

To: Clara Solomon, Board Liaison
NALP Board of Directors
Cc: Fred Thrasher, NALP Acting Executive Director
From: Samantha Kasmarek, Chair, Judicial Clerkship Section
Date: October 16, 2018
Re: Judicial Clerkship Section Second Quarter Report

The following is a report on the activities of the Judicial Clerkship Section and its Work Groups for the second quarter.

I. Leadership Team

Chair:

Samantha Kasmarek, Syracuse University College of Law (kasmarek@law.syr.edu)

Annual Education Conference/Bulletin Article/Webinar Planning:

Michele Hoff, Georgetown (mh1845@georgetown.edu) and Jen Pollard, University of Maryland Francis King Carey School of Law (jpollard@law.umaryland.edu)

OSCAR:

Marilyn Drees, Yale (marilyn.drees@yale.edu)

State Courts:

Laura Woodson, UGA (lwoodson@uga.edu)

Diversity in Judicial Clerkships:

Eric Stern, Berkeley (ericstern@berkeley.edu)

Bankruptcy Court Clerkships:

Andrea Hilton, Washington and Lee (HiltonA@wlu.edu)

Federal Law Clerk Hiring Plan

Liz Peck, Cornell (ep83@cornell.edu) and Greta Trakul, Michigan (gtrakul@umich.edu)

II. Section Meeting

The Section's second quarter call was held on Wednesday, October 10th at 2 pm Eastern. Over 40 people were on the call for the duration, including a recruiter from NALP firm member.

The Work Groups provided the following updates:

A. Annual Education Conference/Bulletin Article/Webinar Planning:

RFPs for 2019 Annual Education Conference

Five of the section's RFPs were selected for the 2019 Annual Education Conference in San Diego.

- 1) **#MeToo in the Courthouse: How to Support Clerks in Challenging Chambers**
(Presenters: Liz Peck, Honorable M. Margaret McKeown, Wendy Patrick)

- 2) **Inside Judicial Chambers: Exploring the Diversity Program in Judicial Clerkships** (Janet Brown, Ajay Mehrotra, Tamara Stephen, Judge Jeremy Fogel)
- 3) **OSCAR Preview: What's New? What's Next?** (Presenters Marilyn Drees, Laura Simon, Tyrus Manuel, Marty McDade)
- 4) **State Court Clerkships: Cultivating a Hidden Gem** (Michele Hoff, Jen Pollard, Jennifer Reidy Clark, Laura Woodson)
- 5) **When Clerkship Hiring and Summer Programs Collide: A Student Survival Guide** (Julie McLaughlin, Trisha Selden, Katherine Paculba)

NALP Bulletin

The Section has published two NALP *Bulletin* articles since the last call:

- 1) **"Strategies to Encourage Students to Apply for Diversity Judicial Internship Programs,"** Tamara Stephen (September 2018)
- 2) **"Social Activism and Background Checks for Judicial Clerkships,"** Maureen Kieffer (October 2018)

B. OSCAR:

Group should have received correspondence about OSCAR's Insight Lab. Their questions were focused on how to tweak the system. A similar email went out to faculty assistants and faculty recommenders asking for their participation as well; unclear how information will be folded into next OSCAR platform but be sure to get clarification in near future.

No new updates on the RFP process for OSCAR Version II. Staff has reported that they were optimistic that they would get to point of naming vendor sooner rather than later, but didn't say when.

The annual email about archiving has gone out in-preparation for new crop of students getting access; Oscar will be communicating to Judges about opening to class of 2020 in February and asking them to update their information. No finalized training plan for them yet, but OSCAR has indicated that everyone will get notice.

C. State Courts:

The Work Group has completed its update of the *Insight and Inside Information for State Courts* guide for career counselors. A few states were added, others were updated. The draft has been posted to section's NALP Connect page for comments. Changes, edits, etc. are due to Vice-Chair, Laura Woodson, by November 16th. (lwoodson@uga.edu)

A state court clerkship handout developed by the work group has been added [to PSJD](https://www.psjd.org/state-court-clerkships). (<https://www.psjd.org/state-court-clerkships> or under the "Government" section of https://www.psjd.org/Public_Sector_Career_Paths).

