interest law” excite her, including environmental law, civil rights, even criminal defense; she has not narrowed down her preferred practice area or even her preferred sector (nonprofits or government), but says she does not see herself in BigLaw or even at a smaller private sector law firm, saying “billing is not for me.”

Questions:

1. Should I spend my first summer in a chambers internship to see if clerking might be right for me?
2. If I want to be a public interest lawyer, why should I consider a judicial clerkship?
3. If I get a clerkship, will I be able to get a public interest job afterwards?
4. How do I learn more about whether this is right for me?

Meet Tracey 2L:

Tracey interned for a federal court judge during her 1L summer, where she was able to work on an employment law matter and a social security case. At the end of the summer, her judge encouraged her to think about post-graduate clerkships. Tracey had not previously considered clerking. Now, as her 2L year begins, she is super busy with pursuing opportunities with public defenders offices, civil legal services agencies and criminal justice focused non-profits for her 2L summer. Tracey’s hope is to really find more focal opportunities as she moves forward.

Tracey tells you that she feels both a bit overwhelmed by thinking about a clerkship search and a bit conflicted about deviating from her public interest path. She is a strong student and is passionate about doing work that serves her community. Tracey admittedly has no sense of when or how to conduct a clerkship search, but she is concerned about “making it fit” with her public interest searches for both summer and post-grad.

Questions:

1. Can I get a public interest focused experience if I clerk?
2. Do I have to pursue more prestigious federal court opportunities that are more generic? Are more focused state court opportunities beneficial to me as well? What about other kinds of courts?
3. When do I need to think about preparing my applications? Can I wait until after I know what I'll be doing this summer?
4. Do I have to clerk right after graduation? Or can I wait and pursue fellowships first?

Meet Terry 2L:

Terry is past the midpoint of their time in law school. For her 1L summer, they worked in an affordable housing clinic, where they enjoyed working directly with low-income clients, as they know they would. But Terry was also surprised to find themselves enjoying some of the transactional work they handled, including community financing matters and real estate closings.

Terry has accepted a law firm position for the coming 2L summer because they really need the money, but they doubt that they will want to begin their career in BigLaw if they end up getting an offer at the summer's conclusion. Terry tells you they would much rather try for one of the entry level government Honors Programs. Terry is also open to a postgraduate fellowship such as those offered by EJW or Skadden, but they have heard that fellowships don't pay very much and Terry is concerned about salary.

When you discuss judicial clerkships with them as another option, Terry says, “To be honest, it sounds a little dull... just researching and writing, almost like a fourth year of law school. I really like client contact and was really looking forward to getting out and practicing law.”

Questions:

1. How will I know if a clerkship is right for me?
2. Will I still be able to pursue government or postgraduate fellowships after clerking?
3. What if my 2L law firm gives me a postgraduate offer? Do I have to accept it right away?
4. How can I avoid ending up with a judge that holds ideological or political views which are dramatically different from mine?

Meet Theo 3L:

Theo requests a time to speak with you, because he has recently realized that a clerkship may be right for him after working this past summer, his 2L summer, in a government role. He discussed starting in government right after law school and is realizing that it may not be as much of a direct pipeline to post grad employment as he had thought it would be initially. His mentor shared that a lot of the attorneys in their office have clerked for federal judges before starting their long term government roles.

He worries he's too late because a lot of the info sessions on clerkships took place in 2L year. He also wonders about the prestige factor for various government positions that he's interested in. Would he have to be with a federal judge? What if he started with a state judge? Theo also admits he hasn't connected to faculty as much as he would have if he knew he was going to ask for letters. He does have clinical faculty and internship supervisors who he thinks he could ask.

Questions:

1. Is it too late to apply for clerkships as a 3L?
2. What clerkships are available to me? And which of them would be helpful given my interest in state or federal government positions?
3. What do I do if I don't feel like I can't get typical faculty recommendation letters? How can I ask for letters from recommenders who I have only met on a virtual platform?

Meet Thornton 3L:

Thornton has been committed to public interest his entire law school career. He was holding off on clerkships, because he had his eye on a post grad fellowship. He has applied to build your own fellowships, like EJW and Skadden, and others positions, like Government Honors Programs. He didn't get chosen by any of them. But, he received really positive feedback on his project ideas for EJW and was encouraged to apply again next year. He feels so strongly that he wants to resubmit, but he is worried about what to do in the interim and he thinks that it could be too late for clerkships.

Questions:

1. Is it too late to pursue clerkships?
2. Will I still be eligible for these fellowships with a clerkship?
3. What types of clerkships can be and should be considered in March of 3L year (or later)?
4. How can I maintain my relationship with my fellowship organization if I decide to clerk?

Advising Avery Alum

Avery Alum arrives for counseling at a variety of different times. Most frequently, Avery Alum will share a story that reflects one of these scenarios:

- I just took the summer bar exam and I am still seeking my first post-graduate position.
- I just started a one-year fellowship and I want to clerk after my fellowship ends.
- I just started a two-year fellowship and I want to clerk after my fellowship ends.
- I'm in a term-limited position (i.e., government honors program, fellowship) which is ending in a few months. I would like to transition into a clerkship.
- I have been working in a public interest position for the past few years and I want to make a career change. I think a clerkship could be a good pivot point for me.

The key advising considerations for all of these situations are (1) expectation setting and (2) managing timing concerns. Some of the messages that can be the most important to share with Avery Alum are:

- Nearly all clerkship experiences can preserve your eligibility for fellowships and government honors programs (this is aimed specifically to very recent graduates).
- It is important to be as geographically flexible as possible.
- Watching for new judicial appointments and nominations can uncover opportunities.
- State courts clerkships are valuable to a variety of public interest employers.
- Substantively focused clerkships (i.e., bankruptcy courts, family courts) are valuable experiences.
- Communicating with your current employer may help to address timing and transition concerns.

Key Clerkship Resources

- **PSJD** (www.psjd.org) – This is a trusted resource for public interest advisors which also offers career advice, employer profiles and clerkship postings with a particular concentration on state court and administrative agency clerkships. (Your law school must be a PSJD member and users must create their own personal accounts.)
- **Vermont Guide to State Court Clerkships** (forms.vermontlaw.edu/career/guides) – This is the go-to resource for information about application timelines and procedures for all U.S. state courts and territories (Subscription required.)
- **NALP Insights Guide to State Clerkships** (available via NALP Connect) – Designed as a reference guide for career advisors, this guide serves as a supplement to the Vermont Guide and provides additional detail about state court interviewing and hiring practices.
- **OSCAR** (oscar.uscourts.gov) – This is the key resource for federal court hiring and application information, and it also has a great deal of substantive data on clerkships available. While most federal courts are listed in OSCAR, some courts – like the U.S. Tax Court – that have their own non-OSCAR application sites. (Users must create their own personal accounts.)
- **Law School Networks** – Alumni, students, faculty members and administrative staff members can all be helpful contacts during a clerkship search, particularly when they themselves have clerked or secured a clerkship. Encouraging clerkship seekers to attend panels, to use alumni databases and evaluations and to identify potential mentors can be key to a successful search.
- **Almanac of the Federal Judiciary** (available on WestLaw) – This resource provides judicial profiles of all federal court judges, including bankruptcy and magistrate judges. It highlights their notable cases, compiles media coverage and, presents insights into each judge’s style, demeanor, and courtroom management style from lawyers who have argued cases before the judge.
- **Bloomberg Law** (www.bloomberglaw.com) – This resource helps candidates to find the judge’s media coverage and to learn about what matters are on a judge’s docket. (Subscription required.)
- **Ravel Law** (www.ravellaw.com/judges) – This is a great analytics tool, especially for state courts, which helps candidates learn more about judges and their decisions. (Subscription required.)
- **Leadership Connect** (app.leadershipconnect.io) – This is a wonderful source of information about judges, their law clerks and their chambers contact information. Users can set up alerts to learn about new judges, graduates, etc., who may be of interest to them. (Subscription required.)
- **Federal Judiciary Center** (www.fjc.gov) – This site has a searchable database of information about federal Article III judges, including demographic and appointment details.
- **Library of Congress** (www.congress.gov) and **Senate Judiciary** (www.judiciary.senate.gov) – These sites provide up-to-date information about federal judicial nominations and confirmations. Users can set up alerts on the Library of Congress site to track the status of nominations, while complete nomination materials can be accessed from the Senate Judiciary site.
- **USAJobs** (www.usajobs.gov) – This is well-known to federal government job seekers. Doing a keyword search for “0904” or “0905” will help candidates interested in clerkships with administrative law judges find opportunities. (Users must create their own personal accounts.)