We hope to add another state court clerkship resource to the site before the end of the NALP year.

D. Diversity in Judicial Clerkships:

Eric Stern, Vice-Chair of this work group for Diversity & Inclusion Section, will also be heading the Judicial Clerkship Section's work group going forward. We thank Betsy DiPardo for her leadership of the section during the first quarter and are happy that Eric has agreed to step in and help streamline our efforts in this key area.

A call was held with the American Bar Foundation (ABF) and NALP leadership on July 18th.

There are three key updates:

1. American Bar Foundation (ABF) study update:
Looking into a study that examines some of the reasons why there may be students of color not applying and not pursuing; NALP leadership in preliminary conversations with ABF. ABF is hiring (position posting on NALP Connect Judicial Clerkship Section page) for the study.
2. Possibility of NALP developing some sort of survey: Intended study of clerks of colors; perhaps ask question about their experiences as applicants; good anecdotal evidence. Starting stages of what the survey might look like. Not sure who's going to administer it; looking into ways of working with member schools to get the information; unsure whether NALP leading this survey, we may be co-leading; the possibility of a survey was mentioned to ABF.
3. Effort underway - 9th Cir. Sub-committee: Chief Circuit Judge, Sidney Thomas, is exploring why disparities exist and how 9th Cir. can address them; subcommittee being convened and led by clerks of color. Eric has talked to several of these clerks. It's very early on in process; not anything official about the subcommittee's work out there yet; but clerks feel very supported in work they are doing through sub-committee.

E. Bankruptcy Court Clerkships:

Andrea and Sam had call with Judge Isicoff mid-September; brainstormed ways counselors and she could collaborate. The Judge seemed to want support of planned bankruptcy clerkship programming/ have NALP member schools market and encourage students to participate.

Judge Isicoff will be reaching out the section soon with some additional thoughts and information.

F. Federal Law Clerk Hiring Plan

No updates to courts adopting the plan – the current list can be found on the [NALP website \(https://www.nalp.org/judicialclerkshipinfoforcareerservices\)](https://www.nalp.org/judicialclerkshipinfoforcareerservices)

A section member offered that the Northern District of TX not following as a whole; but the Chief Judge is.

III. Other – Nominating Committee

Section members were encouraged to nominate their colleagues and/or themselves for leadership roles when the process opened on November 1st.

IV. Environmental Scanning

Issue raised in state court work group/federal hiring plan:

DC CT of Appeals Judge sent letter to area schools inquiring about whether he should change his hiring timeline. He typically hires before the anticipated opening of applications for federal judges following the plan.

Issue raised by recruiter regarding federal clerkships:

Recruiter (with 20+ years of experience) asked when career counselors advise students/grads to pursue clerkships (right after graduation /a few years into practice). Concerned if securing a few years after practice, they are immersed in client matters. Leaving and coming back can be disruptive. Yet, understands timing of new process (said several interviewed the past summer during their firm programs) and found that to also be disruptive.

We discussed that hiring is firmly within each judge's discretion – and not driven by us. Also mentioned NALP *Bulletin* article providing insight and discussion into this summer's first round of federal hiring under the new plan geared towards recruiters. (Betsy DiPardo is coordinating this article with her colleague at Harvard; expected publication date in the NALP *Bulletin* is February 2019.) It was good to have a recruiter on call to open the dialogue.

Potential resource development: Patent Pilot Program List of Participating Judges:

Several members of the JD Advisors Section (including the section chair, Leslie Becker Wilson, who reached out) indicated interest in compiling comprehensive list of the judges still participating in the program and hiring practices.

The Patent Pilot Program started in 2011; a status report was issued in 2016, but nothing since then. Need to discuss where this may fit into Judicial Clerkships Section work group (if any).

V. Next Quarterly Call

The 3rd Quarter Judicial Clerkship Section call will take place **Wednesday, January 23, 2018 at 2 pm Eastern** (11 am Pacific).